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AZERBAIJAN: "Illegal liquidation"

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

Azerbaijan's State Committee for Work with Religious Organisations has moved to close down Greater Grace Church in the capital Baku for failing to regain the compulsory re-registration, Forum 18 News Service has learnt. This is thought to be the first attempt to compulsorily close a religious community through the courts since compulsory re-registration was imposed by the harsh 2009 Religion Law. If successful the Church would lose the legal right to exist. The unregistered exercise of freedom of religion or belief is illegal under the Religion Law, against international human rights standards. Church members reject the suit, insisting to Forum 18 that "illegal liquidation" of its legal status - which it has had since 1993 - would violate the "Constitutional rights to freedom of religion" of members. "The case begins properly on 15 March at 4 pm," Judge Tahira Asadova told Forum 18. Commenting on the state-imposed closure of a Muslim prayer room in a building rented out by a charity for deaf people, a charity official told Forum 18 that: "It's not a bad thing if people pray - indeed it's good. But they need registration. The government doesn't like it otherwise."

Azerbaijan's State Committee for Work with Religious Organisations has moved to close down Greater Grace Church in the capital Baku for failing to regain the compulsory re-registration, Forum 18 News Service has learnt. This is thought to be the first attempt to compulsorily close a religious community through the courts since compulsory re-registration was imposed by the harsh 2009 Religion Law. If successful the Church would lose the legal right to exist. The unregistered exercise of freedom of religion or belief is illegal under the Religion Law, against international human rights standards. Church members reject the suit, insisting to Forum 18 that "illegal liquidation" of its legal status - which it has had since 1993 - would violate the "Constitutional rights to freedom of religion" of members.

Officials of the State Committee in Baku refused to answer Forum 18's questions as to why it is seeking to liquidate Greater Grace Church through the courts. They referred Forum 18 to State Committee spokesperson Saleh Aslanov. Finally reached on 13 March, he refused to answer any questions by phone.

Forum 18 submitted written questions the same day, asking why the State Committee lodged the suit to liquidate Greater Grace, as well as ordering the closure of a Muslim prayer room in a property in Baku owned by the Society for the Deaf. Forum 18 also asked why many of the re-registration applications lodged by religious communities in 2009, after the Religion Law required re-registration, have still not been processed. No response had reached Forum 18 by the end of the working day in Baku on 13 March.

Raids, fines, literature confiscations

The moves through the court to strip the Greater Grace Church of its legal status come as ordinary police and National Security Ministry (NSM) secret police officers, with local officials of the State Committee, continue to raid religious meetings. Fines and confiscations of religious literature also continue (see forthcoming F18News article).

Solidarity with Greater Grace

Strongly backing Greater Grace Church is the leader of another Protestant community, Pastor Ilya Zenchenko, head of Azerbaijan's Baptist Union. "The move to liquidate the Church through the courts is against the Law and the Constitution, and discredits Azerbaijan internationally," he told Forum 18 from Baku on 13 March, "and punishes people who want to live an honest life. The State Committee - which has a duty to help religious believers - is instead engaging in repression of them."

Pastor Zenchenko insisted that this was the first time the State Committee has openly moved against any Christian Church. "Before all such actions were done in secret, using the police and the courts," he told Forum 18. He said he and other Protestant pastors intend to be present in court as an act of solidarity. He called on Azerbaijan's President Ilham Aliyev and the Organisation for Security and Co-operation in Europe (OSCE) not to ignore the Church's plight.

Several Baptist congregations in Azerbaijan had registration in the Soviet period. After Azerbaijan's independence the Baptist Union had 10 registered congregations in 1992. After compulsory re-registration in 1994 it was six. After compulsory re-registration in 1999 it was two. In 2009 - before the latest round of compulsory re-registration - the Union had been able to register three

congregations. These were in Baku, in the port city of Sumgait [Sumqayit] and in Azerbaijan's second city of Gyanja [Gäncä]. Now it has no registered congregations. Six congregations have been waiting in vain for registration from the State Committee since 2009 (see F18News 22 December 2011 <http://www.forum18.org/Archive.php?article_id=1651>).

The OSCE Office in Baku said that the case to liquidate the Greater Grace Church is one of a number of religious freedom cases it is following. "We will send observers to the 15 March hearing as part of our Trial Monitoring Project," the OSCE Office told Forum 18 on 12 March. "We are also following cases of Jehovah's Witnesses and Muslims, including those from Nardaran near Baku."

Jehovah's Witnesses have tried to challenge through the courts - so far unsuccessfully - the State Committee's denial of re-registration and decisions to reduce the numbers of copies of their books it is prepared to authorise for import (see F18News 1 November 2011 <http://www.forum18.org/Archive.php?article_id=1632>). Several Muslims affiliated with the Islamic Party have been arrested in Nardaran, a village near Baku regarded as a centre of independent Islamic activity.

Re-registration problems

Exercising the right to freedom of religion or belief without state permission is illegal, in defiance of international human rights standards. Several hundred religious communities which lodged registration applications at the State Committee to gain such permission, before the deadline of the end of 2009, have still not had their applications processed.

The latest compulsory re-registration of all religious communities in 2009 is the fifth since Azerbaijan gained independence with the collapse of the Soviet Union in 1991. They had to re-register after the adoption of the original Religion Law in 1992. They also had to re-register in 1994 and 1999 after changes to the Law, and in 2001 after the State Committee was set up. The fifth round of re-registration followed the 2009 Religion Law. Each time, vulnerable religious groups struggled to gain re-registration (see F18News 6 May 2009 <http://www.forum18.org/Archive.php?article_id=1291>).

Among the many communities whose applications lodged in 2009 are still waiting for processing are many mosques, especially those wishing to function outside the framework of the state-tolerated Caucasian Muslim Board (which all mosques are compelled to belong to). Also waiting are almost all Protestant communities (including all Baptist, Seventh-day Adventist and Pentecostal congregations), in addition to Jehovah's Witnesses.

Illegal summons to court, then hearing postponed

On 14 January, Baku's Greater Grace Church received a summons to appear at the city's Administrative Economic Court No. 1 on 16 February for the suit to liquidate the Church. Although written in the name of Judge Tahira Asadova and secretary Sevinj Ahmedova, only Ahmedova had signed the summons, church members complained to Forum 18. The Civil Procedure Code requires the Judge - and no other court official - to approve such summonses.

When church members arrived for the hearing on 16 February, they found Judge Asadova was absent. No one could explain why. Court secretary Ahmedova told them the hearing would be held on the afternoon of 15 March, though the Church has received no official summons for this hearing.

Judge Asadova denied to Forum 18 that any procedures had been violated. She insisted that the secretary "normally" signs such documents on behalf of the Court. She declined to discuss whether the Church had received a proper legal document summoning them to the 15 March hearing. The Judge also said the 16 February hearing had gone ahead as a preliminary hearing. "The case begins properly on 15 March at 4 pm," she told Forum 18 from the court on 12 March.

Forum 18 asked whether she is aware that this is the first known case since the new 2009 Religion Law that the State Committee has sought liquidation of a religious community through the courts. Forum 18 also noted that many religious communities are therefore watching the case with some concern over whether it will lead to further restrictions on their religious freedom. Judge Asadova responded: "I believe it is the first such case. I have been involved in Jehovah's Witness cases before, but these were suits from the Jehovah's Witnesses against the State Committee, not the other way round. But I won't have considered all the nuances of the case until the hearing."

Asked whether she will be governed in her eventual ruling by Azerbaijan's international commitments in the area of human rights, Judge Asadova told Forum 18: "Of course our international human rights obligations are important, but we need to examine the reasons why the State Committee is seeking their liquidation. Are these reasons correct?"

Church rejects State Committee accusations

Greater Grace Church members reject the State Committee's suit, arguing that it violates its religious freedom rights set out in Article 48 ("Freedom of conscience") of Azerbaijan's Constitution, Article 18 ("Freedom of thought, conscience and religion") of the Universal Declaration of Human Rights, and Article 9 ("Freedom of thought, conscience and religion") of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

In addition to what it describes as the "infringements" committed by the Court in preparing the case, church members rejects the core of the suit. They reject the State Committee's claim that the Church has ignored repeated reminders that it must re-register. "Such claims cannot be true, since our organisation has never received any letters of warning from the Claimant," church members told Forum 18. "Never once, since the Committee's very inception, has our organisation received a single warning letter from the Claimant."

Church members say the State Committee never told the Church that its Statute did not comply with the 2009 Religion Law. "It was for this reason that we deemed our founding documents to have completely met the requirements of the Law and State Committee, thinking there was no need to revise them." Church members also complain that the State Committee took the case directly to court without raising matters with the Church first, which was a violation of Article 259 of the Civil Procedure Code.

Justice Ministry registration since 1993

Greater Grace Church was registered with the Justice Ministry on 21 April 1993. The Church chose not to apply for re-registration in the third round of re-registration in 2001, when the State Committee was established and re-registration with it was required. However, so far the Church's 1993 Justice Ministry registration has never been revoked.

Church members insist it has "fully complied with the laws of Azerbaijan". They points out that no state bodies, including the State Committee for Work with Religious Organisations, have accused the Church of infringing the law. "State Committee employees have visited our services on many occasions and, eventually, we have established friendly relations."

State Committee forces prayer room to close

Meanwhile, in mid-January a group of Muslims who used a room for prayers in a building in Baku's Yasamal District owned by the Society for the Deaf, a non-governmental organisation, had to close the prayer room. The State Committee accused the Society of allowing the Huseiniya prayer room to function without state registration, State Committee officials told the local media in mid-January.

Responding to the State Committee's written complaint, the Society's head, Tapdyg Halygov, acknowledged that the prayer room was unregistered and that the collection box for financial offerings had been set up illegally.

Halygov's letter said a Society commission (whose task is to inspect charitable institutions run by the Society) had repeatedly inspected the premises where the prayer room was located. In view of the lack of registration the commission had ordered the closure of the prayer room, though such demands had been ignored. The State Committee insisted that the prayer room be closed.

Halygov's translator, who did not give his name, insisted that it was not the Society which had closed the prayer room. "These people were using a room in a building the Society rented out to others," he told Forum 18 from Baku on 13 March. "The Society knew nothing about it."

He said those who rented the building told those using the prayer room that they had to stop using it until they gain registration. "It's not a bad thing if people pray - indeed it's good. But they need registration. The government doesn't like it otherwise." (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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