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AZERBAIJAN: "The authorities are already preparing to destroy the mosque"

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

Rovshan Shiraliev, lawyer for the only mosque in the Yeni Guneshli residential district of Azerbaijan's capital Baku, told Forum 18 News Service he fears that the authorities are already preparing to demolish the Fatima Zahra mosque. This is despite the community intending to take their case to the Supreme Court. Baku Appeal Court failed to uphold the community's challenge against a lower court decision to evict the community, demolish the Fatima Zahra mosque and return the land to the local administration. "The most important thing is that the court decision should be in favour of God," community leader Tofik Razizade told Forum 18. In Baku alone the authorities have demolished one mosque and closed three others, including Fatima Zahra. Several commentators bitterly pointed out to Forum 18 that the mosque closures and demolitions came while Baku was one of the four Capitals of Islamic Culture for 2009.

Members of the Fatima Zahra mosque in the Yeni Guneshli district of Azerbaijan's capital Baku, who have lost their appeal against the mosque's official closure, have told Forum 18 News Service they will take their case to be able to regain their mosque to the Supreme Court. "The most important thing is that the court decision should be in favour of God," community leader Tofik Razizade told Forum 18 from Baku on 16 December. "Sooner or later this issue will be decided – in a civilised way." However, the community's lawyer, Rovshan Shiraliev, is more pessimistic. "The authorities are already preparing to destroy the mosque even though the court decision has not yet entered into force," he told Forum 18 on 22 December.

Forum 18 was unable to reach any official of the Surakhani District administration where the mosque is located to find out if and when it is preparing to demolish the half-built mosque.

The Fatima Zahra mosque, the only mosque for a residential district of some 70,000 people, is one of several to have been closed down by the authorities in Azerbaijan under various pretexts in 2009. Two of them were demolished. Most of the closed and demolished mosques were Sunni, though Razizade told Forum 18 the Fatima Zahra mosque served both Shias and Sunnis.

As several commentators bitterly pointed out to Forum 18, the mosque closures and demolitions came while Baku was one of the four Capitals of Islamic Culture in 2009, named by the Islamic Educational, Scientific and Cultural Organisation.

Backing the community's attempt to reopen the Fatima Zahra mosque for worship is the Caucasian Muslim Board. "As long as the appeal goes on, there is still hope," Board spokesperson Rahima Rahimova told Forum 18 from Baku on 21 December. "We hold that what was built for Allah should remain with Allah. It is most important that the mosque not be destroyed." She insisted that the mosque should be legalised and all the documents brought into line with the law. "How to resolve this depends on the state."

As is their usual custom, the woman who answered the telephone on 21 December of Yagut Alieva, spokesperson at the State Committee for Work with Religious Organisations, hung up as soon as Forum 18 had introduced itself. Other telephones there went unanswered.

Sudden ousting from mosque

The Fatima Zahra mosque has long stood half-finished, with the lower floor completed and open for worship but with external works, the cupola and the surrounding site unfinished. Razizade told Forum 18 that after regular prayers began in the building in 2000, attendance rose to some 1,000 on Fridays.

He said the community had state registration with the Justice Ministry in the 1990s, but was unable to register with the State Committee when the system changed in the wake of the 2001 revisions to the Religion Law. "The State Committee told us that the name of the community had to be changed, without explaining why," Razizade told Forum 18. "But what can be wrong with a mosque named after the Prophet's daughter?"

Razizade said that the Caucasian Muslim Board – whose approval is required before any mosque can seek state registration – backed

its latest application for registration and sent it on to the State Committee on 25 November.

The current round of compulsory state re-registration is the fourth since Azerbaijan gained independence in 1991 and it seems many communities will fail to gain re-registration by the deadline of 1 January 2010 (see F18News 21 December 2009 http://www.forum18.org/Archive.php?article_id=1389).

The then mayor of Baku originally gave the Fatima Zahra mosque community the 30.6 hectare site back in 1996 and construction began in 1998. However, in 2002 the new city mayor decided to take the site back, complaining that the mosque construction had not been completed, and ordered the site be used to build a sports complex. However, after protests the decision was verbally overturned and the community allowed to keep the site and continue building the mosque.

Nevertheless, earlier this year the Surakhani District authorities brought the suit to recover the site and demolish the mosque. Officials closed the mosque in mid-June. "The time the community had to complete construction work is over," local police chief Jovdat Mamedov told Forum 18 at the time.

Baku's Economic Court No. 2 ruled on 31 August that the mosque is to be demolished, the community is to be expelled from the site and the land transferred back to the Surakhani District authorities, who had originally brought the suit (see F18News 18 September 2009 http://www.forum18.org/Archive.php?article_id=1350).

The mosque community then challenged the decision at the Baku Appeal Court. However, on 25 November Judge Vakif Mursakulov and two colleagues in the Economic Disputes Section of the court upheld the lower court decision, the Appeal Court website notes.

Shiraliyev, the community's lawyer, told Forum 18 that more than fifty community members tried to attend the Appeal Court hearing, but only a handful were let in because of lack of space. He said the Court has not yet handed down its written decision, even though this is supposed to be presented within ten days. "There are often delays," he noted. He said that as soon as the community receives the written decision it will lodge its challenge to ruling in the Supreme Court. He says that the decision does not enter into legal force until the Supreme Court has ruled.

"I hope the Supreme Court will deal with the case justly," Shiraliyev told Forum 18. "But if the case continues in the same way as before I doubt if it will be just. All the decisions were taken very quickly and were unfounded." He believed the courts were merely handing down decisions taken elsewhere, but declined to speculate as to who might be taking them and why.

Shiraliyev lamented that although the court decision has not yet entered into legal force, the police and the authorities expelled the community from the building, and cut off electricity and gas.

Protests continue

The decision to close and destroy the mosque has aroused strong protest. On 1 September police dispersed a group of demonstrators protesting against the lower court ruling.

When Muslims – many of them from the Islamic Party of Azerbaijan - gathered outside the mosque hoping to recite Friday prayers on 11 December, police moved in and detained many of the protesters after clashes broke out. Local media reports said some 50 people were detained, taken to two local police stations and questioned. They were also photographed. Almost all were freed that evening, but four were fined under the Code of Administrative Offences.

Mosque community leader Razizade insisted to Forum 18 that the protesters were not connected to the community. "We decided not to take part in the protest – we decided it wasn't right," he explained. "We want to resolve the issue according to Azerbaijani law." He said that after the mosque was forcibly closed earlier in the year, some community members still came to pray outside, but later stopped doing so. "Now we have to pray in other mosques wherever we can."

Forum 18 was unable to reach anyone prepared to comment on 21 or 22 December at the Surakhani District police or at the 32nd or 33rd police stations, where demonstrators were held on 11 December.

Mosque closures and demolitions

Two mosques have already been demolished by the authorities in 2009. The Prophet Muhammad mosque in Baku's Yasamal District was demolished in April after the authorities claimed it had been built illegally (see F18News 18 June 2009 http://www.forum18.org/Archive.php?article_id=1314).

Observers in Baku pointed out to Forum 18 that the decision of the lower court dating from November 2008 had not yet entered into legal force at the time of the demolition as the Prophet Muhammad mosque community had lodged a challenge to Baku Appeal Court. "This means the demolition was illegal," one observer told Forum 18.

In addition to the two demolished mosques and the closed Fatima Zahra mosque, two other mosques in Baku have been and remain closed, as has a mosque in Azerbaijan's second city Gyanja [Ganca] (see F18News 18 September 2009 http://www.forum18.org/Archive.php?article_id=1350).

The authorities also threatened to close two other mosques, one in Baku State University and one in Mehdiabad on the Absheron Peninsula near Baku built with Turkish funding. However, in both these cases the closures were overturned after protests.

Difficulties over places of worship

The demolitions and closure of mosques came as all religious communities continue to face problems maintaining or opening new places of worship. Under the controversial new amendments to the Religion Law, the State Committee now needs to approve any new place of worship built or opened anywhere in Azerbaijan.

The Georgian Orthodox Church has been trying in vain for many years to be able to recover historical churches in Gakh region confiscated during the Soviet period. Only one is open for regular worship. Since 1999, Baku's Baptist community has been seeking to recover their historic church built a century ago in the centre of the capital, so far in vain (see F18News 29 January 2009 http://www.forum18.org/Archive.php?article_id=1246). (END)

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.

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1192.

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.

A personal commentary on the European Court of Human Rights and conscientious objection to military service is at http://www.forum18.org/Archive.php?article_id=1377.

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

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY