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AZERBAIJAN: Fined for praying for deceased

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

Tural Kuliye, a Muslim, was fined the equivalent of a year's salary for a local state employee in the central town of Mingechaur for praying at people's request for their deceased relatives in the town's Ali cemetery. The punishment was for "violating legislation on holding religious meetings, marches, and other religious ceremonies". "Other imams who pray in the cemetery and read the Koran complained about him. He didn't have permission," Police Captain Anar Kadimov, who prepared the case, insisted to Forum 18 News Service from Mingechaur. He said another man had similarly been fined at the same time. Meanwhile, the authorities have reportedly destroyed a mosque being built in a remote village in southern Azerbaijan. Villagers began construction after waiting in vain for permission. An official of the state-backed Caucasian Muslim Board told Forum 18 that "houses of God should never be closed or destroyed," but he said it was for the State Committee for Work with Religious Organisations to decide when the many state-closed mosques will be allowed to reopen for worship.

A man who offered prayers for people's deceased relatives in a cemetery in the central Azerbaijani town of Mingechaur [Mingäcevir] was given a fine equivalent to a year's salary for a local state employee, such as a teacher. Tural Kuliye lost his appeal against the fine in late November, according to the verdict seen by Forum 18 News Service. "Tural is not allowed to pray in the cemetery," Police Captain Anar Kadimov, who prepared the case, insisted to Forum 18 on 19 December. "Other imams who pray in the cemetery and read the Koran complained about him. He didn't have permission."

Courts regularly hand down administrative punishments on those exercising the right to freedom of religion or belief. While most administrative punishments for exercising the right to freedom of religion or belief are fines, punishments for such "offences" by foreign citizens also include deportation (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/Archive.php?article_id=1690).

Among individuals recently fined the equivalent of a year's annual salary for a state employee were seven Jehovah's Witnesses from the small town of Aliabad in northern Azerbaijan, while an eighth was given an official warning (see F18News 12 December 2013 http://www.forum18.org/archive.php?article_id=1906).

Meanwhile, the authorities in the southern District of Lerik on the border with Iran have reportedly demolished a mosque being built by villagers in Peshtatuk with their own funds. Villagers had repeatedly tried – in vain – to get the necessary approval from the local authorities. Officials explained to the villagers that they needed to apply to the State Committee for Work with Religious Organisations which, by law, is required to give permission before any place of worship can be built (see below).

A number of mosques in the capital Baku and Azerbaijan's second city Gyanja [Gäncä] – closed down in 2009 – remain closed. A member of parliament who used to pray regularly in a nearby mosque which was among those closed lamented its continued closure (see below).

Religious tolerance?

Ironically, these punishments for exercising the right to freedom of religion or belief came as the head of the State Committee for Work with Religious Organisations, Elshad Iskenderov, was proclaiming that Azerbaijan respects religious freedom.

Speaking on 10 December at a conference in Baku to mark the 65th anniversary of the adoption of the Universal Declaration of Human Rights, Iskenderov claimed that the Azerbaijani state had taken "important steps" to defend people's rights and freedoms. He also claimed that the state is tolerant towards all religious communities. "We must not only speak about this tolerance," he was cited by the local media as declaring, "but also demonstrate it in deeds and in real life."

Current violations of freedom of religion or belief – including those committed by the State Committee – appear not to have been discussed at the conference, Forum 18 notes.

Punished for praying for deceased

On 27 November, Judge Aladdin Majidov of Sheki Appeal Court upheld the fine of 1,500 Manats (11,750 Norwegian Kroner, 1,400 Euros or 2,000 US Dollars) handed down by a lower court on Kuliyeu for praying for the deceased in a cemetery, according to the verdict seen by Forum 18. On 18 September, Mingeaur Court had handed down the fine under Administrative Code Article 299.0.2.

Article 299.0.2 punishes "violating legislation on holding religious meetings, marches, and other religious ceremonies" with fines for individuals of between 1,500 and 2,000 Manats (about 11,750 to 15,600 Norwegian Kroner, 1,400 to 1,850 Euros, or 2,000 to 2,550 US Dollars) (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/Archive.php?article_id=1690).

Police captain Kadimov brought the case against Kuliyeu after encountering him in the Ali cemetery in Mingeaur on 16 July.

The verdict notes that Kuliyeu went to the cemetery once a week to pray with relatives of the deceased, and for performing this religious service he obtained money. The verdict also noted that Kuliyeu's activity attracted the disapproval of imams of the Caucasian Muslim Board, who claimed he did not have the necessary religious education or the required knowledge and skills. They said he was not active in the town's Heydar Mosque.

No-one is allowed to lead or conduct Islamic religious activity without permission from the state-backed Caucasian Muslim Board (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

The verdict says that Kuliyeu admitted he received money for praying at the graves of the deceased and did this to feed his family. He insisted that he is religiously educated.

Judge Majidov's assistant, Tural Zaliyev, declined to put Forum 18 through to the Judge on 11 December. "Everything there is to say is in the verdict."

The duty officer at Mingeaur Police – who did not give his name – told Forum 18 on 19 December that he knew Kuliyeu. "He has been praying for people in the cemetery for many years," he told Forum 18. "He goes there every day." Asked why Kuliyeu was given a large fine for offering prayers on others' behalf, the duty officer echoed Captain Kadimov's words, responding: "He did it without permission. That's the law."

Captain Kadimov told Forum 18 that another man had similarly been fined at about the same time as Kuliyeu, also for offering prayers for relatives in the cemetery. He declined to name him. He said the five or six imams who do have permission to pray there complained about the two men. He refused to say who had suffered because the two were offering to pray in competition with the imams.

Muslims in Azerbaijan often visit pirs, tombs of individuals regarded as holy, or local cemeteries, and offer money in exchange for prayers.

Mosque reportedly demolished

Peshtatuk – a village of several hundred inhabitants in Lerik District – had for many years no mosque. Three years ago, villagers pooled their money, bought a plot of land and building material and began seeking permission to build a new mosque, Qafqazinfo reported on 6 December.

Villagers sought approval from the District Administration, but it insisted the community also needed permission from the State Committee in Baku. After numerous appeals against what they regarded as official obstruction, villagers were afraid the construction materials they had already bought would go bad. So they began building the mosque, Qafqazinfo said.

However, Lerik District Administration chief, Rovshen Bagirov, reportedly ordered that the mosque be pulled down. Villagers have appealed to President Ilham Aliyev and the head of the Caucasian Muslim Board, Sheikh Allahshukur Pashazade.

Despite repeated calls between 12 and 17 December, Forum 18 was unable to reach Bagirov at Lerik District Administration. His assistant said each time that he was not in the office or the phone went unanswered.

"No mosque destruction"

A statement from the Lerik administration – reproduced by Qafqazinfo on 6 December – insists that no mosque in Peshtatuk was demolished. It claims that the site where the villagers were building the mosque had already been assigned for a new school building to replace one damaged in floods in September.

Similarly denying that the mosque had been destroyed was Gegai Mamedov, the State Committee representative for the southern region, which includes Lerik District. "No mosque destruction occurred," he told Forum 18 on 12 December. "There is no problem there." Although admitting that he has never been to the village, Mamedov said villagers have no mosque.

"They wanted to build a mosque, but haven't built one," Mamedov repeatedly insisted. "No one from there lodged an application to build one to me." Asked what the building was which Administration chief Bagirov had ordered destroyed, he said he did not know.

Similarly, Orhan Ali, spokesperson for the State Committee in Baku, insisted that reports that the mosque had been destroyed were "lies". "The State Committee received no application," he told Forum 18 on 13 December.

The list of registered religious communities published on the State Committee website includes just nine mosques in Lerik District, which has a population of some 75,000 people. None of the listed mosques is in the village of Peshtatuk.

Lament for closed mosques

Opposition member of parliament Fazil Gazanfaroglu Mustafaev of the Great Formation Party argues that mosques should not be allowed to be built without proper permission. However, as he told Forum 18 from Baku on 13 December, he said he had no information about the reported destruction of the Peshtatuk mosque apart from what he had read in the local media.

Gazanfaroglu lamented that many of Baku's mosques which did have state registration were closed under a variety of pretexts. He complained particularly of the enforced closure of the Martyrs or Turkish mosque, built near the parliament building by the Turkish government's Presidency of Religious Affairs (Diyanet) as a gift to the Azerbaijani nation in the 1990s. He used to pray there regularly.

The Martyrs Mosque was closed for alleged "restoration" in May 2009. Several other mosques in Baku and Gyanja were closed at about the same time and remain closed. Many of those closed were Sunni Muslim, while the vast majority of Azerbaijan's mosques are Shia (see eg. F18News 18 September 2009 http://www.forum18.org/archive.php?article_id=1350).

"These all had state permission from all the relevant agencies and were closed down illegally," Gazanfaroglu complained to Forum 18. He noted that the Turkish government was particularly concerned about the failure to reopen the Martyrs Mosque. He blamed Baku city authorities for preventing its reopening.

"Houses of God should never be closed or destroyed"

Forum 18 was unable to reach anyone at the Caucasian Muslim Board involved in the issue of the Peshtatuk Mosque.

The head of the Board's International Relations Department, Mugaddes Paizov, declined to comment on any specific mosque closures or demolitions, but insisted that the Board wants all mosques to operate legally and be open for worship. "It is the Caucasian Muslim Board's clear position that houses of God should never be closed or destroyed," he told Forum 18 from Baku on 17 December.

However, asked about when Baku's Martyrs Mosque and other closed mosques might re-open for worship Paizov referred all such enquiries to the State Committee. "This is decided by the State Committee – they are responsible for state policy in this area."

Forum 18 asked the State Committee when the Martyrs Mosque will be re-opened for worship. "The mosque is currently under repair," State Committee spokesperson Ali told Forum 18. "It will be opened after renovation." He gave no timetable for any reopening, nor did he explain why the mosque needed to be closed for "repair" just 13 years after construction was completed.

Bagirov appeal begins

Meanwhile, the appeal has begun in Baku of imam Tale Bagirov (also known as Bagirzade). He was sentenced to two years' strict regime imprisonment by Baku's Sabunchu District Court on 1 November. He was found guilty of possessing just over a gram of heroin, an accusation he vigorously rejects.

Bagirov's driver, Anar Melikov, received a 19-month general regime labour camp sentence at the same court on 7 August. He was accused of illegal possession of a pistol, four bullets and a knife. Although he completely rejected the charges, he chose not to appeal.

The 29-year-old Imam Bagirov is known for his strong criticism of the Azerbaijani government as well as of the Muslim Board (see F18News 7 November 2013 http://www.forum18.org/archive.php?article_id=1894).

A preliminary hearing took place on 13 December under Judge Ilgar Murguzov at Baku Appeal Court, according to the court website. Bagirov was brought to court for the hearing, at which both he and his lawyer Javad Javadov expressed scepticism over the court's objectivity. Javadov called for a new trial as he said many violations had taken place during the "rushed" first trial.

Javadov told the hearing that the appeal had only been lodged because it is necessary to exhaust all domestic remedies before

bringing a case to the European Court of Human Rights in Strasbourg. Bagirov told the hearing that Azerbaijan's courts are not independent and resemble a bazaar, according to the local media. "The bazaar decides the fate of fruit, but here the fate of people is at stake."

The hearing set the date for the appeal proper to begin on 19 December. However, no hearing took place that day, Bagirov's friends told Forum 18. They say the hearing was postponed. (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.

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