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AZERBAIJAN: Human rights commissioner defends religious freedom violations

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

Azerbaijan's human rights commissioner, or ombudsperson, Elmira Suleymanova, has repeatedly refused to recognise religious freedom violations – such as police raids on religious minorities and compulsory religious censorship - as human rights violations. Talking to Forum 18 News Service, Suleymanova categorically denied that there are frequent raids. Forum 18 has documented such raids. "This view is completely at variance with reality and constitutes untrue information," she claimed. Eldar Zeynalov, head of the Human Rights Centre of Azerbaijan, pointing to cases such as Suleymanova's apparent failure to take action over the six-month imprisonment of imam Ilgar Ibrahimoglu Allahverdiev and the violent expulsion of the community from their mosque, told Forum 18 "That's why people often speak of her as the 'governmental ombudsperson' ".

Contacted by Forum 18 News Service in the wake of the 17 April police raid on a community of Jehovah's Witnesses in Azerbaijan's second city Gyanja [Gäncä], the country's Human Rights Commissioner, or ombudsperson, Elmira Suleymanova pointedly failed to defend the right of Azerbaijani citizens to profess their faith freely, hold religious meetings with fellow-believers without obstruction and have free access to religious literature. "My office rang the executive authorities in Gyanja on my instruction and we could not confirm that these events had taken place," she told Forum 18 from the capital Baku on 27 April.

"At the same time I inform you that according to official information there is no registered Jehovah's Witness religious organisation in Gyanja." Despite repeated requests, Suleymanova refused to explain to Forum 18 why the presence or absence of official registration made any difference to the rights religious believers and communities have to meet freely for worship.

The Jehovah's Witnesses were raided on 17 April by police of Gyanja's Kapaz district who claimed their meeting in a private house was "illegal", despite the fact that Azerbaijan's laws do not require religious communities to register in order to function. Officials also claimed that community leaders were violating the law by not having permission in writing from parents for their children to be present, although the law nowhere demands this. Those present were taken to the police station and threatened with administrative fines if they repeat their "offence", while 200 Jehovah's Witness books were confiscated (see F18News 26 April 2005 http://www.forum18.org/Archive.php?article_id=551).

Suleymanova dismissed a similar raid on a Seventh day Adventist community in the city last November which led to one leader of the community being fined (see F18News 22 November 2004 http://www.forum18.org/Archive.php?article_id=458). "Although no-one appealed to me about this, according to information reaching me members of the Seventh day Adventist religious community in this city violated the demands of the law in the area of the creation and activity of religious entities," she maintained, "and individual members of the community were brought to administrative responsibility under the law. Police officers took no measures which could be characterised as religious intolerance."

Suleymanova refused to explain how a raid by fifteen police officers on a church service during which a television crew filmed children present against their parents' wishes, the detention and interrogation of two church leaders at the police station followed by subsequent threats and abuse, a fine of five times the minimum monthly wage on one of them and illegal threats to that individual's landlord to deprive him of Azerbaijani citizenship and deport him from his own country could not be characterised as religious intolerance.

Asked about the confiscation of 200 items of literature during the 17 April raid on the Jehovah's Witnesses and the continuing compulsory prior censorship of all religious literature published in Azerbaijan or imported into the country (which violates the country's international commitments to freedom of speech), Suleymanova defended these practices by pointing out that such provisions (she rejected the description "censorship") are set out in Article 22 of the religion law.

Asked what she should do if the country's law conflicts with international human rights obligations which Azerbaijan has voluntarily committed itself to as a member of the United Nations, the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE), Suleymanova told Forum 18 she can "check up" to see if such laws violate international norms. Although she insisted she knows what the international human rights norms are, she did not recognise raids on religious meetings, selective denial

of official registration to disfavoured religious communities, insistence that Muslim communities have to be part of the Caucasian Muslim Board and compulsory prior religious censorship as violations of international norms that need her attention.

Suleymanova categorically denied that "there are frequent raids on religious minority communities" in Azerbaijan. "This view is completely at variance with reality and constitutes untrue information," she insisted.

In a resolution of 1992, the United Nations Human Rights Commission in its principles relating to the status of national human rights institutions (known as the "Paris Principles") clearly set out the duties of ombudsperson's offices to take active measures to ensure that laws comply with international human rights norms.

The principles declare that "the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures".

Among other duties, it specifies: "Drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations." The principles make clear that the ombudsperson's office must be independent of the executive authorities.

Eldar Zeynalov, head of the Human Rights Centre of Azerbaijan, insisted to Forum 18 that the ombudsperson has the right to propose amendments to existing laws. "She also has the duty to fight against the artificial obstacles in the form of red tape in implementation of the law and to intervene in cases of torture," he told Forum 18 from Baku on 29 April.

Zeynalov pointed to one case - that of Jehovah Witness Mahir Bagirov, who rejected military service on grounds of religious conscience – where the ombudsperson's office had intervened. "He appealed to her and I also informed her about his problems when he was arbitrarily detained by the military police, and her staff managed to free him." However, Bagirov had failed to have his right to perform alternative civilian service upheld by the country's Supreme Court (see F18News 10 February 2005 http://www.forum18.org/Archive.php?article_id=507).

Zeynalov cited other cases where Suleymanova's office had been informed of violations of religious believers' rights – including the six-month imprisonment of imam Ilgar Ibrahimoglu Allahverdiev and the expulsion of the community from their mosque in Baku in 2004 - where she had apparently failed to take any action. "That's why people often speak of her as the 'governmental ombudsperson'," he noted.

His view was echoed by Nariman Gasimoglu, a thinker on Islam and spokesperson for the opposition Popular Front on religious issues. "Unfortunately, Elmira Suleymanova is known as a defender of government policies rather than a real defender of the human rights of citizens," he told Forum 18 from Baku on 29 April.

Despite her apparent lack of concern over religious freedom violations, Suleymanova stressed to Forum 18 that she is eager to hear from religious believers who feel their rights have been violated and invited them to contact her office so that she can investigate their cases.

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/Archive.php?article_id=92

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

A printer-friendly map of Azerbaijan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=azerba>

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