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AZERBAIJAN: Massive fines and warnings for meeting for worship

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

Six Jehovah's Witnesses in Azerbaijan's second city Gyanja have been given heavy fines for meeting for worship without the compulsory state registration, Forum 18 News Service has learnt. Only one of the fines was reduced at Gyanja Appeal Court today (14 December), leaving the total of the fines at 9,500 Manats (72,330 Norwegian Kroner, 9,300 Euros, or 12,090 US Dollars). This was described to Forum 18 as a "massive sum" by local standards. One of those fined, Rashad Niftaliev, has within a twelve-month period now been fined a total of 3,650 Manats for exercising his freedom of religion or belief. Meanwhile, in Absheron Region near the capital Baku, two Muslims were given official warnings for similarly meeting to discuss their faith in a private home without state registration. Responding to criticism of its restrictions on the exercise of freedom of religion or belief by Thomas Hammarberg, the Council of Europe Commissioner for Human Rights, Azerbaijan has claimed that "the Government supports all efforts to protect religious freedoms in the country and all over the world".

Six Jehovah's Witnesses in Azerbaijan's second city Gyanja [Gäncä] were given heavy fines for meeting for worship without the compulsory state registration, Forum 18 News Service has learnt. Only one of the fines was reduced at Gyanja Appeal Court today (14 December), leaving the total of the fines at 9,500 Manats (72,330 Norwegian Kroner, 9,300 Euros, or 12,090 US Dollars). This was described to Forum 18 as a "massive sum" by local standards. One of those fined, Rashad Niftaliev, has within a twelve-month period now been fined a total of 3,650 Manats (27,790 Norwegian Kroner, 3,570 Euros, or 4,650 US Dollars) for exercising his freedom of religion or belief.

Meanwhile, in Absheron Region near the capital Baku, two Muslims were given official warnings for similarly meeting to discuss their faith in a private home without state registration.

The minimum monthly wage has been 85 Manats (650 Norwegian Kroner, 80 Euros, or 108 US Dollars) from 1 September 2010, and rose to 93.50 Manats (710 Norwegian Kroner, 90 Euros, or 119 US Dollars) per month from 1 December 2011.

The fines and official warnings came just before amendments to both the Criminal and Administrative Codes increased yet further the punishments for exercising the right to freedom of religion or belief. The amendments were signed into law on 12 December by President Ilham Aliiev. This represents the third time in three years that punishments for religious activity have been widened and increased (see forthcoming F18News article).

Leonid Moroz, who heads Baku's Jehovah's Witness community, expressed concern about the raids and massive fines in Gyanja, which he called "a continuation of the State's attempts to eradicate the peaceful religious activity of Jehovah's Witnesses" in the city. "We are concerned that such attacks could spread to other cities in Azerbaijan, including Baku."

"An executive body"

Forum 18 asked Saleh Aslanov, spokesperson of the State Committee for Work with Religious Organisations in Baku, how such massive fines on the six Jehovah's Witnesses in Gyanja and official warnings given to two Muslims in Absheron District simply for meeting with others to discuss their faith could be justified. Forum 18 also asked why penalties had been widened and increased for religious activities for the third time in three years.

"The State Committee is not a legislative but an executive body," Aslanov replied to Forum 18 on 14 December. "For this reason we do not comment on court decisions or amendments to laws."

Ever wider and heavier punishments

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 times from the previous levels. Eldar Zeynalov of the Human Rights Centre of Azerbaijan stated that the newly increased fines are "massive", noting that those fined, especially rural residents without access to higher-paid work in Baku, will

struggle to pay them (see F18News 7 January 2011 <http://www.forum18.org/Archive.php?article_id=1527>).

More amendments to the Religion Law, to increase state control on freedom of religion or belief, were signed into law on 4 July. These amendments raised the required number of adult founders for a religious community from 10 to 50, introduced new controls on religious education, and increased the controls that the state requires religious headquarter bodies or centres to have over all communities under their jurisdiction (see F18News 27 July 2011 <http://www.forum18.org/Archive.php?article_id=1598>).

"The Government supports all efforts to protect religious freedoms" ?

Azerbaijan's restrictions on freedom of religion or belief have been repeatedly criticised by inter-governmental organisations of which the country is a member. For example Thomas Hammarberg, the Council of Europe Commissioner for Human Rights, has strongly criticised the country's state registration procedures and practices (see F18News 1 September 2010 <http://www.forum18.org/Archive.php?article_id=1482>). Exercising freedom of religion without state registration is illegal, against international human rights standards. Similarly, the European Commission against Racism and Intolerance (ECRI) described the country's restrictions as "incompatible" with European Court of Human Rights (ECtHR) case law (see F18News 8 June 2011 <http://www.forum18.org/Archive.php?article_id=1578>).

In its most recent response to Hammarberg of the Council of Europe, the government brushed off any criticism. "The religious policy of the Government is based on international norms and principles, international conventions to which Azerbaijan has acceded as well as the Constitution and other legal acts of the Republic of Azerbaijan," it claimed in a reply published on the Council of Europe website on 29 September. "The Government supports all efforts to protect religious freedoms in the country and all over the world."

Raid

On the morning of Sunday 20 November, police in Gyanja's Kapaz District raided the private home of Sadagat Abbasova, where about 40 people had gathered for a Jehovah's Witness meeting. Six Jehovah's Witnesses - the homeowner Abbasova, as well as Rashad Niftaliev, Asim Mammadov, Vugar Abishov, Famila Valieva, and Mardan Mammadov - were then taken to Kapaz District Police station.

All six were then taken to Kapaz District Court, even though it was Sunday afternoon. The six were brought to trial under Article 299.0.2 of the Code of Administrative Offences, which punishes "violating state procedures for holding religious meetings or events".

Another raid and official warnings

The raid on the Jehovah's Witnesses in Gyanja is not the only recent raid on people exercising the right to freedom of religion or belief. On the evening of 1 December a group of about 40 people had gathered in a private home in Absheron District near Baku. They were discussing their Muslim faith with the help of the works of the late Turkish Muslim theologian Said Nursi, their friends told Forum 18 from Baku on 5 December. Local police arrived and took about 40 people to the local police station, where they forced them to write statements about what they had been doing before they allowed them to leave.

The following day, 2 December, the two home owners were brought to Absheron District Court, where Judge Rahim Pashayev handed down official warnings that they were violating several Articles of the Code of Administrative Offences. On 12 December, an appeal was lodged to Sumgait Appeal Court against the official warnings, even though the lower court had still not issued the warnings in writing.

"With the goal of a conspiracy"

However in Gyanja the authorities prosecuted the Jehovah's Witnesses with the aim of imposing large fines. Shamistan Kerimov, the Deputy Head of Kapaz District Police, told Kapaz District Court that each one of the Jehovah's Witnesses had attended an "illegal" meeting on the morning of 20 November.

Firdovsi Kerimov, the head of the Gyanja office of the State Committee for Work with Religious Organisations, insisted to the Court that the Jehovah's Witness meeting was illegal as they did not have registration, according to the verdicts seen by Forum 18. He complained that they "with the goal of a conspiracy, were changing the places and conducted unlawful congregations at various addresses. Despite the fact that they were warned in administrative procedure and verbally, they continued to violate the law."

"The reality is that Jehovah's Witnesses do not have registration in Gyanja because the State Committee has repeatedly refused to grant it," Jehovah's Witnesses complained. "The first application was denied for alleged technical deficiencies, and their latest application, filed with the State Committee on 8 June 2011, has never been answered."

Fines

Judge Nuru Guliyev found all six guilty and sentenced each separately, according to the verdicts. Abbasova and Niftaliev were each fined 2,000 Manats (15,245 Norwegian Kroner, 1,960 Euros or 2,545 US Dollars). Valieva, Abishov, Asim Mammadov and Mardan Mammadov were each fined 1,500 Manats (11,440 Norwegian Kroner, 1,470 Euros or 1,910 US Dollars).

Third fine in twelve months

For Niftaliev, this was the third time in a twelve month period he has been fined under the same Article of the Code of Administrative Offences for exercising his freedom of religion or belief. He was among a group of Jehovah's Witnesses punished in a late-night hearing in December 2010 after a police raid. He was fined 150 Manats (1,035 Norwegian Kroner, 133 Euros or 191 US Dollars).

In June 2011 Niftaliev was again fined 1,500 Manats (10,350 Norwegian Kroner, 1,330 Euros or 1,910 US Dollars), following a raid on a Jehovah's Witness meeting in Gyanja because they do not have the compulsory state registration. An official of the State Committee defended its officials' participation, claiming raids were "in accordance with the law" (see F18News 13 June 2011 <http://www.forum18.org/Archive.php?article_id=1579>). Niftaliev is one of four Jehovah's Witnesses whose appeals against their administrative convictions following the raid were rejected in mid-July, and who are considering taking their cases to the ECtHR in Strasbourg. Three of the four were given heavy fines by a court in Gyanja, and the fourth was officially warned (see F18News 25 August 2011 <http://www.forum18.org/Archive.php?article_id=1604>).

The four were punished under Administrative Code's Article 299 ("Violation of the procedure for creating or running religious organisations"), which punishes a wide range of "offences", including meeting for worship without state permission. In December 2010, sharp increases in fines were introduced for all violations of Article 299, as well as fines for religious activity under Article 300 ("Violation of legislation on freedom of religion") of the Code (see F18News 7 January 2011 <http://www.forum18.org/Archive.php?article_id=1527>).

The 20 November verdict in Niftaliev's latest case records Deputy Police Chief Kerimov as noting that "despite the fact that he has been warned several times and has been given verbal warnings, he continued to violate the law". Kerimov added that Niftaliev "was aware of the fact that the conducting of such congregations in the city of Gyanja was unlawful".

Appeal

On 14 December, various judges at Gyanja Appeal Court heard the appeals of the six Jehovah's Witnesses against the November massive fines, according to the court website. Jehovah's Witnesses told Forum 18 that the fine on the homeowner Abbasov was reduced from 2,000 Manats (15,245 Norwegian Kroner, 1,960 Euros or 2,545 US Dollars) to 1,500 Manats (11,440 Norwegian Kroner, 1,470 Euros or 1,910 US Dollars). However, all the other fines remained unchanged.

Forum 18 was unable to reach any of the judges who heard the Jehovah's Witness appeals.

Religious freedom blackspot

Gyanja has been a particularly difficult place for religious communities to operate. The State Committee representative ordered three religious communities which did not have legal status to close in March. One, Star of the East Pentecostal Church, was visited by two bus loads of riot police and ordinary police to stop them meeting for worship (see F18News 8 April 2011 <http://www.forum18.org/Archive.php?article_id=1560>). Also, the only Sunni mosque in the city was forcibly closed by the state (see F18News 5 April 2011 <http://www.forum18.org/Archive.php?article_id=1558>).

At least two of the religious communities banned from meeting still cannot meet for worship, community members told Forum 18 separately on 1 November (see F18News 1 November 2011 <http://www.forum18.org/Archive.php?article_id=1632>). One of the religious communities banned from meeting by State Committee official Kerimov still cannot use their place of worship because it is unregistered, a member of the same community in Baku told Forum 18 on 7 December. "Only last week there were guests from the police, and such visits are common."

A member of another religious community said that their fellow-believers in Gyanja remain "absolutely banned" from meeting for worship. "The new registration rules require 50 people as founders, together with copies of their identity cards," the individual told Forum 18 on 5 December. "But people are frightened and in fear of the authorities." The individual saw "little hope" for improvement.

Forum 18 was unable to find out from State Committee official Kerimov why he had testified in court against the six Jehovah's Witnesses and why he had banned religious communities from meeting in his city. Each time Forum 18 reached him on 14 December he put the phone down.

Forum 18 spoke to Deputy Police Chief Kerimov on 14 December. However, as soon as Forum 18 asked why Kapaz District Police

officers had raided the Jehovah's Witness meeting and why he had testified in court against them, Kerimov claimed not to be able to hear well and put the phone down. All subsequent calls went unanswered.

Bookshops selling religious literature in the city has also been the target of the State Committee's activities, as they are responsible for the compulsory state censorship of all religious literature and objects. Kerimov, as local representative of the State Committee for western Azerbaijan, in March searched seven religious bookshops in the city, complaining that they were all operating without the necessary state licence (see F18News 12 April 2011 <http://www.forum18.org/Archive.php?article_id=1561>). (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://education.nationalgeographic.com/education/mapping/outline-map/?map=Azerbaijan>>.

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