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AZERBAIJAN: Why a fine with no notice of a trial?

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

In the second such case known to Forum 18 News Service so far in 2011, Azerbaijan has imposed a fine for religious activity without state permission - without informing the victim she was being tried for this "offence". Jehovah's Witness Rasmiyya Karimova was warned by police in Gakh in north-western Azerbaijan not to conduct religious activity after a raid on her home in November 2010. However, although she was verbally told by a police officer that she would be fined 100 Manats, or three week's average wages, the first time she knew of a trial was when she received a court document informing her that she had been found guilty under Article 299.0.2 of the Code of Administrative Offences ("Infringement of the regulations on organising religious meetings or events"). The court document said that if she failed to pay the fine within the next ten days, bailiffs would seize property from her home to meet the fine. She has appealed, but has yet to receive an answer. The first such victim of a "trial" without notification was a Protestant fined for leading unregistered worship.

The deputy head of Gakh [Qax] District Police, Mirqamet Mushaliev, has refused to explain to Forum 18 News Service why he ordered a local Jehovah's Witness Rasmiyya Karimova not to conduct any religious activity and why he fined her in her absence. This is the second case known to Forum 18 so far in 2011 when fines for religious activity have been imposed in the victim's absence.

Meanwhile, imprisoned Jehovah's Witness conscientious objector Farid Mammedov is preparing a case at the European Court of Human Rights (ECtHR) in Strasbourg after Azerbaijan's Supreme Court rejected his final appeal against his nine-month prison sentence, Jehovah's Witnesses told Forum 18. Two other conscientious objectors sentenced earlier are awaiting decisions by the ECtHR as to whether their cases against Azerbaijan can go forward (see forthcoming F18News article).

Increasing restrictions on religious freedom

Azerbaijan has been steadily increasing restrictions on freedom of religion or belief in recent years. In 2009, the Religion Law was twice amended, and new punishments for exercising the right to freedom of religion or belief were introduced into the Criminal Code and the Code of Administrative Offences. In December 2010, fines for religious activity under the Administrative Code were increased up to 20-fold (see F18News 7 January 2011 <http://www.forum18.org/Archive.php?article_id=1527>).

These increasing restrictions are being put into action. In January 2011 alone: teachers and a local official prevented school-age boys attending Friday prayers at the only mosque in Yevlakh [Yevlax]; a Protestant in northern Azerbaijan, Ilham Balabeyov, was fined three weeks' average local wages in his absence for leading unregistered worship; and the former leader of the Seventh-day Adventist Church in Azerbaijan, Russian citizen Ivan Uzun, was deported to punish him for his religious activity after a Saturday service was raided in the capital Baku. Another Adventist, Moldovan citizen Gheorghiy Sobor, was finally able to return to his wife and children in Baku on 11 February, eight weeks after being denied re-entry to Azerbaijan to punish him for his religious activity (see F18News 16 February 2011 <http://www.forum18.org/Archive.php?article_id=1541>).

The 2009 Religion Law amendments banned unregistered religious activity and required all religious communities to re-register. This is the latest of several re-registration demands since Azerbaijan regained independence in 1991. As of 21 February, nearly 14 months after the re-registration deadline, only 510 religious communities had gained registration, according to the website of the State Committee for Work with Religious Organisations in Baku. Many communities - including Muslims, almost all Protestant communities, Jehovah's Witnesses, as well as Baku's Catholic parish - have failed so far to get re-registration (see F18News 24 January 2011 <http://www.forum18.org/Archive.php?article_id=1531>).

Fined in her absence

A 14 January 2011 document from the head of the Gakh District Court bailiffs, Elburus Hajiev, seen by Forum 18, informed Jehovah's Witness Karimova that on 28 December 2010 she had been found guilty under Article 299.0.2 of the Code of Administrative Offences. This punishes "Infringement of the regulations on organising religious meetings or events".

The fine followed a large raid on Karimova's home in Gakh in north-western Azerbaijan in November 2010. She had had no notice

of a court hearing, or of the possibility of being fined. She was fined 100 Manats (716 Norwegian Kroner, 92 Euros or 126 US Dollars), about three weeks' average wages for local state employees. The court document said that if she failed to pay the fine within the next ten days, bailiffs would seize property from her home to meet the fine. She was given ten days to appeal.

On 24 January 2011, Karimova lodged an appeal to Gakh District Court, sending copies of her appeal to Azerbaijan's President Ilham Aliiev, Human Rights Ombudsperson Elmira Suleymanova, Hidayat Orujev at the State Committee for Work with Religious Organisations, Council of Europe Commissioner for Human Rights Thomas Hammarberg, the Office in Baku of the Organisation of Security and Co-operation in Europe (OSCE), and others. As of 18 February, she had received no response from the Court.

The telephone of the regional representative of the State Committee in Agdash, Nizami Mammedov, went unanswered each time Forum 18 called on 21 February. Officials at the State Committee in Baku declined to answer any questions the same day.

Large raid on private home

About 15 police officers took part in the 11 November 2010 raid on Karimova's home in Gakh, as she complained in her appeal against her subsequent fine, seen by Forum 18. She and her husband Yusif (who is not a Jehovah's Witness) were away in Baku at the time, but were summoned back by the police. Officers accused them of having a gun and religious literature in the house. Several Jehovah's Witness books and DVDs in Azeri and Russian, and a personal notebook, were confiscated, as was Yusif Karimov's official identity document.

Those present in Karimova's house - who were shown a search warrant for the home - refused to allow police officers to search their personal bags.

Having returned to Gakh the following evening, both husband and wife went to the District Police. There a police officer who gave his name only as Nemat said verbally that they would be fined 100 Manats, while the confiscated literature would be sent for checking to the nearby town of Zakatala [Zaqatala]. (It remains unclear why police specified Zakatala, as the representative for this part of Azerbaijan of the State Committee - which operates the system of compulsory prior censorship - is located in the town of Agdash further south.) Nemat said that any "illegal" books would be confiscated, while any deemed "legal" would be returned.

Jehovah's Witnesses told Forum 18 that as of 18 February, more than three months after the raid, none of the confiscated literature had been returned.

Religious books are often confiscated in raids on private homes, as happened to one reader of the works of the Muslim theologian Said Nursi, Suleiman Mamedov, in the village of Bayandur in western Azerbaijan in May 2010 (see F18News 27 May 2010 <http://www.forum18.org/Archive.php?article_id=1451>). Books were also confiscated when Balabayov's church service was raided ahead of his January 2011 fine (see F18News 24 January 2011 <http://www.forum18.org/Archive.php?article_id=1531>).

Officer Nemat then took Karimova to the Deputy Police Chief Mushaliev, who shouted at her that she was not allowed to conduct any religious activity as it was against the law. Karimova responded that as an Azerbaijani citizen she is free to engage in religious activity.

Police summoned Karimova to return to write a statement on 13 November. Once there, police took her to the local Prosecutor, but he was not in his office. They tried to force her to sign a statement that she would not conduct religious activity but she refused. She was then allowed home and heard nothing more until she was told two months later that she had been fined.

Reached on 18 February, Deputy Police Chief Mushaliev confirmed his name and position, then when Forum 18 asked about why he had shouted at Karimova and fined her he claimed he was not Mushaliev. He then told Forum 18 to submit questions in writing and put the phone down. (END)

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>.

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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