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AZERBAIJAN: 34 fines for "illegal" religious meeting

By Felix Corley, Forum 18 (https://www.forum18.org)

34 attendees at an "illegal" home meeting for worship on the most sacred annual observance for Jehovah's Witnesses were fined nearly a year's official minimum wage. The leader of a Sunni mosque in Baku forcibly closed in July has failed to overturn his fine.

In mid-September the final seven of 34 Jehovah's Witnesses lost their appeals at Sheki Appeal Court against fines of more than three months' average wages each. The 34 were punished for participating in a 23 March meeting for worship in a home in the north-western town of Gakh [Qax] which the authorities claim was "illegal". Similarly, on 23 September the leader of a Sunni mosque in the capital Baku failed in his attempt to overturn a similar fine for leading an "illegal" religious community. The authorities forcibly closed down the mosque as "illegal" in July.

The 34 Jehovah's Witnesses were punished for attending a meeting for worship commemorating the Memorial of Christ's death, the most sacred annual observance for Jehovah's Witnesses. Police raided and halted the observance (see below).

Of the 35 individuals, 34 were each fined 1,500 Manats (15,400 Norwegian Kroner, 830 Euros or 1,900 US Dollars). This is more than eleven times the minimum monthly wage, or three months' average wages for those in formal work. However, many of those fined are without formal work and for them the fines represent even more of a punishment, Forum 18 notes. The other individual was fined 1,800 Manats.

The Sunni Omar bin Khattab Mosque in Qobustan in southern Baku, forcibly closed in July, was built on the Simirov family's private land and had functioned since 1990. The family have gone to court to try to protect the Mosque and plot of land from possible seizure (see below).

The enforced closure is part of what appears to be the state's determination to close Sunni mosques across the country. The closure came just days after the state forcibly closed the Lezgin Mosque in Baku's Old City on the excuse that "repairs" were needed. Earlier in July, a Sunni Mosque in a village in the northern Quba Region was ordered to close for all activity except Friday prayers. A privately-built Sunni home mosque which had functioned for 20 years was closed in January in the town of Shirvan, south-west of Baku (see F18News 20 September 2016 http://www.forum18.org/archive.php?article_id=2216).

Controls in defiance of international human rights commitments

In defiance of its international human rights obligations, Azerbaijan insists that exercising freedom of religion or belief without permission from the State Committee for Work with Religious Organisations is illegal. Those who violate these strict controls – including by meeting for worship in homes or talking to others of their faith – are punished.

Alongside this insistence that state permission is required, the State Committee refuses to process registration applications from many religious communities seeking legal status. Many communities which applied in 2009 - when the Religion Law was amended and mandatory re-registration was again imposed – are still waiting for the State Committee to process these applications (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

International human rights bodies have repeatedly called on Azerbaijan to revoke these restrictions. On 26 April the United Nations Human Rights Committee prepared questions to Azerbaijan ahead of the consideration of its record under the International Covenant on Civil and Political Rights (ICCPR) on 20 and 21 October in Geneva (CCPR/C/AZE/Q/4).

The Committee asked Azerbaijan to "indicate any steps taken towards abolishing the requirement of registration for religious communities. Please also describe any measures taken to amend the 2009 religion law with a view to bringing it into full compliance with the Covenant." It also asked if the government has taken any steps to abolish the requirement that all Muslim communities be subject to the state-backed Caucasian Muslim Board.

The government submitted its response to the Human Rights Committee on 14 July and it was made public on 9 August (CCPR/C/AZE/Q/4/Add.1). The government response failed to address these questions. It merely claimed that "the registration

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procedure is very simple" and blamed religious communities themselves when the State Committee failed to process their applications.

The government insisted to the Human Rights Committee that Muslim communities must be subject to the Muslim Board because the law demands it. It did not explain why the law prevents Muslims from forming communities as they might like.

Gakh: Religious meeting raided

On 23 March, police officers in Gakh raided the home of Givi Khusishvili. They abruptly stopped the observance of the Memorial of Christ's death. Police officers showed what purported to be a court order authorising their search and confiscated personal copies of religious publications, including Bibles.

Officers then took all the attendees to the local police station, interrogated them, and ordered them to write statements. Police drew up records of an "offence" under the Administrative Code against six of the men present. All were released soon after 9 pm.

A 23 March statement on the Interior Ministry website claimed that Khusishvili had violated the procedure for organising and holding religious meetings. It claimed the meeting had therefore been "prohibited by law". It said that of the 56 people present, more than 44 were local, while 9 were from Zakatala [Zaqatala], the region north of Gakh. Five were from Baku. The Interior Ministry said the 19 DVDs, two videos and 219 items of religious literature seized during the search had not been approved by the State Committee (see F18News 2 June 2016 http://www.forum18.org/archive.php?article_id=2184).

Gakh: Police protests overturn acquittals

In early May, Police opened cases against 34 attendees under Administrative Code Article 515.0.4. This punishes "A religious association operating outside of its registered legal address" with a fine for individuals of 1,500 to 2,000 Manats. Cases against 27 were opened by Gakh Police and against seven by Zakatala Police.

Masim Adigozelov and Sahaddin Hasanov, two of the officers of Zakatala Police, refused to explain to Forum 18 on 5 October why they had opened the administrative cases against the Jehovah's Witnesses. Both put the phone down without responding to any questions.

Cases against 27 attendees from Gakh were handed to Gakh District Court. However, the Court's Judge Atabay Kichibayov dismissed all the cases for lack of an "offence". Ten of them were heard and dismissed on 24 May, the remaining 17 on 27 May (see F18News 2 June 2016 http://www.forum18.org/archive.php?article_id=2184).

Gakh District Police appealed against the May acquittals of the 27 attendees to Sheki Appeal Court. Between 28 July and 1 August, various Judges at Sheki Court of Appeal reversed the acquittals. The Court imposed convictions and fines of 1,500 Manats on 26 of the attendees, according to court records. Khusishvili, the home owner, was fined 1,800 Manats.

Gakh: Seven further fines, upheld on appeal

In early May, cases against the other seven were handed to Zakatala District Court, the home region of those individuals. However, in early June the Court handed these cases to Gakh District Court.

Following the reversals of the acquittals and the punishments handed down to 27 attendees, Judge Kichibayov then considered the cases of the other seven, handed on from Zakatala District Court. On 4 August he found the seven – including Gulbahar Guliyeva, Konul Guliyeva, Yevdokiya Sobko, Matanat Qurbanova and Vaqif Aliyev – guilty under Administrative Code Article 515.0.4. He fined each of the seven 1,500 Manats, according to the subsequent Appeal Court verdicts seen by Forum 18.

A court official told Forum 18 from Gakh on 5 October that Judge Kichibayov was not in the court building. She confirmed that he had fined the seven Jehovah's Witnesses but refused to say why they had been punished for exercising their freedom of religion or belief. She then put the phone down.

All seven appealed to Sheki Appeal Court. At separate hearings under various Judges on 14 and 16 September, the attendees insisted that their right to meet with others for religious purposes is defended by the European Convention on Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights (ICCPR). However, the Judges dismissed their appeals, according to the decisions seen by Forum 18.

The man who answered the phone of Mehman Ismayilov, regional representative of the State Committee in Zakatala, refused to answer any of Forum 18's questions on 5 October.

Gakh: Acquittals in other cases

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The same Judge Kichibayov at Gakh District Court who had initially acquitted the 27 Jehovah's Witnesses in May has also dismissed other cases against individuals accused of violating the strict controls on freedom of religion or belief.

On 11 April police in Gakh detained Jehovah's Witnesses Gulara Huseynova and Rasmiyya Karimova for allegedly distributing religious publications. Jehovah's Witnesses insisted to Forum 18 that at the time the two women were simply walking on the street. The officers seized religious publications from their bags and took them to Gakh District Police Station. Later, the police charged both women under the Administrative Code. At a hearing on 12 May, Gakh District Court Judge Kichibayov acquitted both women.

On 15 May, Jehovah's Witnesses Rahim Karimov and Luka Khusishvili talked to a man about the Bible for approximately 15 minutes in a market in Gakh. They had spoken to the man previously, Jehovah's Witnesses told Forum 18. After the two Jehovah's Witnesses said goodbye, police detained them and took them to Gakh District Police Station. They later charged the men under Administrative Code Article 515.0.4. On 9 June, Gakh District Court Judge Kichibayov acquitted the two.

Fine threats

Police who detain individuals for speaking to others on the street about their faith – or who appear to be preparing to do so – often threaten them with prosecution under Administrative Code Article 515 and fines of 1,500 Manats or more.

On 22 April police in Baku detained Jehovah's Witnesses Khayala Jafarova and Jaarey Suleymanova for talking to their neighbours about their faith. Officers took them to the 35th Police Station. The women were interrogated, ordered to write statements and to sign protocols. Police confiscated all their religious literature, including the Bible. One officer threatened that they would be charged under Administrative Code Article 515 and fined 1,500 Manats. They were released and ordered to return the next day. "The next day, the women were subjected to further verbal abuse and offered release if they would renounce their religion," Jehovah's Witnesses complained to Forum 18.

On 24 July police in Baku detained Gulgaz Novruzova and Rakhila Shukurova "for speaking to people about the Bible in a public park", Jehovah's Witnesses told Forum 18. Officers took them to Khatai District Police Station. "The women were asked why they did not read the Koran and officers sneered at the name Jehovah." An Officer named Sadig threatened to fine the women 1,500 Manats. The women were ordered to write statements before being released.

On 4 August, Jamila Gurbanova and three other female Jehovah's Witnesses planned to go from Barda to Yevlakh in central Azerbaijan to share their beliefs. On the bus, they decided to speak with other passengers about their faith and gave out several pieces of literature. One of the passengers was a State Committee official, who phoned the police. Officers took Gurbanova and the State Committee official to the police station. Officers asked Gurbanova why she preaches Christianity instead of the Koran. They confiscated her religious literature, even though it had the required stickers from the State Committee. Officers threatened to have Gurbanova fined under Administrative Code Article 515.0.4. She was released that evening, having written a statement.

All religious literature produced in, published in or imported into Azerbaijan is subject to prior compulsory censorship. In addition, it can only be sold of distributed in places approved by the State Committee. All religious materials sold must have a sticker noting that they have State Committee approval. State officials have repeatedly denied that this represents censorship (see F18News 1 October 2015 http://www.forum18.org/archive.php?article_id=2107).

Baku mosque leader's fine upheld

On the afternoon of 23 September, Judge Vuqar Mammadov of Baku Appeal Court upheld the fine on Ahmad Simirov, according to court records. Simirov was leader of a Sunni Muslim Mosque on private land in Qobustan on the southern edge of Baku.

Omar bin Khattab mosque was forcibly closed by the Police, State Security Service (SSS) secret police, Qaradag District administration officials and Anar Kazimov, Baku representative of the State Committee for Work with Religious Organisations.

Simirov had appealed against a fine of 1,500 Manats under Administrative Code Article 515.0.1, handed down by Qaradag District Court on 11 August (see F18News 20 September 2016 http://www.forum18.org/archive.php?article_id=2216).

Administrative Code Article 515.0.1 punishes "A religious association's leader evading registration of the association with the relevant executive authority [State Committee]" with a fine for individuals of 1,500 to 2,000 Manats.

"I told the appeal hearing that I have no job, and that I can be imam of a mosque on my own property," Simirov told Forum 18 from Qobustan on 6 October. "They told me I couldn't, even if it's my property."

Simirov said it was "pointless" for him to appeal further against the fine through the Azerbaijani court system. But he added that he might bring a case to the European Court of Human Rights in Strasbourg. In the meantime, he said he would have to pay the fine in instalments. "Otherwise they'll seize my property, sell it and take the money from that."

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Family goes to court to protect Mosque and land from seizure

The Simirov family have brought a suit to court to try to prevent any seizure of the Mosque and land in Qobustan. The suit has been lodged against the head of Qaradag District Administration, the Caucasian Muslim Board and the State Committee. "They closed our Mosque and demand that we hand the Mosque over to them," Simirov told Forum 18. "We are seeking to prove that this is our property, that my father Uzeyir Simirov built the Mosque on his own property."

The first hearing in the case took place on 4 October under Judge Tahira Asadova at Baku's Administrative-Economic Court No. 1. The case is due to resume in late October, Simirov added. (END)

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/archive.php?article_id=2081.

More coverage of freedom of thought, conscience and belief in Azerbaijan is at http://www.forum18.org/Archive.php?query=&religion=all&country=23.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

For a personal commentary, by an Azeri Protestant, on how the international community can help establish religious freedom in Azerbaijan, see http://www.forum18.org/Archive.php?article_id=482.

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