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AZERBAIJAN: Sufis raided, initial fine, Protestants raided

By Felix Corley, Forum 18

Sufi Muslim Rashad Abidov was fined in Sheki for hosting a religious meeting raided by police, but managed to overturn the fine on appeal. Police raided Star in the East Pentecostal Church in Gyanja during Sunday worship. Police phoned the schools of children present. Fines might follow.

In December 2017, Sufi Muslim Rashad Abidov, whose home in the northern town of Sheki was raided by police during a religious meeting, managed to overturn the large fine handed down for holding a meeting without state permission. Police had brought the case rather than officials of the State Committee for Work with Religious Organisations.

On 28 January 2018, police raided a Sunday worship service of a Protestant church in Azerbaijan's second city Gyanja. Police phoned the schools of children present at the service. Fines might follow (see below).

On 31 January, Azerbaijan's Constitutional Court in the capital Baku wrote to Baptist pastor Hamid Shabanov in Aliabad in the northern Zakatala [Zaqatala] District to tell him it would not be considering his further appeal against a large fine for meeting for worship without state permission handed down in December 2016. Pastor Shabanov - a former prisoner of conscience - must now pay the fine of more than three months' average wages for those in formal work. Another Baptist from the same church, Mehman Agamammadov, has now paid all three instalments of his fine.

Their Baptist church in Aliabad has been seeking registration - in vain - since 1994. Police and state officials have warned church members not to meet. "If we meet again for worship, we'll get double the fine," Pastor Shabanov told Forum 18 officials had warned them (see below).

Strict controls

The government imposes severe controls on who is allowed to meet for worship and where. All religious communities must have state registration before they can legally function. However, many communities (like the Baptist church in Aliabad) are arbitrarily denied such registration. Muslim communities outside the framework of the state-backed Muslim Board are banned, although this is not enshrined in any law (see Forum 18's Azerbaijan religious freedom survey <http://www.forum18.org/archive.php?article_id=2081>).

Fines are typically 1,500 Manats (6,900 Norwegian Kroner, 715 Euros or 890 US Dollars). This represents nearly three months' average wages for those with a formal job. However, for those in rural areas, those without a formal job, or pensioners, such fines represent a far heavier financial burden.

Officials from the police, State Security Service (SSS) secret police, State Committee for Work with Religious Organisations, and Religious Affairs Commissions attached to city or district administrations frequently raid meetings for worship and help punish those exercising their right to freedom of religion or belief (see F18News 18 December 2017 <http://www.forum18.org/archive.php?article_id=2343>).

Criminal prosecutions

These raids come as prisoner of conscience Imam Serdar Babayev is challenging his three-year prison term handed down in July 2017 to punish him for leading services in a Shia Muslim mosque after gaining his religious education abroad. His first appeal failed in September 2017 (see F18News 18 December 2017 <http://www.forum18.org/archive.php?article_id=2343>). The Supreme Court in the capital Baku is due to begin hearing his latest appeal on the morning of 13 February (see F18News 16 February 2018 <http://www.forum18.org/archive.php?article_id=2353>).

Another prisoner of conscience, Shia Muslim Taleh Bagirov, is facing a further criminal case. His trial at Baku's Qaradag District Court began on 6 February on charges of illegally having memory cards with the Koran and Koranic-related material while in prison. The trial is due to resume on the morning of 13 February, his lawyer Javad Javadov told Forum 18 from Baku on 6 February

(see F18News 16 February 2018 <http://www.forum18.org/archive.php?article_id=2353>).

Bagirov, seized during an armed police assault on the village of Nardaran near Baku in November 2015, is already serving a 20-year jail term for leading the Muslim Unity Movement (see F18News 9 February 2017 <http://www.forum18.org/archive.php?article_id=2254>).

Sheki: Police raid Sufi meeting, fine eventually overturned

On 18 August 2017, Police in the northern town of Sheki raided the home of 44-year-old Rashad Abidov at the behest of Chief Criminal Investigator Major Ilham Mammadov. Investigator Lieutenant Ayaz Bayramov led the raid, where officers found Sufi Muslims meeting without state permission. Officers seized 13 books by the Turkish Sufi leaders Imam Iskender Ali Mihr and Abdalcabbar Boran, as well as discs and three computers.

On 10 October 2017, Investigator Bayramov intended to open a criminal case against Abidov but this was rejected. On 23 October 2017, Captain Shamil Bazarov instead opened a case against him under Administrative Code Article 515.0.2. This punishes "Violating legislation on holding religious meetings, marches, and other religious ceremonies". The fine for individuals for this "offence" is between 1,500 and 2,000 Manats.

The case against Abidov was handed to Sheki District Court. On 14 November 2017, Judge Jahid Imanov found him guilty and fined him 1,500 Manats (6,900 Norwegian Kroner, 715 Euros or 890 US Dollars).

Abidov appealed against the fine to Sheki Appeal Court. On 15 December 2017 Judge Rafail Aliyev upheld Abidov's appeal, as the wrong officials had prepared the administrative case, according to the decision seen by Forum 18. A 3 May 2017 presidential decree said only State Committee officials could prepare cases for court under Administrative Code Article 515 (all parts) and Article 516.0.1. Police had prepared the case against Abidov.

Lieutenant Bayramov of Sheki Police refused to explain why officers had raided Abidov's home, seized religious literature and other items, tried to bring a criminal case and then brought an administrative case because he was hosting a meeting with others in his home about his faith. "No criminal case is underway," he told Forum 18 on 6 February 2018 via a colleague. The colleague then said he refused to answer any other questions and left the office.

Officers told Forum 18 the same day that Major Mammadov and Captain Bazarov were out of the office. The duty officer told Forum 18 that the raid on Abidov's home and the case against him "did not happen".

Taleh Abdullayev, the representative in Sheki of the State Committee, refused to answer any of Forum 18's questions about the August 2017 raid - including whether or not he or his colleagues had been present - about what had happened to the religious literature seized from Abidov and why he was originally fined. "Don't call here again," he told Forum 18 on 6 February before putting the phone down.

Gyanja: Police raid worship meeting

On 28 January, Police in Gyanja's Nizami District raided the Sunday meeting for worship of Star in the East Pentecostal Church, held in the home of 45-year-old church member Adalat Sariyev. About 100 people - 40 of them children - were present at the meeting when the police arrived, Report.az news website noted on 30 January.

"The invasion came during the service, and officers filmed everyone present with video-cameras and took their personal details, including of children," one church member told Forum 18 from Gyanja.

Police detained Sariyev and sent information about him to the State Committee for Work with Religious Organisations, Report.az noted.

Following the raid, schools attended by the children received calls from the police, church members told Forum 18.

The man who answered the phone of Nizami District Police chief - who would not give his name - refused to explain why officers raided a meeting for worship in a home. "Ask the Interior Ministry," he told Forum 18 on 5 February. The officer then admitted that local police, not officers from the Ministry in Baku, had conducted the raid, but still refused to explain why it had been launched. "We work according to the laws of Azerbaijan," he insisted and then put the phone down.

An official of the Gyanja branch of the State Committee, who refused to give his name, told Forum 18 on 5 February that the head of the branch Asif Aliyev was away for the whole of the week. The official insisted the police had raided the church "to take a look only" and to "ask questions" of Sariyev.

Asked what church members had done wrong to merit a police raid during a religious meeting, the official responded: "They didn't

do anything wrong. They simply have no registration." The official refused to explain why a religious community should be raided for meeting for worship without state registration. He claimed Sariyev would face no court case.

Like many Protestant churches (as well as non-Muslim Board mosques, and communities of other faiths), Star in the East Church in Gyanja does not have state registration.

Church members do not know whether Sariyev or others will face any court case. "Nothing is certain at the moment," church members told Forum 18. "From what officials say it is possible some further action will follow."

Aliabad: Constitutional Court refuses to consider appeal

On 31 January, Azerbaijan's Constitutional Court Baku wrote to 61-year-old Baptist pastor Hamid Shabanov in Aliabad to tell him it would not be considering his further appeal against a fine of 1,500 Manats for meeting for worship without state permission handed down in December 2016.

"The Constitutional Court wrote to say that I lodged the appeal too late," Pastor Shabanov told Forum 18 from Aliabad on 6 February. "I must now pay the fine. The law demands that I pay - they warned me that if I don't, they'll be further action."

Another Baptist from the same church, Mehman Agamammadov, has now paid all three instalments of his 1,500 Manat-fine at the insistence of the court bailiff. Despite being repeatedly refused the written decision and despite objecting to being fined for exercising his right to freedom of religion or belief he paid the first instalment of 500 Manats in early December 2017 (see F18News 15 December 2017 <http://www.forum18.org/archive.php?article_id=2342>). "Mehman has now paid the other two instalments," Pastor Shabanov told Forum 18.

The fines followed a November 2016 raid by police and the local State Committee official on an "illegal" meeting for prayer in Pastor Shabanov's home. Police detained more than 30 adults and children present, after which 16 women and 10 men were questioned at the local police station until 10 pm at night. Police sent confiscated religious literature to the State Committee in Baku for alleged "expert analysis". The literature was all returned the following month.

In a 15-minute hearing on 12 December 2016, Zakatala District Court found both Pastor Shabanov and Agamammadov guilty and fined them each the minimum fine, 1,500 Manats. Both Baptists were punished under Administrative Code Article 515.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies").

Pastor Shabanov managed to get the written decision only in January 2017. Agamammadov never received the written decision, despite repeated attempts to get it from the court. Pastor Shabanov lodged his appeal to the Constitutional Court in October 2017 after Sheki Appeal Court refused in June 2017 to extend the period for him to lodge his appeal against the December 2016 fine (see F18News 17 January 2017 <http://www.forum18.org/archive.php?article_id=2247>).

The Aliabad Baptist Church has been seeking registration - in vain - since 1994. Former prisoner of conscience Pastor Shabanov was held in pre-trial detention from June to November 2008. In February 2009 he was given a two-year suspended sentence on charges he and his fellow-Baptists insisted were fabricated. He was arrested a month after another Aliabad Pastor, Zaur Balaev, was freed after nearly a year in prison on false charges (see F18News 12 February 2009 <http://www.forum18.org/Archive.php?article_id=1254>).

The Aliabad Church has been unable to meet together for worship since the November 2016 raid. In November 2017, the head of the State Committee Legal Department Sabina Allahverdiyeva wrote to the Church warning that it cannot meet for worship without state registration (see F18News 15 December 2017 <http://www.forum18.org/archive.php?article_id=2342>).

"If we meet again for worship, we'll get double the fine," Pastor Shabanov quoted officials as having told church members, he told Forum 18. (END)

For 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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