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AZERBAIJAN: Two plus three equals five

By Felix Corley, Forum 18 News Service <<http://www.forum18.org>>

Two Muslims in Azerbaijan's second city Gyanja failed in their appeals in July to have heavy fines to punish them for their religious activity overturned, according to court records seen by Forum 18 News Service. The two were fined after police raided Muslim prayers in a private home, days after three Turkish students were fined. Gyanja is a religious freedom blackspot, with a Sunni mosque and three Protestant churches closed down, fines for religious activity and raids on shops selling religious literature. Meanwhile, the first hearing took place in the capital Baku in the appeal by Greater Grace Protestant Church against its enforced liquidation. The appeal resumes on 31 July. Unless the Church succeeds in its appeal, any communal activity it undertakes will be illegal and its members subject to prosecution.

Two Muslims in Azerbaijan's second city Gyanja [Gäncä] were given large fines for their religious activity in June, fines upheld on appeal in July, Forum 18 News Service has learned. The two were fined just days after three Turkish students studying at the city's university were given even larger fines and initially threatened with deportation. Also, the first hearing took place in a Baku court on 17 July of the appeal of the city's Greater Grace Protestant Church against a lower court decision to liquidate them. The case resumes in court on 31 July.

Unregistered religious meeting

Two Muslim residents of Gyanja, Rovshen Iskenderov and Etibar Iskenderov, who are brothers, have been fined following a police raid on a religious meeting. Police of the city's Nizami District arrived at the meeting on the evening of 28 April, according to Rovshen Iskenderov's verdict, seen by Forum 18. Local Muslims complained to Forum 18 that without any kind of warrant, the two were taken to the police station, where they were held for questioning for twenty hours. Muslims claimed to Forum 18 that officers also insulted and beat the two men.

Police accused the two of conducting a religious meeting in a private home without state permission in violation of Article 299.0.2 of the Code of Administrative Offences. This punishes "violating legislation on holding religious meetings, marches, and other religious ceremonies" with fines for individuals of between 1,500 and 2,000 Manats. These fines were sharply increased in Administrative Code amendments in December 2011 (see F18News Azerbaijan religious freedom survey <http://www.forum18.org/Archive.php?article_id=1690>).

The cases against the two were sent to Nizami District Court. On 12 June, Judge Rahman Muradov found both guilty under Article 299.0.4 and fined them each 1,600 Manats (12,500 Norwegian Kroner, 1,700 Euros or 2,000 US Dollars).

The punishments for the two were handed down just days after the same judge at Nizami District Court punished three Turkish students detained the same day as the Iskenderovs. They were fined under Article 300.0.4, which punishes "the conduct of religious propaganda by foreigners or stateless persons". Their initial punishment of deportation was overturned on appeal, but the fine on each of 2,000 Manats was unchanged (see F18News 11 July 2012 <http://www.forum18.org/Archive.php?article_id=1719>).

Judge Muradov's telephone was busy each time Forum 18 phoned in July. No other court official was prepared to discuss the case.

Appeals fail

Both Rovshen Iskenderov and Etibar Iskenderov lodged appeals against the convictions and fines. However, on 9 July the same panel of three judges at Gyanja Appeal Court dismissed both appeals, the court website notes. Rovshen Iskenderov's verdict - seen by Forum 18 - notes the participation in court of Firdovsi Kerimov, the local official of the State Committee.

Forum 18 reached Kerimov on 16 July, but as soon as it introduced itself he put the phone down.

Religious freedom blackspot

Many religious communities in Gyanja have faced harassment for their religious activity and even bans. The only Sunni mosque,

known as the Albanian Mosque, in the city's Shahsevenler district was closed without explanation in 2009. Since then, some community members have been officially warned for holding prayers in private homes. Three Protestant Christian communities were banned from meeting for worship in March 2011, in one case riot police being deployed to ensure that a congregation could not meet in their church.

Six Jehovah's Witnesses in the city were given heavy fines for meeting for worship without the compulsory state registration. The six were fined after a November 2011 police raid. In May 2012, at least 20 police officers - including the local police chief - raided the local Seventh-day Adventist Church during Saturday worship. One Adventist was fined (see F18News 18 May 2012 <http://www.forum18.org/Archive.php?article_id=1703>).

Local religious affairs official Kerimov has often been present during raids or involved as the cases go to court. He announced in March 2011 that his agency had raided seven shops in the city which were selling religious literature without state permission (see F18News 12 April 2011 <http://www.forum18.org/Archive.php?article_id=1561>).

Appeal for legal existence

The appeal by Baku's Greater Grace Protestant Church to annul a lower court decision banning the church began at Baku Appeal Court on 17 July, the court website noted. The case is being heard by a panel of three judges headed by Judge Seriyev Seyidova.

The Judge's assistant, who did not give his name, told Forum 18 on 20 July that the State Committee was represented in court by the head of its Legal Department, Yusif Askerov. He added that two monitors from European organisations attended the hearing, at least one of them from the Baku Office of the Organisation for Security and Co-operation in Europe (OSCE).

The State Committee lodged the case to liquidate the Church in December 2011. It claimed that the Church had broken the law by failing to apply for the compulsory re-registration following the changes to the Religion Law in 2009. The Church had gained registration with the Justice Ministry in April 1993.

This is the first known enforced liquidation of a religious community since Azerbaijan's harsh Religion Law was adopted in 2009. If the liquidation ruling goes into force, any communal activity the Church undertakes will be illegal and its members subject to prosecution.

The case began under Judge Tahira Asadova of Administrative Economic Court No. 1 on 15 March. On 25 April, Asadova upheld the State Committee's court action to liquidate the Church, as it had not gained the compulsory state re-registration. On 14 May, the Court finally handed down the written verdict - seen by Forum 18. Monitors from the Baku OSCE Office attended successive hearings in the case (see F18News 26 April 2012 <http://www.forum18.org/Archive.php?article_id=1694>).

At the 17 July appeal hearing, the Church's lawyer Chingiz Zeynalov argued that no reason to liquidate the Church existed, as the only legal grounds for such a move are if a community violates public order, violates human rights or engages in terrorism. He also noted that - despite claims by State Committee legal representative Sabina Allahverdieva in the lower court - the State Committee had only written to the Church once (in 2002), not twice. Zeynalov pointed out that the verdict referred to the 2002 letter although Judge Asadova had said during the original hearings that only evidence since the 2009 Religion Law change would be considered.

State Committee's "artificial" problems

During the appeal hearing, Judge Seyidova asked why the Church did not wish to re-register, as there was no problem doing so. Church lawyer Zeynalov pointed out that the State Committee "artificially" creates problems to block the registration or re-registration of communities it does not like. He noted that only a handful of Protestant Christian communities have gained the compulsory re-registration since 2009, one of them - Word of Life Church - only after winning a case in court.

Zeynalov told the court that the Church has had registration since 1993 and to undergo re-registration would in effect deprive the Church of its history and name. He added that under the 2009 Religion Law, fifty adult citizen founders are now needed and that no state notary's office can fit that many people in at the same time for their application and documents to be notarised. He said that the State Committee's demand that the Church liquidate itself represented state interference in the internal affairs of a religious organisation.

When Judge Seyidova asked State Committee officials why it had decided that the Church had to be liquidated when the law says the State Committee is not obliged to do so, State Committee official Askerov told the court that Greater Grace Church members had expressed lack of respect to his colleagues. Asked by the Church's lawyer how this alleged lack of respect had been expressed, Askerov said that Allahverdieva (who did not attend the appeal hearing) had complained that when Church representatives had a meeting with her they had smiled when she demanded that they present their re-registration documents.

"Mr Askerov repeated this assertion many times," church members told Forum 18. "We have therefore concluded that the State Committee's liquidation demand is based on the personal prejudicial attitude of its legal specialist, Sabina Allahverdieva."

Forum 18 reached Askerov at the State Committee on 20 July, but he said he was too busy at that moment to be able to speak. Subsequent calls went unanswered.

Appeal resumes 31 July

Greater Grace Church's appeal is set to resume at noon on 31 July, the Baku Appeal Court website notes. The Judge's assistant said that it is not yet known if that will be the final hearing in the case. "Maybe it will continue beyond then," he told Forum 18.

Some church members expressed greater optimism in the wake of the first appeal hearing. They pointed out that the Church's lawyer was able to present the Church's case more fairly than in the lower court and that the Appeal Court appeared to be trying to establish the facts. They were heartened that State Committee official Askerov admitted during the hearing that he and his colleagues felt under pressure from around the world over the case. (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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