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AZERBAIJAN: Heavy fines follow police raids and confiscations

By Felix Corley, Forum 18

Judge Imanverdi Shukurov in Zakatala in Azerbaijan has fined two Baptists, Pastor Zaur Balaev and Hinayat Shabanova, more than a year's average local wages for a manual worker to punish them for exercising their right to freedom of religion or belief. "I can't pay this amount," Shabanova told Forum 18 News Service. Judge Shukurov, as well as the local police chief and the local official of the State Committee for Work with Religious Organisations, refused to discuss the fines with Forum 18. Balaev and Shabanova's husband have both served prison sentences for their faith and their church has been denied legal status since 1994 – an Azerbaijani record. Meanwhile, Baku-based Muslim Zeka Miragayev is lodging a further appeal in his case against the police and NSM secret police who raided his home and seized religious literature.

Two Baptists in Azerbaijan's north-eastern Zakatala [Zaqatala] District - Pastor Zaur Balaev and Hinayat Shabanova – have been given heavy fines to punish them for exercising their right to freedom of religion or belief, Forum 18 News Service has learnt. The fines are equivalent to more than a year's wages for a local manual labourer. Pastor Balaev – who is caring for his wife who is suffering with cancer - has already served a prison term for his faith. Shabanova's husband - Pastor Hamid Shabanov – has similarly been imprisoned. Their religious community has been seeking in vain for state registration - or permission to exist - since 1994, the longest known period for any religious community in Azerbaijan.

Meanwhile, Baku-based Muslim Zeka Miragayev is lodging a further appeal in his case against the police and National Security Ministry (NSM) secret police who raided his private home and seized religious literature.

No-one at the State Committee for Work with Religious Organisations would explain why individuals continue to be punished for exercising their right to freedom of religion or belief. Officials who answered the phone of State Committee spokesperson Orhan Ali on 4 April told Forum 18 to call back in an hour. Eventually an official told Forum 18 that he was out of the country and no-one else could answer Forum 18's questions.

These cases come as a second Jehovah's Witness conscientious objector is imprisoned in Azerbaijan (see F18News 14 May 2013 http://www.forum18.org/Archive.php?article_id=1834).

They also come amid a wave of amendments to laws increasing existing restrictions on the exercise of freedom of religion or belief (see below).

Massive fines

Police came in late March to the homes of two local Baptist families, the Balaevs and the Shabanovs, in the village of Aliabad near the regional centre Zakatala in north-western Azerbaijan. Police warned them that they were about to face court hearings related to the police's November 2012 raids. Their Baptist congregation first started applying for state registration in 1994, and has repeatedly been rejected on what the community regards as spurious grounds (see eg. F18News 8 December 2004 http://www.forum18.org/Archive.php?article_id=471).

On 29 March, Pastor Balaev and Hinayat Shabanova were summoned to separate hearings at Zakatala District Court. Shabanova was brought to court and fined in place of her husband Hamid Shabanov, who was away in Russia, as their grandchild is undergoing a serious operation. Appearing in court for the police was Lieutenant Shahlar Mammadov, the former local policeman for Aliabad.

Judge Imanverdi Shukurov found each of them guilty of violating Article 299.0.3 of the Code of Administrative Offences. This punishes "clergy and religious associations holding special religious meetings for children and young people, as well as the holding by religious bodies of literature circles or other specialised groups". Punishment for individuals is a fine of 1,500 to 2,000 Manats. Balaev and Shabanova were each fined 1,500 Manats (11,000 Norwegian Kroner, 1,500 Euros or 2,000 US Dollars), according to the verdicts seen by Forum 18.

Government statistics claim that monthly wages across Azerbaijan in January 2013 averaged nearly 400 Manats, making these fines nearly four months' average wages. However, Zakatala is a poor, remote region with lower incomes than elsewhere. Average local

wages for manual workers can be as low as 120 Manats per month.

"I can't pay this amount," Shabanova told Forum 18 from Aliabad on 4 April. "I am worrying over how I will find this money," Balaev told Forum 18 from Aliabad on 3 April. He is also caring at home for his sick wife, Nunuka.

"I am not intending to appeal against the fine, as what I was sentenced for I did," Balaev told Forum 18. "There's no point. I would rather take the State Committee to court for refusing to register us for so many years."

Balaev fears that – as a community that has been denied legal status - it will no longer be possible for the Baptists to meet for worship without risk of further punishment. Like other local Protestants, he said the church would like to be able to celebrate Easter on 5 May.

Fines follow raids

The fines were imposed after raids on the Balaev and Shabanov family homes in Aliabad on 7 November 2012. Police warned those present that meeting for religious worship without registration is "illegal". They seized religious literature – including Bibles – in Azeri, Russian and Georgian. (The Balaevs and the Shabanovs are from the local Georgian-speaking minority.) Balaev and his wife were away at the time, as she was seeking cancer treatment in Moscow (see F18News 9 November 2012 http://www.forum18.org/Archive.php?article_id=1765).

Lieutenant Mammadov told Balaev at the court that the police were ready to return the confiscated books. However, Balaev told Forum 18 he has not yet tried to recover them.

The duty officer at Zakatala District Police – who would not give his name – defended the prosecution of Balaev and Shabanova. "We have the legal basis to fine them," he insisted to Forum 18 from Zakatala on 28 March, the day before the hearing. "No one suffers just because of their faith. Anyone can pray, but they did something." He refused to explain what they had done that was illegal.

Colonel Arif Babayev, head of Zakatala District Police, confirmed to Forum 18 on 4 April that Lieutenant Mammadov had been the local police officer for Aliabad until late 2012, when he was transferred to another village. However, the police chief refused to discuss why Balaev and Shabanova had been fined to punish them for exercising the right to freedom of religion or belief. "This is an issue for prosecutors," he insisted before putting the phone down.

Judge Shukurov of Zakatala District Court refused absolutely to discuss why he had fined the two to punish them for their religious activity. "I don't have to answer you," he told Forum 18 from Zakatala on 3 April before putting the phone down.

Mehman Ismayilov, the Zakatala-based north-western regional representative of the State Committee, refused absolutely to answer any of Forum 18's questions on 4 April.

Further appeal against raid

Baku-based Muslim Miragayev is taking his challenge to the police who raided his home to Baku Appeal Court, as he told Forum 18 from Baku on 27 March. He said he expects a date for the next hearing to be named soon.

Miragayev's home was raided by officers of the city's Narimanov District's 18th Police Station and NSM secret police without a warrant on 31 May 2012, during which Korans and other religious books were seized. Those present in his home were taken for questioning (see F18News 11 July 2012 http://www.forum18.org/Archive.php?article_id=1719).

Miragayev had difficulty getting a court to accept his suit against the police and secret police. Two courts refused to take the case, but Baku's Administrative Economic Court No. 2 finally accepted it in September 2012 (see F18News 16 January 2013 http://www.forum18.org/Archive.php?article_id=1790).

Judge Farmayil Zeynalli of Administrative Economic Court No. 2 finally rejected Miragayev's suit on 25 January, according to the verdict seen by Forum 18. "Courts in Azerbaijan are on the side of the government and are not independent," Miragayev lamented to Forum 18. "This was an unjust decision. And they are not intending to return our confiscated books."

Legal changes affecting foreign grants

Meanwhile, the Milli Mejlis (Parliament) and President Ilham Aliyev continue to amend Azerbaijan's already restrictive Religion Law and other laws. The latest amendments concentrate on making more difficult religious communities' receipt of donations, as well as increasing state controls still further over the distribution of religious literature and other materials.

Amendments to the Religion Law's Article 18 banning religious communities from offering or giving blessings or material benefits

in exchange for donations were approved in parliament on 15 February, according to the Milli Mejlis website. The amendments were signed into law by President Aliyev on 12 March, according to the presidential website.

Also on 15 February, amid much vocal opposition, the Milli Mejlis adopted amendments to the Law on Grants. This also amended the Religion Law by requiring religious communities, as well as all non-governmental organisations, to have grant agreements which are available for official scrutiny before they can accept foreign donations. A total of 92 deputies backed the amendments, with only three voting against. President Aliyev signed the amendments into law on 11 March, according to the presidential website.

Also approved in parliament on 15 February were amendments to the Code of Administrative Offences. Article 223-1 was amended to increase punishments for "illegal" receipt of grants. One provision was added, Article 223-1.3, which specifically includes religious organisations among non-governmental organisations which can be punished for failing to obtain and make available to officials their agreements to receive foreign grants. In addition to confiscation of the grants, fines on officials of organisations are from 2,500 to 5,000 Manats, while organisations are subject to fines of between 8,000 and 15,000 Manats. President Aliyev signed the amendments into law on 11 March, according to the presidential website.

Legal changes increasing censorship

The Milli Mejlis also approved further Religion Law amendments on 22 February, the parliamentary website noted. A revised Article 22 requires all religious materials, such as books, video and audiotapes, and discs to be specially marked to show they are allowed for sale in the country. It also required that religious materials be sold only in specially designated shops. The presidential website does not record that President Aliyev has yet signed these amendments into law.

In a decree of 6 February, President Aliyev amended parts of the State Committee for Work with Religious Organisations' statute referring to religious literature, the presidential website noted. The amendments replace the two references to "religious literature, articles, and other information materials of religious content" in Article 7.8 and Article 7.9-6 to "religious literature (paper and electronic media), audio and video materials, goods and products, and other informational materials of religious content". All are now subject to control by the State Committee.

Censorship of religious literature has existed for many years in Azerbaijan. All religious literature must already gain specific approval from the State Committee. The State Committee also specifies the number of copies of each named work that may be printed or imported, checks the contents of shops selling religious literature, and has a list of banned religious literature which the Expertise Department – which is responsible for the list – will not make public. Religious book shops already need State Committee licences. Legal changes in summer 2012 required verification marks for religious publications, billed as tax, customs and consumer protection measures (see F18News 18 July 2012 http://www.forum18.org/Archive.php?article_id=1721).

Latest censorship cases

Among the many religious communities facing State Committee obstruction to receiving religious literature is Azerbaijan's Baptist Union. Its head, Pastor Ilya Zenchenko, wrote a letter of protest to State Committee chair Elshad Iskenderov in mid-March after the State Committee on 12 March effectively rejected his application to import 3,500 copies of the Bible in Azeri. It would authorise only 1,000 copies, Zenchenko complained to Forum 18.

Zenchenko reminded the State Committee that Azerbaijan's Constitution guarantees freedom of religion and freedom of speech, but he says they merely repeated their insistence on allowing only 1,000 copies. He also complained that he filed his request with the State Committee on 14 December 2012 and had to wait three months for a response.

Jehovah's Witnesses have lodged several legal challenges to similar State Committee decisions reducing the quantities of religious literature it approves for import. On 20 February, the Supreme Court in Baku rejected their appeal against an earlier decision by Baku Appeal Court upholding the initial rejection of their suit against the State Committee by Baku's Administrative Economic Court No. 1.

Jehovah's Witnesses have been frequent victims of the government's censorship of all religious literature (see F18News 12 November 2012 http://www.forum18.org/Archive.php?article_id=1766). (END)

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1690.

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.

A printer-friendly map of Azerbaijan is available at <http://education.nationalgeographic.com/education/mapping/outline-map/?map=Azerbaijan>.

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