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AZERBAIJAN: Another mosque threatened, two others reprieved - for now?

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

Police have refused to explain why they have threatened to close the Sunni mosque in Mushfiqabad near the capital Baku, the latest of a series of mosques to be threatened in Azerbaijan. "Of course we'll continue to pray if the police go ahead and close us down," Imam Mubariz Gachaev told Forum 18 News Service. Police chief Intigam Mirsalaev told him that the mosque is to be closed as it does not have registration, though he gave no order in writing. But another mosque near Baku appears to have been reprieved after police ordered it to close. "People pray there - it is open. Police did not intervene," Police Chief Namik Ismailov told Forum 18 just after the order was given. Days later the community's lawyer told Forum 18 the police had overturned the closure order after questions from abroad, but rebuked the community for harming the country's image internationally. And President Ilham Aliiev suddenly overturned a series of court rulings ordering the confiscation and destruction of the half-finished Fatima Zahra mosque in Baku.

Two mosques threatened by the state authorities have been reprieved, but a further mosque near Azerbaijan's capital Baku has been told it must close, Forum 18 News Service has learnt. "Of course we'll continue to pray if the police go ahead and close us down," Imam Mubariz Gachaev of the Sunni mosque in Mushfiqabad near Baku told Forum 18 on 26 May. "We'll pray on the street if we have to." The mosque in the village of Mekhtiabad also near Baku - similarly unilaterally ordered by police in mid-May to close - has been reprieved when police withdrew the order after questions from abroad.

And on 14 May, President Ilham Aliiev ordered the half-finished Fatima Zahra mosque in Baku to be handed over to the Muslim Board after an Iranian ayatollah threatened a "fatwa (religious ruling) of resistance" if the court-ordered destruction went ahead.

Harsh controls

Azerbaijan maintains harsh controls on all religious activity. Controversial changes to the Religion Law in 2009 made all unregistered religious activity illegal and state registration is very difficult to obtain. The new Religion Law required all registered religious communities to re-register with the State Committee for Work with Religious Organisations by 1 January 2010. Also controversially, since the latest amendment to the Religion Law, all mosques also need to be endorsed by the state-backed Caucasian Muslim Board (see F18News 22 July 2009 <http://www.forum18.org/Archive.php?article_id=1330>).

The most recent list of re-registered religious communities, posted on the State Committee website in late May, lists just 335 registered communities, although 534 communities had registration under the old Religion Law. Some 700 communities were awaiting registration or re-registration in early April, but an official denied to Forum 18 that the State Committee's work was "unprofessional" (see F18News 7 April 2010 <http://www.forum18.org/Archive.php?article_id=1429>).

Communities that meet for worship without state registration - such as the Baptist congregation in the northern town of Aliabad, which has been seeking registration in vain for more than 15 years - face threats of punishment, most recently in April (see F18News 11 May 2010 <http://www.forum18.org/Archive.php?article_id=1443>).

Enforced closures of places of worship

The state has closed a series of mosques - mostly Sunni - in recent years and several have been demolished. Among those closed is the Sunni mosque in Azerbaijan's second city Gyanja [Gäncä], which the community has been trying to have reopened, so far in vain (see F18News 7 May 2010 <http://www.forum18.org/Archive.php?article_id=1441>).

Javanshir Suleymanov, lawyer for the closed Abu-Bekr mosque in Baku, said that there has been no progress on its reopening. "We've already been through all the courts and there's nothing left," he told Forum 18 from Baku on 20 May. He said they lodged a complaint to the United Nations human rights mechanisms in Geneva in 2009, which has asked them for supplementary information as they examine the complaint.

Places of worship confiscated during the Soviet period have often not been returned to religious communities, including a century-old Baptist church in central Baku and several Georgian Orthodox churches near the town of Gakh in north-western Azerbaijan near the Georgian border. In particular, the authorities obstructed access several years ago to St George's Church in the village of Kurmukh in 2007, and have since allowed only limited access for services (see F18News 29 January 2009 <http://www.forum18.org/Archive.php?article_id=1246>).

However, in April or May 2010 the State Committee registered a second Georgian Orthodox community in addition to the long-standing registered community in Gakh. The newly-registered community is St Nino's Church in Alibeyli, according to the latest list on the State Committee website. St George's Church in Kurmukh has not gained registration.

Will Police close Mushfiqabad mosque?

Imam Garaev of the Sunni Mosque in Mushfiqabad in Garadag District near Baku told Forum 18 that his mosque began functioning 12 years ago and gained registration with the Justice Ministry. He said that although the mosque is small, hundreds of worshippers attend regular Friday prayers, including some from Baku.

However, Garaev said the local police officer told him verbally in mid-May that he needed to speak to the police chief. He went to the 10th police station of Garadag District, but officers there sent him to Intigam Mirsalaev, head of Garadag District Police. Mirsalaev told him that the mosque is to be closed as it does not have registration, though he gave him no order in writing. He added that he is not to conduct the namaz (prayer) as he has no permission to do so.

Mirsalaev also asked Garaev why worshippers come from Baku and instructed him to tell them not to come. "I told him I can't tell people not to come," Garaev told Forum 18.

Imam Garaev told Forum 18 that the Caucasian Muslim Board, which had earlier given its approval to the mosque, is not doing so. "They say our documents are not in order, but they are fine. They don't want to approve our application."

The imam said he decided to go ahead with Friday prayers on 21 May, led by his deputy, but police did not intervene. "The mosque remains open and we continue with the namaz," he told Forum 18. However, he fears that police could move to close the mosque at any time. He said the community is considering engaging a lawyer to protect their rights.

The aide who answered Mirsalaev's telephone at Garadag District Police on 27 May, who did not give his name, appeared to be consulting his boss about Forum 18's question as to why the mosque is threatened with closure. He then said Mirsalaev was unavailable, adding later that he was not in the office. He refused to discuss the threatened closure by telephone. "We only respond to written requests."

Forum 18 was unable to reach any official of the State Committee on 26 and 27 May. However, State Committee spokesperson Gunduz Ismailov told the local APA agency on 20 May that it is aware of the situation at the mosque and is "working on it".

Mekhtiabad mosque reprieved - for now?

Local police visited the mosque in the village of Mekhtiabad in Absheron District north of Baku on 15 May, the Baku-based lawyer Suleymanov (who also represents the Abu Bekr mosque community) told Forum 18 on 20 May. Without showing any official document they ordered the mosque to close. He said the mosque community had discussed taking him on to defend their rights.

However, Absheron District Police Chief Colonel Namik Ismailov categorically denied to Forum 18 on 21 May that police had ordered the Mekhtiabad mosque to close. "It didn't happen," he claimed. "People pray there - it is open. Police did not intervene." He claimed that Azerbaijan is a free country and that "people can pray where they want".

Suleymanov told Forum 18 on 25 May that police had withdrawn their order to close the mosque and said he believed Forum 18's call to the police chief might have influenced this decision. "Why have you harmed our country by speaking of this abroad?" he quoted police as telling members of the mosque community. He said the mosque community had told him they no longer need a lawyer to defend their rights.

Fatima Zahra mosque demolition overturned

Members of the community of the Fatima Zahra mosque in the Yeni Guneshli district of Baku have welcomed the about-turn over the confiscation and demolition of the half-finished building. President Aliiev issued an unpublished instruction on 14 May that the mosque should not be destroyed and should be handed to the Caucasian Muslim Board headed by Sheikh-ul-Islam Allahshukur Pashazade, as his deputy Salman Masaev confirmed to Forum 18 on 19 May.

Masaev said that prayers have not yet resumed at the Fatima Zahra Mosque and the building will have to be completed before this happens. He said discussions were underway with city officials over the rebuilding. Asked when it will be completed and opened for

worship, he told Forum 18: "It won't be years - more like several months."

"We've not seen the order - the president gave it to the Sheikh," community leader Tofik Rasizade told Forum 18 from Baku on 20 May. "See, God has done something. We're satisfied that God's house will not be destroyed." He added that Pashazade has told the community not to be in a rush to resume prayers at the site.

Although land and permission to build was given by Baku City Council in the 1990s, members of the Fatima Zahra mosque in Yeni Guneshli were shocked to receive an order in summer 2009 from the Surakhani District authorities to oust them from the site and recover the building.

The community failed to overturn the decision through the courts, with their appeal being turned down in the Supreme Court on 30 April. That left the option only of a final appeal to the Supreme Court Plenum and after that to the European Court of Human Rights in Strasbourg. Pashazade had also appealed to the President to save the mosque (see F18News 7 May 2010 <http://www.forum18.org/Archive.php?article_id=1441>).

President overrides courts

The President's sudden order came amid mounting criticism of the closure of mosques in Azerbaijan, including the Fatima Zahra mosque. A roundtable in Baku on 6 May attributed the closures to "the influence of world Islamophobia in Azerbaijan", which they believe is backed by Zionism, the Turan news agency reported. Complaints had already come in from Muslims in Russia's southern republic of Dagestan.

Grand Ayatollah Nasser Makarem Shirazi, speaking in the Iranian holy city of Qom on 12 May, denounced the destruction of mosques in Azerbaijan. "If the destruction of the mosques in Azerbaijan continues, we will issue a fatwa (religious decree) of resistance, and we will declare that anyone who is killed in this path is a martyr," the Tehran Times quoted him as saying the following day. "We have officially sent our message to the Azerbaijani government, and we hope that they stop."

Although the State Committee on 13 May denounced the ayatollah's comments as "unacceptable", according to Trend news agency, on 14 May President Aliiev issued his order.

The legal authority for President Aliiev's decision to overturn a court ruling remains unclear. The Presidential Administration Press Service refused to discuss the decision with Forum 18 on 18 May. Written questions and a request for the text of the 14 May decision, sent the same day, had not been answered by the middle of the working day in Baku on 27 May.

Masaev of the Caucasian Muslim Board told Forum 18 that the president's order had solely concerned the Fatima Zahra Mosque, not any of the other mosques closed or threatened with closure by the authorities. Asked what his Board was doing to gain the reopening of other closed mosques - such as the Sunni mosque in Gyanja and the closed mosques in and around Baku - he said Forum 18 should speak to the State Committee.

Religious book confiscations continue

"Operational measures" or raids continue against readers of the works of the late Turkish Muslim theologian Said Nursi. In a joint operation by Terter District Police and officers of the National Security Ministry (NSM) secret police, the home of Nursi reader Suleiman Mamedov was raided in the village of Bayandur in western Azerbaijan, the Interior Ministry website reported on 21 May. It said 58 religious books and brochures banned by law were discovered and confiscated. It added that an investigation was continuing.

The officer who answered the phone at the Public Affairs Department of the NSM denied that any such operation had taken place. "What you say is not true," the officer - who did not give his name - told Forum 18 on 27 May. Told that the Interior Ministry had noted the raid on its website and spoken of the NSM's involvement, the officer responded: "We're not the Interior Ministry. You must speak to them."

No one at Terter District Police was prepared to discuss the raid with Forum 18 on 25 May. The duty officer referred Forum 18 to the Police Chief Mageramov. However, his phone went unanswered on 25 and 26 May.

Nursi readers have been particular targets for literature confiscation, fines and even imprisonment for up to 15 days (see F18News 20 May 2010 <http://www.forum18.org/Archive.php?article_id=1447>). (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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