

## **Table of Contents**

- ***Restrictions imposed as registration deadline approaches***
- ***Jehovah's Witness claims police beating, interrogation and strip-search***
- ***Officials deny Alternative Service commitment, as victim challenges sentence***
- ***Freedom of religion or belief in Azerbaijan***
- ***Freedom of religion or belief for all in Azerbaijan***
- ***Religious freedom concerns in Azerbaijan***
- ***Mosque closed four days before Ramadan ends***
- ***"They believe talking about their faith is not a crime"***
- ***Jehovah's Witnesses deported, Baptist next***
- ***The government doesn't want to give up control over religion***
- ***Jehovah's Witness arrested in Baku for refusing military duty***
- ***Parliament approves latest Religion Law changes***
- ***'Why shouldn't we bring order to this?'***
- ***Further repressive religion law changes target Muslims***
- ***Repressive new Religion Law and new punishments enter into force***
- ***Azerbaijan official says mosque demolitions legitimate***
- ***Azerbaijanis irate over plans to destroy new mosque***
- ***Mosques close in Baku, "capital of Islamic culture"***
- ***Religion Law amendments contradict themselves***
- ***Will Presidential Administration explain why it thinks amendments needed?***
- ***Will revised Religion Law ban unregistered worship?***
- ***What is the 'Plan to Prevent the Spread of Religious Extremism'?***
- ***"We have long been after you and now we've caught you!"***
- ***Literature censorship for export also?***
- ***Government still keeps Mosque, Baptist church, and Georgian Orthodox churches closed***
- ***Unregistered worship 'illegal' - but under what law?***

---

## **Restrictions imposed as registration deadline approaches**

By Felix Corley

Forum 18 (21.12.2009) / HRWF Int. (21.12.2009) - Website: <http://www.hrwf.net> - Email: [info@hrwf.net](mailto:info@hrwf.net) - With less than two weeks to go before the 1 January 2010

deadline for religious communities to re-register if they wish to continue to legally exist, more than four fifths of Azerbaijan's religious communities will become liable to liquidation through the courts unless they are able to get registration before 2010. Muslims have complained to Forum 18 News Service that only communities affiliated with the Caucasian Muslim Board are now eligible to apply for registration, while non-Muslim communities complain that officials of the State Committee for Work with Religious Organisations - which conducts the registration - are forcing communities to include restrictions on religious activity in their statutes.

Officials of the State Committee admitted to the local Azeri Press Agency on 16 December that only some 100 of the 534 religious communities that had registration under the old Religion Law have been re-registered. Officials have insisted through the local media that in accordance with the harsh new Religion Law, all unregistered religious activity will be illegal.

Without state registration, religious communities remain vulnerable to police raids and other forms of harassment. There is testimony that this can include physical violence, even including severe violence against and other mistreatment of an elderly woman.

Many have condemned the renewed demand for re-registration, such as Ilgar Ibrahimoglu Allahverdiev, head of the Devamm Muslim rights organisation and former imam of the Juma mosque community in Baku's Old City which was forcibly ousted by the state in 2004. "Registration has always been difficult but this time the bureaucracy has been worse than ever," Ibrahimoglu told Forum 18 from Baku on 21 December. "I don't understand why re-registration is needed every few years - each time communities suffer."

The requirement that mosques have to submit to the Muslim Board before applying for state registration or re-registration is not new. But Ibrahimoglu says he knows of several mosques in Baku and elsewhere that have difficulties applying for registration because of this requirement. He said he did not wish to identify them for fear of making their situation worse.

Ibrahimoglu also claimed that in Shamkir District of north-western Azerbaijan the authorities have bypassed the local Muslim communities and formed their own communities that they can control and promoted their re-registration applications.

#### Mosques closed, Muslim Board and Orthodox re-registered

The first organisation to be re-registered was the Caucasian Muslim Board in September, followed in November by the Baku and Caspian Russian Orthodox Diocese and then the Mountain Jewish community in Baku. Mosques, mostly in and around Baku, as well as the Hare Krishna community in Baku and New Life Protestant church were among others to receive re-registration.

Rahima Rahimova, press spokesperson for the Caucasian Muslim Board, told Forum 18 from Baku on 21 December that the Board's Organisational Department has asked the State Committee to re-register 419 individual mosques around Azerbaijan. She said she did not know how many of those have already been re-registered, but agreed that it seems unlikely that all will be re-registered by the deadline. "State Committee officials told us that communities that apply before the deadline, even if they are not re-registered by then, will be fine."

Just over 500 mosques had registration under the old Religion Law, but Rahimova said she did not know what had happened to any applications from the more than 80 others. She was unsure whether any communities whose mosques have been demolished or

closed down by officials were included in the communities recommended for re-registration.

In Baku alone the authorities have demolished one mosque and closed three others, one of which is also threatened with demolition. Several commentators bitterly pointed out to Forum 18 that the mosque closures and demolitions came while Baku was one of the four Capitals of Islamic Culture for 2009.

Fr Konstantin of the Russian Orthodox Diocese told Forum 18 proudly on 16 December that it had been the second community to be re-registered after the Muslim Board. He said the Diocese's statute allows it to function across the whole of Azerbaijan, adding that State Committee officials had not instructed it what to include in or exclude from its statute. "They accepted the statute we had before," he told Forum 18.

#### Arbitrary statute restrictions

A variety of religious communities have complained to Forum 18 that the State Committee has imposed on them a model statute – the text of which has been seen by Forum 18 - which reinforces restrictions included in the new 2009 Religion Law, as well as unclear formulations which may be used against peaceful religious activity. The "model statute for non-Muslim religious communities (organisations)" appears to have been imposed on a number of non-Muslim, non-Russian Orthodox and non-Jewish organisations.

Most controversial are the territorial restrictions imposed via the model statute, which reinforce provisions in the Religion Law. Article 1.1 of the "model statute" states that the community is founded for religious activity "on its own property", while Article 1.11 includes the bald statement: "The territory of activity: The community can only function on the territory of its own legal address."

One religious minority representative told Forum 18 that when they asked why such territorial restrictions are being imposed, State Committee officials refused to say. "They told us they are not here to give explanations and that only the Constitutional Court has the right to interpret laws."

Although the new Religion Law requires permission from the State Committee for religious communities to import or produce religious literature or other religious items, religious communities question the need for the statute to specify that they will seek such permission. Likewise, the model statute specifies that the community will inform the State Committee when it gives religious education to its young people and adults.

The model statute also imposes rules on how religious communities make internal decisions, Article 3.1 specifying that the ruling body of a community is a general meeting of the 10 founders required by the Religion Law. This must take place at least once a month.

#### Undefined wording

Also imposed is an unclear formulation specifying that "the community formulates its relations with other religious confessions on the basis of religious toleration (tolerance), respect and the avoidance of conflict" and that the community cannot use violence or the threat of violence in promoting its faith.

Some are concerned by the lack of definitions of these terms, which they fear the state will use against peaceful religious activity. State Committee officials have justified the country's severe censorship regulations – which are used against a wide variety of

religious believers – on the grounds that banned literature was "propagating religious intolerance and discrimination".

Article 1 of the Religion Law amended in 2009 bans the undefined "spreading propaganda of religions with violence or by threatening violence, as well as with the purpose of creating racial, national, religious, social hostility and enmity. It is prohibited to spread and propagate religions (religious movements) against the principles of humanity and human dignity." The Law offers officials a wide range of possibilities to ban religious groups they dislike.

"This presumes we are guilty unless we state otherwise"

Several Protestant Churches have told Forum 18 that they object to the model statute. "It appears we have to make clear we are not going to break the Law," one complained. "This presumes we are guilty unless we state otherwise."

One community which refused to accept the model statute was the Baha'i community, which has a national centre and a community each in Baku and Sumgait. "They told us to change our current statute to conform to the new Law and we complied," one Baha'i told Forum 18 from Baku on 21 December. "Whatever you write in the statute is meaningless anyway, because the Religion Law takes precedence."

Not all non-Muslim communities were given the model statute. Fr Vladimir Fekete, the head of the Catholic Church in Baku, said that State Committee officials have told them that their statute "must conform to the new Religion Law". "Our lawyer is now working on this," he told Forum 18 from Baku on 16 December. He said the Church lodged its application in early December, but has had to correct one document.

Jehovah's Witnesses – who are waiting for a response to their re-registration application for their Baku community – told Forum 18 on 21 December that State Committee officials merely gave them the amendments to the Religion Law and told to ensure that their new statute conformed to them. "What we put in our statute is up to us."

Several Protestant Churches complained that State Committee officials objected to provisions in their proposed charters over inviting foreign fellow-believers to visit communities for religious purposes and over including children in religious activity. "Officials refused to allow us to include these, but we are going to try to fight for them," one told Forum 18.

No response to Georgian Orthodox

Although relations between the leadership of the Georgian Orthodox Church and Azerbaijani state leaders seem to be improving, the Church is still waiting for an official response to a letter from Georgian Patriarch Ilya to Hidayat Orujev, head of the State Committee, and President Aliiev. Ilya met the president on a visit to Baku in November and met Orujev the same month when he visited the Georgian capital Tbilisi.

"Our Patriarch wrote to the President and Hidayat Orujev asking them to register a Georgian Orthodox Diocese in Azerbaijan," a Patriarchate representative told Forum 18 from Tbilisi on 21 December. "We also asked Sheikh-ul-Islam Pashazade of the Muslim Board to help facilitate our registration. So far there has been no response. We hope they'll agree to do this. If they don't, they'll have to write giving their reasons why not."

The representative told Forum 18 that the one registered Georgian Orthodox parish in Gakh in north-western Azerbaijan, which has a sizeable ethnic Georgian population, has not lodged re-registration documents as they are hoping to register the diocese first. The

representative admitted that problems over access by Georgian Orthodox to other historical churches has still not been resolved.

Asked about reports that Orujev and the Patriarch had agreed over plans to build a Georgian Orthodox church in Baku, the representative warned that it was still early days. "This will have to wait until the Georgian Embassy in Baku can acquire a plot of land." Asked why the community cannot itself acquire its own land and apply for registration, the representative said it is not clear if this would be possible.

#### Religion Law forces re-registration

The compulsory re-registration of all religious organisations – the fourth since Azerbaijan gained independence with the collapse of the Soviet Union in 1991 – was mandated by the repressive amendments to the Religion Law which came into force in May 2009.

The amendments also increased the range of information communities must give when lodging registration applications, required State Committee approval to build or rebuild any place of worship wherever it is located in Azerbaijan, banned the sale of religious literature in venues that have not been approved, banned religious activity outside registered addresses of religious communities, and imposed new penalties in the Criminal Code and Code of Administrative Offences for violations of these new restrictions.

A second set of amendments to the Religion Law – this time targeting only Muslims – were signed by President Ilham Aliyev and made public in July, without saying when they came into force. These amendments ban non-citizens and citizens who have gained their religious education abroad from leading Muslim rituals.

#### The Nakhichevan exception

However, an assistant in the Religious Affairs Office in Nakhichevan – an exclave wedged between Armenia, Iran and Turkey which is an autonomous republic of Azerbaijan – insisted that no re-registration requirement exists there. "We're not doing re-registration here," Faik Farajov told Forum 18 from Nakhichevan on 21 December. "We're subject not to the State Committee in Baku but to the government of the Autonomous Republic."

He insisted that the ban on unregistered religious activity prescribed in the new Religion Law will not apply in Nakhichevan. "No one here said anything about religious activity without registration being illegal. There's no such ban here." He pointed out that of the 250 or so mosques, only eight have state registration. "They registered with us here in Nakhichevan and were re-registered in 2004 and 2005. They all had a certificate from the Caucasian Muslim Board.

The Nakhichevan authorities have cracked down hard on small communities of Seventh-day Adventists and Baha'is in Nakhichevan. Farajov the Religious Affairs Office told Forum 18 that no non-Muslim communities exist. "The Adventists and Baha'is have all left," he claimed, insisting that "of course" they would be allowed to function.

Ibrahimoglu of the Devamm Muslim rights group points out that control by the authorities in Nakhichevan is even tighter than in the rest of Azerbaijan. No independent monitoring of religious freedom or other human rights can take place there. "It is not safe to do so," he told Forum 18.

#### Struggles for registration

Registration is especially tightly controlled in Azerbaijan. Each time the Religion Law has been substantially amended in the 18 years since independence, all religious communities have been obliged to re-register, with time-consuming meetings, paperwork

and negotiation with the State Committee. Each time some disfavoured religious communities have found that ever fewer have been able to do so, Forum 18 notes. The last re-registration drive in the wake of the 2001 Religion Law amendments saw many unable to gain registration.

Believed to hold the record for the religious community denied registration for the longest time is the Baptist congregation in the town of Aliabad in Zakatala District. It first applied for registration in the mid-1990s and is still waiting.

Pastor Zaur Balaev told Forum 18 from the town on 13 December that church members again went to Zakatala notary Najiba Mamedova on 11 December for her to notarise the signatures of the 20 founders on the application, but both she and her colleague refused to do so once again. "Until we get an order from the State Committee in Baku we won't do so," Balaev quoted them as saying. The church has prepared a complaint to Orujev, the head of the State Committee in Baku.

In 2008, the State Committee registered 102 communities, all but one of them Muslim. The only non-Muslim community it registered was a Jewish community in the city of Sumgait. In 2009 it refused to register any new communities until the new Religion Law had come into force.

Of the 534 religious communities which managed to gain registration under the old Religion Law, Forum 18 believes that 502 were Muslim while only 32 were of other faiths. The Russian Orthodox diocese (which has six parishes in Azerbaijan) chose to register as one organisation. Eight of the communities were Jewish (Ashkenazi, Mountain or Georgian Jews), three were Molokan, three Baptist, three Baha'i, two Adventist, one Hare Krishna, one Jehovah's Witness, one Georgian Orthodox (the parish in Gakh), one Catholic, one Albanian Udin, and six other Protestant congregations.

---

## **Jehovah's Witness claims police beating, interrogation and strip-search**

By Felix Corley

Forum 18 (15.12.2009) / HRWF Int. (16.12.2009) - Website: <http://www.hrwf.net> - Email: [info@hrwf.net](mailto:info@hrwf.net) - Police in the northwestern district of Zakatala [Zaqatala] have refused to explain whether, and if so why, on 29 November they beat a 71-year-old Jehovah's Witness Lydia Suleimanova. She states that a beating from police left her requiring medical attention, and that police questioned her for many hours at the police station, accused her of being a prostitute and stripped her naked for a drugs search. The man who answered the telephone of district police chief Faik Shabanov on 15 December refused to talk to Forum 18 News Service. The deputy chief Kamandar Hasanov told Forum 18 that he had not been on duty then. "I was on leave in Russia and am off till later in December," he said. "Why are you getting involved in things here that have nothing to do with you?" he asked Forum 18. Despite repeated calls on 15 December, no duty officer at the police station was prepared to discuss Suleimanova's case.

Eldar Zeynalov, head of the Baku-based Human Rights Centre of Azerbaijan, says he finds Suleimanova's claims of maltreatment at the hands of the police credible. "The fact that there are many similar cases of police maltreatment and the background of moves in that region of Azerbaijan against Baptists, Georgian Orthodox and so-called Wahhabis force me to believe that they are true." Forum 18 notes that on occasion police in Azerbaijan raid, threaten, harass, question and insult religious believers who do not share their own religious views or who they fear will threaten government authority.

Zeynalov of the Human Rights Centre of Azerbaijan points out that Azerbaijan's Law on the Police forbids the use of physical force against women. He finds it disturbing that officials have been slow to respond to her complaint. "The danger is that traces of the incident will disappear." Zeynalov called for a thorough investigation of the claims of maltreatment, a search for eye-witnesses to testify and an assessment of Suleimanova's medical condition. "If the claims are proven the police should be punished."

Elsewhere, police in the capital Baku prevented a group of Muslims angry at the decision to confiscate their half-finished mosque in the village of Yeni Guneshli from conducting Friday prayers at the site on 11 December (see forthcoming F18News article). The mosque was ordered demolished by a court in August.

Beating, insults, interrogation and a strip-search

Suleimanova, who is from the town of Sheki, had been visiting the village of Aliabad near Zakatala on 29 November for a Jehovah's Witness meeting. She was waiting for a bus back to her home town on the main road on the edge of the village at 1.30 pm when she says she was suddenly approached by a man of about 40 in a police uniform. He grabbed her bag and, swearing at her, pushed her into a nearby cafe. "He was very large and strong and I was very afraid as he was very angry," she recounted.

Inside the cafe he emptied out Suleimanova's bag, finding her Bible, a copy of the Watchtower magazine and other Jehovah's Witness publications, and accused her of distributing literature at the market, which she denied. She said he then again insulted her "using words which I cannot repeat" as a "Jehovist", as well as insulting "my fellow believers and my God".

Suleimanova said that although the cafe was full with Sunday customers, no one intervened to protect her when he began hitting her on the head and in the face. She said he then dragged her to the door of the cafe, deliberately banging her head on it, and then pushed her outside, where he told two waiting police officers to take her in their car to Zakatala police station.

Suleimanova complained that she was then taken from office to office to be questioned by four or five different police officers about why she had come from Sheki to Aliabad, whether she had handed out leaflets at the market and what they had discussed at their Jehovah's Witness meeting. "One investigator asked me angrily why I did not read the Koran," Suleimanova complained. "I told him I read the Injil [Bible]." She said officers were insulting and used words "inappropriate for cultured people", including again accusing her of being a prostitute.

Officers refused to allow her to call a lawyer or any friends in Zakatala. Fearing that she would again be maltreated she signed a statement the police prepared. When she asked for her books back they said they would be sent to the police in her home town of Sheki.

One officer then forced a female cleaner in the police station to conduct a full strip-search of Suleimanova to look for drugs. "Of course there were no drugs there."

At 8pm she says she was taken to the medical centre next to the police station for a doctor to do an official examination of her wounds. The doctor refused to show her what he had written. She said that it was only the following morning when bruises around her eyes and haematoma on her forehead became prominently visible.

After some seven hours being interrogated and maltreated, police then proposed to take her back to the bus stop at Aliabad. She persuaded them to take her instead to a fellow Jehovah's Witness locally.

Suleimanova returned home to Sheki the following day. A man identifying himself as a police officer telephoned her and said that as she was not intending to complain about her treatment, he would come round with a document for her to sign declaring that she had no complaint against the police. She told him she was going to complain and he said he would come anyway, but he never did.

She said on 1 December that she went to a local photographer to record her injuries and asked him to date stamp the photo as evidence. She was also treated by an emergency doctor, but as he would not give her a certificate recording her condition she also went to the local polyclinic, but they said they would not conduct an official examination without a request from the police. At the police station in Sheki she described the events and the man she says was responsible. "But I didn't say he was in police uniform otherwise he would not have sent me for the official examination." However, the doctor would not give her a copy of his findings.

Religious communities in Zakatala District have long experienced harassment from the authorities. Two Baptist pastors have successively been imprisoned on what church members strongly insist were false charges, imposed in retaliation for their continuing worship without state registration.

#### Appeals against maltreatment

On 7 December Suleimanova lodged an appeal against her maltreatment to the General Prosecutor's Office in Baku, the Interior Ministry's Inspection Department and the country's Human Rights Ombudsperson Elmira Suleymanova. (Forum 18 has seen a copy of her appeal.) "These police officers persecuted me because I hold religious views which differ from their own personal views and attend religious meetings," she declared. "They thrust their own religion on me by force, abusing their official position and power." She called for the police officers involved to be punished.

The Complaints Department at the Ombudsperson's Office told Forum 18 on 15 December that it had received the complaint on 11 December and would respond to Suleimanova within the prescribed ten days. Jehovah's Witnesses told Forum 18 that she met an Ombudsperson Office local official in Sheki, Pervez Mamedov, on 15 December to discuss her case.

The Complaints Department at the Interior Ministry told Forum 18 on 15 December that it had not received it. However, an official of the Chief Organisational-Inspection Administration insisted to Forum 18 the same day that "every appeal is considered". No one at the General Prosecutor's Office was available on 15 December to say whether the appeal had been received and what would be done with it.

Suleimanova noted that she is now too afraid to visit her fellow-believers in Aliabad for religious meetings, in case the local police attack her again.

#### Other police involvement in harassment

Forum 18 has learnt that police elsewhere in Azerbaijan have taken part in harassing other religious believers.

The Interior Ministry reported on its website on 8 December that police in Belakan district – to the north of Zakatala – searched the home of Ilfan Makhmiev and his brother Kanan in the village of Gullar. They confiscated 47 religious books, 33 computer discs, two videotapes and six religious drawings.

Belakan police chief Jalil Mehmanov told Forum 18 from Belakan on 15 December that the confiscated books were Muslim. "I didn't take part in the operation, but there are

Wahhabis here," he told Forum 18, referring to a common name for purist Muslims, whether or not they are violent. "We sent the books for expert assessment to the State Committee for Work with Religious Communities in Baku. If a religion is not allowed we don't allow their books." He said that if the books represent no danger, they will be returned in a month's time.

Asked whether this meant that any religious books were safe from confiscation for verification by the State Committee, Mehmanov responded: "We usually don't take the risk and get them checked." He refused to say on what grounds the Makhmuevs' home had been searched in the first place.

In early 2009 a Protestant church member was attacked by three unknown men in a Baku suburb who called her a "kafir" [Arabic for "unbeliever"] and ended up in hospital, the church member told Forum 18. When the church member went to the local police to give information about the attackers so that they could be identified and prosecuted, the police asked why the church member had been attacked. On hearing that it was because of their faith, the police said: "If you were attacked because you changed your faith, that is your fault." The church member was again summoned by the police without giving a reason two months later, but decided not to go. The church member felt obliged to leave the suburb.

The Protestant – who became a Christian more than ten years ago – said social pressure against the family had always been strong, with one adult family member being sacked from their state job and another being downgraded. "My boss said you have changed your faith this time, next time you'll betray your country." The children had faced bullying in school from other children.

Another Protestant Christian elsewhere in Azerbaijan, who asked that neither his name nor his location be identified for fear of reprisals, told Forum 18 that after he gathered local residents for smallscale Christian meetings in a private home in his native region, someone informed the police and he was summoned in summer 2009. "I was taken to the police station where I and those who had gathered for meetings with me were insulted," he told Forum 18. "We were strictly warned that if we again meet together we will have serious problems. Then they tried to find out who had sent me, who I work for, and beat me. I was banned from living and evangelising in the district."

Before being forced to flee, the Protestant said a local man, "a strong believer in Islam", had threatened that if he spoke to anyone of his Christian faith he would kill him and then cross the border to Iran. "I would be blessed there for killing a kafir [unbeliever]," the man reportedly told the Protestant.

"I am now forced to live far from my home region," the Protestant complained to Forum 18. "I want to be able to return."

In another town some distance from Baku, police raided a Protestant Sunday service in a private home in October, Protestants who asked not to be identified told Forum 18. They asked that the location also not be published for fear of reprisals against the community. Police took the names and other details of all those present and questioned them about their meetings.

Conscientious objector's appeal fails

Meanwhile, Jehovah's Witness Mushfiq Mammedov has failed in his appeal to overturn his criminal conviction for refusing military service on grounds of religious faith. On 9 December Judge Rahman Mirzaev at Baku's Appeal Court upheld the original conviction handed down by a local court in Baku in October, Jehovah's Witnesses told Forum 18.

Convicted under Criminal Code Article 321.1, which punishes refusal to perform military service in peacetime, Mammedov was fined 250 Manats (1,737 Norwegian Kroner, 206 Euros or 312 US Dollars). The judge took account of the two months he had spent in pre-trial detention.

Mammedov argues that Azerbaijan's Constitution and the country's commitment to the Council of Europe require it to introduce a civilian alternative to compulsory military service. He is preparing a further appeal to Azerbaijan's Supreme Court, Jehovah's Witnesses told Forum 18. He has not yet paid the fine.

---

## **Officials deny Alternative Service commitment, as victim challenges sentence**

Felix Corley

Forum 18 (03.12.2009) / HRWF Int. (16.12.2009) - Website: <http://www.hrwf.net> - Email: [info@hrwf.net](mailto:info@hrwf.net) - Sentenced by Azerbaijan in 2006 for refusing compulsory military service on grounds of religious faith, Jehovah's Witness Mushfiq Mammedov has been sentenced again on exactly the same charges in October 2009 and fined. He is challenging this in Baku's Appeal Court. The judge's assistant told Forum 18 News Service that the hearing, which began on 2 December, is due to resume on 9 December. Jehovah's Witnesses pointed out to Forum 18 that Azerbaijan's Constitution and Criminal Code do not allow criminal charges to be brought against someone twice for the same crime. Meanwhile, despite Azerbaijan's commitment to the Council of Europe to have already adopted a Law on Alternative Service, a senior parliamentary official has said the draft will not be presented to Parliament until the conflict over Nagorno-Karabakh is resolved. Andres Herkel, co-rapporteur of the Council of Europe Parliamentary Assembly, told Forum 18 that "this can't be a universal excuse for Azerbaijan not to fulfil its obligations and standards on human rights and basic freedoms".

Jehovah's Witness Mushfiq Mammedov has appealed against his criminal conviction handed down in October for refusing compulsory military service on grounds of religious faith. The initial hearing of his appeal took place on 2 December at Baku's Appeal Court under Judge Rahman Mirzaev and is set to conclude when the substance of his appeal is examined at the next hearing on the afternoon of 9 December, the judge's assistant told Forum 18 News Service from Baku on 2 December. This is the second time Mammedov has been convicted on the same charge.

This latest prosecution of a conscientious objector came amid renewed controversy over Azerbaijan's failure to comply with its Council of Europe commitment to introduce a civilian alternative to military service by January 2003.

Debate was sparked by comments to journalists on 20 November by Safa Mirzoev, chief of staff of the Milli Meclis (parliament), that the draft Law on Alternative Service has been prepared but will not be presented to the Milli Mejlis until the conflict with ethnic Armenians over Nagorno-Karabakh is resolved. Mirzoev also claimed that the draft Law had been given a "positive" assessment by the Council of Europe. (Mirzoev had made similar remarks in December 2008.)

Mirzoev's office repeatedly told Forum 18 in late November and early December that he was too busy to discuss the issue. But Mehman Gayubov of the Milli Meclis press office told Forum 18 on 2 December that, as an official of the Milli Meclis administration, Mirzoev was giving his own opinion. "He doesn't represent the government or deputies." Gayubov said that deputies had discussed the proposed Law some years ago but insisted

that the Milli Meclis "cannot adopt" such a Law. "Society wouldn't understand this." He denied that introducing an alternative civilian service is a Council of Europe commitment.

Forum 18 has been unable to find out whether Mirzoev's comments also represent the view of the government and the powerful Presidential Administration. Elshad Babaev of the Military Department of the Presidential Administration declined to comment on Mirzoev's remarks but confirmed to Forum 18 that Azerbaijan does have a commitment to the Council of Europe to introduce alternative service in law and practice and conceded that this has not yet happened.

"We want to do what we promised," Babaev told Forum 18 on 26 November in comments he stressed were his personal view. "But you should take into account that Azerbaijan has very specific issues over the Nagorno-Karabakh issue." Told that the essential situation of the Nagorno-Karabakh conflict has remained unchanged since the 1994 ceasefire and is no different to the situation in 2000 when Azerbaijan agreed its commitments to the Council of Europe, Babaev responded: "We had hoped that the conflict would have been resolved before the commitment was achieved."

Babaev told Forum 18 that the issue of the Alternative Service Law is being handled by the Presidential Administration's Department for Work with Law-Enforcement Agencies. However, its head Fuad Aleskerov was repeatedly unavailable between late November and early December. Equally unavailable was Shahin Aliev, head of the Department for Legislation and Legal Expertise.

### **Azerbaijan's defiance of human rights commitments**

Article 76 of Azerbaijan's Constitution provides that "if beliefs of citizens come into conflict with service in the army then in some cases envisaged by legislation alternative service instead of regular army service is permitted". However, despite this Article and despite the country's Council of Europe commitments, no mechanism for an alternative to compulsory military service has been introduced. Refusal to perform military service in peacetime is punished under Article 321.1 of the Criminal Code with imprisonment of up to two years.

Among its commitments to the Council of Europe ahead of its accession in January 2001 was a commitment "to adopt, within two years of accession, a law on alternative service in compliance with European standards and, in the meantime, to pardon all conscientious objectors presently serving prison terms or serving in disciplinary battalions, allowing them instead to choose (when the law on alternative service has come into force) to perform non-armed military service or alternative civilian service".

Despite repeated pressure from the Council of Europe, Azerbaijan has failed to meet this obligation. Andres Herkel, one of the two rapporteurs of the Council of Europe Parliamentary Assembly for the monitoring of Azerbaijan, says he can understand concerns in Azerbaijan about an Alternative Service Law when the Karabakh conflict remains unresolved. "But this can't be a universal excuse for Azerbaijan not to fulfil its obligations and standards on human rights and basic freedoms," Herkel told Forum 18 from the Estonian capital Tallinn on 2 December. "This has been used many times on my visits to Azerbaijan."

Herkel said he had not seen the text of the proposed Alternative Service Law or the Council of Europe assessment. But he urged Azerbaijan to work with the Council of Europe on adopting the Law as soon as possible "in an honest way of fulfilment. Co-operation with international organisations can only be fruitful when there is a real will to change."

Azerbaijan ratified the International Covenant on Civil and Political Rights (ICCPR) in 1992. In General Comment 22 on Article 18 of the ICCPR, the United Nations (UN) Human Rights Committee has stated that conscientious objection to military service is a legitimate part of everyone's right to freedom of thought, conscience and religion. It has also firmly reiterated this in subsequent decisions.

Adil Gadjiev, who handles alternative service cases at the Human Rights Ombudsperson's Office, recognises that adopting the Alternative Service Law is a Council of Europe commitment. He told Forum 18 that the Ombudsperson's Office wrote to the Milli Mejlis in 2008 urging it to do so as soon as possible.

Eldar Zeynalov of the Human Rights Centre of Azerbaijan has repeatedly called on the government to meet this obligation, stressing that this should be for all conscientious objectors, whether their objections are based on a religious faith or not. He pointed out to Forum 18 that the arrest of Mammedov for refusing military service in August 2009 came just weeks after the UN Human Rights Committee also called on Azerbaijan to adopt an Alternative Service Law.

Zeynalov remains sceptical of Mirzoev's claim that the Council of Europe gave a positive assessment of the draft Alternative Service Law. "The problem is that both the draft Law and the Council of Europe's comments on it remain top secret," he lamented to Forum 18. "They can claim that the Council of Europe's experts were positive, but no-one can check this." He calls on the Azerbaijani government to make public both the draft Law and the Council of Europe's assessment.

### **Mammedov's prosecution**

Mammedov was arrested by police in Baku's Sabail District in the evening of 19 August without a warrant, human rights defender Zeynalov told Forum 18. A warrant was only obtained the following evening and his pre-trial detention was authorised by a court. Mammedov was initially denied access to a lawyer. He was then transferred to the Investigation Isolation prison at Kurdakhani north of Baku.

At first prison officials refused to pass on food brought for Mammedov by his mother. But after Mammedov's family lodged a complaint to the Human Rights Ombudsperson Elmira Suleymanova about this and about what they regarded as an unlawful search of his home, Suleymanova visited him in the Kurdakhani prison. "The problems for him there were then over," Gadjiev of the Ombudsperson's Office told Forum 18 on 30 September. However, he declined to question Mammedov's then detention. "All is being done according to the court decision."

Mammedov was held in detention until his trial on 16 October at Sabail District Court. Judge Elnur Hasanov found him guilty of violating Article 321.1 of the Criminal Code. However, according to the court verdict seen by Forum 18, the judge cited unidentified "special circumstances" and, under Article 62 of the Criminal Code, which allows a milder alternative punishment under mitigating circumstances, reduced the punishment from a prison sentence to a fine of 700 Manats (4,865 Norwegian Kroner, 577 Euros or 873 US Dollars).

Judge Hasanov then reduced the fine under Article 69.4 of the Criminal Code to take account of the pre-trial detention from 19 August to 16 October. Mammedov's punishment was thus reduced to 250 Manats (1,737 Norwegian Kroner, 206 Euros or 312 US Dollars) and he was freed in the courtroom. The verdict stressed that he has a criminal record. He was given 20 days to appeal.

Human rights defender Zeynalov told Forum 18 he believes the more lenient punishment than that prescribed in the Criminal Code was a "useful compromise" for the government.

"The judge's position was very strange, although I welcome the decision not to imprison Mammedov." But he calls for Mammedov's punishment to be removed entirely.

### **Earlier prosecutions**

Mammedov, who is now 26, has now been sentenced twice for refusing military service. He was found guilty by Baku's Sabail District Court on 21 July 2006 under Criminal Code Article 321.1 and given a suspended sentence of six months. Jehovah's Witnesses told Forum 18 that he and his family were subsequently harassed by the Prosecutor's Office and the Police, who long threatened to prosecute him again.

The Jehovah's Witnesses pointed out to Forum 18 that his second conviction on the same charge came despite the fact that Article 64 of Azerbaijan's Constitution and Article 8.2 of the Criminal Code do not allow criminal charges to be brought against someone twice for the same crime.

Among other conscientious objector cases in recent years, Jehovah's Witness Samir Huseynov was sentenced to ten months' imprisonment in October 2007 under Criminal Code Article 321.1. He was freed in May 2008.

Mammedov and Huseynov lodged a joint application (No. 14604/08) on 7 March 2008 to the European Court of Human Rights (ECHR) in Strasbourg (to whose jurisdiction Azerbaijan, as a Council of Europe member, is subject). No admissibility decision has yet been taken on the case. "The case is currently pending for examination and will be dealt with by the Court as soon as practically possible," the Court told Forum 18 on 3 December.

However, human rights defenders have been alarmed by an October 2009 ECHR verdict in the case of an Armenian Jehovah's Witness conscientious objector, Vahan Bayatyan. In its verdict, the ECHR claimed that his imprisonment for refusal to perform military service on grounds of conscience did not constitute an unlawful interference with his right to freedom of thought, conscience and religion. Human rights defenders fear this will set a precedent for future ECHR jurisprudence on conscientious objection to military service

---

## **Freedom of religion or belief in Azerbaijan**

HRWF Int. (30.11.2009) - Website: <http://www.hrwf.net> - Email: [info@hrwf.net](mailto:info@hrwf.net) - Azerbaijan has an area of 33,774 square miles and a population of 8.2 million. It must however be noted that Azerbaijan lost its control over Nagorno-Karabakh during the war with Armenia in the 1990s.

"There are no reliable statistics on membership in specific religious groups; however, official figures state that approximately 96 percent of the population is Muslim. Among this majority, religious observance is relatively low although. According to the State Committee on Work with Religious Structures (SCWRS), the Muslim population is approximately 65 percent Shi'a and 35 percent Sunni.

The remainder of the population consists mostly of Russian Orthodox, followers of other Christian groups, Jews, and non-believers. Shi'a, Sunni, Russian Orthodox, and Jews are considered to be the country's 'traditional' religious groups. Small congregations of Lutherans, Roman Catholics, Baptists, Molokans (Russian Orthodox Old Believers), Seventh-day Adventists, and Baha'is have been present for more than 100 years.

Since independence in 1991, a number of additional religious groups considered by the Government as foreign or 'non-traditional' have established a presence: 'Wahhabi' and

Salafist Muslims, Pentecostal and other evangelical Christians, Jehovah's Witnesses, and Hare Krishnas. There are also significant expatriate Christian communities in Baku.”<sup>1</sup>[1]

The Azerbaijani state provides for the right to freedom of religion; however, it is not uniformly observed in all regions of the country,<sup>2</sup>[3] as the state has failed to implement protections in law or practice.<sup>3</sup>[4] A number of legal provisions enable the government to regulate religious activities, including burdensome registration requirements, censorship on the importation of religious materials, and laws against proselytizing. These provisions severely limit religious organizations' ability to maintain their structures or to even properly function, and the inability of some groups to fulfill the legal requirements leaves them vulnerable to criminal penalties.

### **Freedom of Association**

According to the Constitution, every citizen has the right to freedom of conscience and the right to freely determine his or her attitude to religion, express and disseminate his or her religious convictions and perform religious ceremonies.

In 2001, the president of Azerbaijan created the State Committee for Work with Religious Organizations (or State Committee on Work with Religious Associations (SCWRA)<sup>4</sup>[5], which greatly affected Azerbaijan's relatively liberal 1992 law on religion.

The SCWRA requires that religious organizations re-register with the government. Even individual congregations of a denomination must be registered<sup>5</sup>[6]. Since 2001, however, it has become increasingly difficult for many groups to gain registration: since then, “the number of registered religious communities has dropped from 400 to 1686[7].” Registration is difficult to come by, and there are frequent, lengthy delays in the “seven-step . . . arbitrary and restrictive” process. Unregistered organizations are often deemed illegal and are therefore “subject to attacks and closures by local authorities.” The SCWRA continues to delay or deny registration to a number of Christian groups.

---

<sup>1</sup>[1] US Department of State. “International Religious Freedom Report 2009: Azerbaijan.” Bureau of Democracy, Human Rights, and Labor (26 October 2009) available at <http://www.state.gov/g/drl/rls/irf/2009/127299.htm>; internet.

<sup>2</sup>[3] United Nations Human Rights Council: Working Group on the Universal Periodic Review, doc no. A/HRC/WG.6/4/AZE/2, [pg 8, para. 28](#). Available at: [http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/AZ/A\\_HRC\\_WG6\\_4\\_AZE\\_2\\_E.P\\_DF](http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/AZ/A_HRC_WG6_4_AZE_2_E.P_DF)

<sup>3</sup>[4] United Nations Human Rights Council: Working Group on the Universal Periodic Review, doc no. A/HRC/WG.6/4/AZE/3, pg 5, para. 22. Available at: [http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/AZ/A\\_HRC\\_WG6\\_4\\_AZE\\_3\\_E.P\\_DF](http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/AZ/A_HRC_WG6_4_AZE_3_E.P_DF)

<sup>4</sup>[5] The committee was established by Presidential Decree 512 on June 20, 2001. The State Committee of Azerbaijan Republic for the Work with Religious Associations, *available at* [http://www.dqdk.gov.az/eng/esasname\\_e.html](http://www.dqdk.gov.az/eng/esasname_e.html) (last visited Aug. 1, 2008).

<sup>5</sup>[6] Although the 1992 religion law (amended in 1996 and 1997) does not make registration compulsory, government officials at all levels often act as though it does. Police and local authorities have raided many religious communities that have chosen not to register or have tried to register but have been refused. See also Felix Corley, *Azerbaijan: Religious Freedom Survey June 2003*, FORUM 18 NEWS SERVICE, June 25, 2003, [http://www.forum18.org/Archive.php?article\\_id=92](http://www.forum18.org/Archive.php?article_id=92).

<sup>6</sup>[7] Commission on Int'l Religious Freedom, *Azerbaijan: Religious Freedom Conditions Worsening* (Aug. 23, 2004) [hereinafter “Religious Freedom Conditions Worsening”], *available at* [http://www.uscirf.gov/index.php?option=com\\_content&task=view&id=372&Itemid=51&date=2008-06-01](http://www.uscirf.gov/index.php?option=com_content&task=view&id=372&Itemid=51&date=2008-06-01).

In Azerbaijan, 336 Islamic and 28 non-Islamic religious groups have been registered. Of the latter, 20 are Christian, 7 are Jewish and 1 is Krishnaite. There is now a Roman Catholic church, three synagogues and three Russian Orthodox churches in Baku. The towns of Gāncā and Xaçmaz each have a Russian Orthodox church, and the towns of Oğuz and Quba each have a synagogue.

In general, the registration process appears to serve as a point of leverage for the Government to use against religious groups it deems undesirable. Consequently, unregistered organizations, which choose to practice in the absence of official registration, are vulnerable to being declared illegal and closed or are subject to selective harassment by local authorities.

"The State Committee for Work with Religious Organisations, which has overseen the registration process since it was established in 2001, has a wide range of techniques for dealing with registration applications it regards as unwelcome: it pressures religious communities to withdraw those applications, ignores them, returns them repeatedly for "corrections" of "errors" or rejects them.

Indeed, as registration applications need prior approval from local authorities before they even reach the committee, the scope for unpopular religious communities to be barred from registering is wide.

The state notary in Aliabad has for many years refused with no legal basis to notarise the signatures of the ten founders of the local Baptist congregation. The State Committee registration regulations also require a certificate from the employer of each of the ten founders, without specifying why this is needed, what it should contain and what happens for founders who are not in employment. Founders must also provide a certificate from a headquarter body setting out the "need" for such a community, making it technically impossible to found an independent community.

Of the 2,000 religious communities that are believed to function, of which 406 had registration with the Ministry of Justice before the State Committee was set up, the State Committee lists only 386 on its website as now being registered. Independent mosques, Baptist communities in Neftechala and in Aliabad, the Adventist community in Nakhichevan, the Greater Grace Protestant church in Ismaili, an independent Lutheran congregation in Baku, as well as a variety of Protestant churches in Sumgait are among those to have been denied registration either at local or national level.

The authorities particularly dislike Protestant churches that attract a mainly ethnic Azeri membership.

The former head of the State Committee, Rafik Aliev, had Baku's Azeri-language Baptist church closed down by court order in 2002 after alleging that the pastor, Sari Mirzoyev, had insulted Islam.

Mirzoyev was "banned" from preaching and subjected to a harsh media campaign.

Religious communities denied registration have the possibility of challenging the denial through the courts. However, most prefer not to take that step, fearing that corruption in the court system and the closeness of the judicial system to the government will prevent a fair verdict. When the Baku Baptist community challenged the court-ordered liquidation it failed to have the liquidation order overturned. Communities denied registration also fear that if they make waves they will only attract further "punishment", such as police visits.

The denial of registration to religious communities the government does not like also

extends to religious-related groups. The local chapter of the International Religious Liberty Association, founded with interfaith backing in 2002, has seen its registration application languish unanswered at the Justice Ministry. The Devamm group, led by Ilgar Ibrahimoglu Allahverdiev and which campaigns for Muslims' rights, failed to gain registration, despite a court ruling in its favour."<sup>7</sup>[8]

Since 2009, all religious organizations have to re-register. Amendments to the wording of Articles 18 and 48 in the Constitution were approved by referendum on March 18, 2009 which then prompted the SCWRA to require re-registration with the government by 1 January 2010. Penalties are provided for in case of non-compliance. Despite these developments and threats of fines and other punishments, a variety of unregistered religious groups continue to function, including Muslim groups, Jehovah's Witnesses, and some evangelical Christians.

### **Freedom of Worship and Assembly**

Article 49 of the Constitution of Republic of Azerbaijan adopted on November 12, 1995 stipulates that everybody has the right for freedom of assembly with others. Pursuant to this Article, no permission is normally required from the authorities to conduct peaceful assemblies, meetings, demonstrations and etc. The only condition for realization of the freedom of assembly (or peaceful assembly) is to notify the relevant bodies of executive power ahead of time.<sup>8</sup>[9]

According to the State Committee on Work with Religious Bodies, there are some 1,750 mosques in Azerbaijan, of which only about 500 are officially registered.

Despite these guarantees, raids on religious organizations, whether registered or unregistered, no matter the denomination or persuasion, occur frequently<sup>9</sup>[10].

On 29 January 2009, police raided a Jehovah's Witness meeting in Baku and on 9 April 2009, officers of Gyanja City Police raided the home of local Jehovah's Witness Yegyana Gahramanova. The raid occurred on the day Jehovah's Witnesses marked the Memorial of Christ's death, their most important religious event of the year.

Mosques and other types of religious edifices have been closed for spurious offenses, such as alleged safety violations, "illegal" construction practices, or acquisition of land which was "designed" to be used commercially.<sup>10</sup>[11]

On 2 June 2009, reports that a newly built mosque is slated for demolition sparked a protest in the northwestern Azerbaijani town of Delimmedli. The Hazrat Ali Mosque was completed less than a year ago. Mohammad Ashurov, a Goranboy regional official, said the mosque is being demolished because of a natural-gas pipeline that passes nearby.

---

<sup>7</sup>[8] Submission of Forum 18 to Azerbaijan's UPR. See

[http://www.upr-info.org/IMG/pdf/F18\\_AZE\\_UPR\\_S4\\_2009\\_Forum18\\_upr.pdf](http://www.upr-info.org/IMG/pdf/F18_AZE_UPR_S4_2009_Forum18_upr.pdf)

<sup>8</sup>[9] The Citizens' Labour Rights Protection League. "The Republic of Azerbaijan: Submission to the UN Universal Periodic Review." P. 1-2. Available at: [http://www.upr-info.org/IMG/pdf/CLRPL\\_AZE\\_UPR\\_S4\\_2009\\_Citizens\\_LaborRightsProtectionLeague\\_upr.pdf](http://www.upr-info.org/IMG/pdf/CLRPL_AZE_UPR_S4_2009_Citizens_LaborRightsProtectionLeague_upr.pdf)

<sup>9</sup>[10] See the section on Jehovah's Witnesses.

<sup>10</sup>[11] US Department of State. "International Religious Freedom Report 2009: Azerbaijan." Bureau of Democracy, Human Rights, and Labor (26 October 2009) available at <http://www.state.gov/g/drl/rls/irf/2009/127299.htm>; internet.

On 19 June 2009, the Khazrat Fatima mosque in the settlement of Yeni Guneshli in Baku's Surakhany District was closed by officials of the District Administration. Police banned Muslims from praying, cut off the power and threatened to demolish the uncompleted building. The decision to close the mosque appears to have been taken by the Surakhany District administration. A nationwide "temporary" ban on praying outside mosques, imposed in August 2008, along with bans on some Georgian Orthodox and Baptist churches reopening still remain in force.

## **Freedom of Expression**

"Censorship of religious literature – which existed during the Soviet period – was continued in the 1992 Religion Law and its subsequent amended versions. The law requires permission from the State Committee before a religious community or individual can publish, import or distribute any religious literature, in clear violation of Azerbaijan's commitments to freedom of speech. Article 9.2 of the July 2001 regulation covering the duties of the State Committee clearly spells out its censorship tasks: 'Take control of the production, import and distribution of religious literature, items, other religious informational materials and give its consent on the bases of the appeals of the religious institutions and relevant state bodies in accordance with the established procedure.'

Only registered religious centres can apparently establish religious publishing houses – and all literature they produce must be subjected to prior censorship. The State Committee also insists that the number of copies of each work to be imported or printed locally must also be approved. A special Expertise Department of the State Committee oversees this censorship. An official of the department told Forum 18 that the list of religious literature it has banned is not published.

Police also confiscate religious literature during raids. Baptist pastor Hamid Shabanov in the northern village of Aliabad had Christian Bibles and books in Georgian and Azeri confiscated in a police raid in June 2008. Religious literature was also confiscated by police in nearby Zakatala three months earlier from Jehovah's Witness Matanat Gurbanova. In both cases, police said the literature was "illegal". Numerous Azeri believers of all faiths – including Muslims, Protestants and others – have seen religious literature confiscated at customs. In their travel advice for their own citizens, some countries – such as Australia and the US – warn visitors to Azerbaijan that "customs authorities may enforce strict regulations" on bringing in religious literature.<sup>11[12]</sup>

Officially, proselytizing activities are not banned under law, but the extent to which they are tolerated depends on the region. Throughout the country generally, there is popular prejudice against groups that proselytize, particularly evangelical Christian

and other missionary groups. Muslim citizens who convert to other faiths are generally targets for hostility. Foreigners are explicitly banned from proselytizing<sup>12[13]</sup>, and are issued fines or are deported.<sup>13[14]</sup>

Since 2003, the government has intensified censorship and import controls over religious literature for all religious communities. As it is, all publications distributed through

---

<sup>11[12]</sup> See submission of Forum 18, par. 26-28, to Azerbaijan's UPR at

[http://www.upr-info.org/IMG/pdf/F18\\_AZE\\_UPR\\_S4\\_2009\\_Forum18\\_upr.pdf](http://www.upr-info.org/IMG/pdf/F18_AZE_UPR_S4_2009_Forum18_upr.pdf)

<sup>12[13]</sup> The Law of the Azerbaijan Republic on the Legal Status of Foreigners and Stateless Persons ch. 1, art. 18, available at <http://www.azerb.com/az-law-foreigners.html> (last visited July 31, 2008)

<sup>13[14]</sup> The Beckett Fund for Religious Liberty. "United Nations Human Rights Council, Universal Periodic Review: Azerbaijan." P. 5, 8 September 2008. Available at: [http://www.upr-info.org/IMG/pdf/BF\\_AZE\\_UPR\\_S4\\_2009\\_BecketFundforReligiousLiberty\\_upr.pdf](http://www.upr-info.org/IMG/pdf/BF_AZE_UPR_S4_2009_BecketFundforReligiousLiberty_upr.pdf)

proselytizing must be vetted by the SCWRA. Some communities, for instance the Azeri Baptists, have struggled for years before getting permission to import Azeri-language literature, even common publications such as the New Testament. Even after gaining permission, the authorities retain the ability to dictate in what manner they may be distributed.<sup>14</sup>[15]

### **Missionary Activity**

Although there is no specific legal provision that bans foreign citizens from leading religious organisations, the religion law describes religious communities as "voluntary organisations of adult citizens" and the State Committee insists that foreigners cannot lead them. In defiance of Azerbaijan's international human rights commitments, Article 1 of the country's Religion Law, as well as Article 18 of the 1996 law on the status of foreigners and those without citizenship, bans "religious propaganda" by foreigners. Article 300 of the Code of Administrative Offences punishes offenders with fines of up to 25 times the minimum monthly wage and/or deportation. In August 2008, Imamzade Mamedova, an Azeri holding a Russian passport, became the ninth foreign Jehovah's Witness to be deported under this Article since December 2006.<sup>15</sup>[16]

---

<sup>16</sup>[2] United Nations Human Rights Council: Working Group on the Universal Periodic Review, doc no. GE.08-16680, p 2. Available at: [http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/AZ/A\\_HRC\\_WG6\\_4\\_AZE\\_1\\_E.P\\_DF](http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/AZ/A_HRC_WG6_4_AZE_1_E.P_DF)

<sup>17</sup>[17] US Department of State. "International Religious Freedom Report 2009: Azerbaijan." Bureau of Democracy, Human Rights, and Labor (26 October 2009) available at <http://www.state.gov/g/drl/rls/irf/2009/127299.htm>; internet.

---

## **Freedom of religion or belief for all in Azerbaijan**

### ***Report & statement from the European Baptist Federation***

EBF (28.09.2009) / HRWF Int. (01.10.2009) - Website: <http://www.hrwf.net> - Email: [info@hrwf.net](mailto:info@hrwf.net) - The European Baptist Federation (EBF) consists of 51 Baptist Unions, with 12,000 local congregations in most of the countries in Europe, Central Asia, Middle East and Egypt with more than 800,000 Baptists. The EBF is a regional body of the Baptist World Alliance (BWA) with about 100 million Baptists worldwide.

The Baptist movement started in 1609 in Amsterdam and from the very beginning Religious Freedom for all was an important issue. This is still a very important issue for Baptists worldwide and for the European Baptist Federation. Through its network of Unions and local Congregations, the EBF gets reports from the situation in different countries in the OSCE area. Some of these reports are very worrying. In this report we want to highlight the situation in Azerbaijan.

### **Violations of Religious Freedom in Azerbaijan**

---

<sup>14</sup>[15] European Center for Law and Justice. "Universal Periodic Review 2009." Pg. 2. [http://www.upr-info.org/IMG/pdf/ECLJ\\_AZE\\_UPR\\_S4\\_2009\\_EuropeanCentreforLawandJustice\\_upr.pdf](http://www.upr-info.org/IMG/pdf/ECLJ_AZE_UPR_S4_2009_EuropeanCentreforLawandJustice_upr.pdf)

<sup>15</sup>[16] See submission of Forum 18, par. 29, to Azerbaijan's UPR at [http://www.upr-info.org/IMG/pdf/F18\\_AZE\\_UPR\\_S4\\_2009\\_Forum18\\_upr.pdf](http://www.upr-info.org/IMG/pdf/F18_AZE_UPR_S4_2009_Forum18_upr.pdf)

One of the member Unions in the EBF is the Baptist Union of Azerbaijan. We are regularly in contact with their leaders. Through Forum 18 News Service, as well as through other sources, we also get regularly information about violations.

We are worried about the violations of religious freedom affecting most religious groups, especially minority groups. We are convinced that all people have the right to meet, to worship and to propagate their beliefs freely, and that this is the best platform for a positive and secure development of any country. We understand that this is not always the case in Azerbaijan. A number of violations have been reported from Christians, Muslims as well as other groups. Most of our direct information comes from the Baptists. In January 2009 the EBF send a monitoring delegation to Azerbaijan in order to get a clearer picture of the situation. A report was written and sent to the President of the Republic, with a copy to the Chairman of the State Committee for Religious Organizations. In July the Baptist World Alliance adopted a resolution on Religious Freedom with allegation to the situation in Azerbaijan. In May and July this year a new Religion Law was adopted. In this law we can see limitations of religious freedom.

### **Recommendations to the President and Government of Azerbaijan**

We urge the authorities of Azerbaijan to actively make sure that the right to religious freedom for all is protected.

We request the Government of Azerbaijan to submit the religion law to the Organization for Security and Co-operation in Europe for evaluation in order to bring the law into conformity with international standards.

Below is the text of a resolution of the Baptist World Alliance (BWA), which represents Baptists from across the world, followed by information on the main violations that the EBF delegation was informed about by Baptists in Azerbaijan in January 2009:

#### **Resolution 5 – Religious Freedom Violations in Azerbaijan**

*The General Council of the Baptist World Alliance meeting in Ede, the Netherlands, July 27-August 1, 2009;*

*Recollects, celebrating 400 years of Baptist life, that from the beginning our founders stood for freedom of conscience and freedom of religion for all people regardless of their beliefs or non-belief;*

*Notes that the joint EBF/BWA Religious Freedom Monitoring Group during a visit in January 2009 to Azerbaijan observed violations of freedom of religion towards the local Baptists;*

*Expresses deep concern over the lack of religious freedom in Azerbaijan as evidenced in the new religion law limiting religious freedom;*

*Requests the Government of Azerbaijan to submit the religion law to the Organization for Security and Co-operation in Europe for evaluation in order to bring the law into conformity with international standards;*

*Urges all Baptists to continue in prayer for Azerbaijan and for the members of all its various religious groups*

#### **Main points of violation against Baptists recorded by the EBF monitoring group in January 2009**

##### **1. Harassment of Baptist Believers**

*Several Baptist leaders have described in detail to us instances of harassment and intimidation from the police and public media because they are Baptists. These have included hostile interrogation, threats against themselves and their families, and even imprisonment.*

The cases of the two pastors imprisoned in Aliabad have become well known internationally. It is widely considered that Zaur Balayev and Hamid Shabanov were convicted on false charges and had been targeted because they are Baptist pastors of unregistered churches. We have received a report from an OSCE representative present in court that the legal procedures followed in the case of Pastor Shabanov were not acceptable. We are thankful for the gracious Decree of the State President to release Pastor Balayev, and we hope that the reluctance of the judge to sentence Pastor Shabanov, and hold him under house arrest, will lead to his release also. (He was later convicted. He has now served his sentence and is free)

## **2. Obstacles to Registration of Baptist Churches**

It is quite clear to us that serious obstacles are placed in the way of Baptist churches seeking official registration as religious communities, and therefore seeking as good citizens to be within the law. It is possible to lay the blame at national or regional/local government bodies but our conviction is that if there is a political will to register the Baptist churches these can easily be overcome.

We offer two examples:

**The Aliabad Baptist Church** led by Pastor Zaur Balayev has been attempting to register itself for 15 years. The local State Notary, Najiba Mamedova, has repeatedly refused to notarise the ten signatures required for the Founding Document, thus making this application impossible to proceed.

**The Neftcala Baptist Church** needs one more document to complete its registration: the building passport for the building it has occupied since 1966. This document was submitted with an earlier group of papers and not returned to the church. Now the church has letters stating that no body, nationally or locally will issue a new Building Passport so the Registration cannot be completed.

We note from the Regulations of the SCWRA (State Committee) , especially Articles 7:4 and 8:5 that the Committee on request shall provide assistance in reaching agreements with State bodies in this matter of Registration. We would respectfully request such assistance in these two cases we have cited.

## **3. Discrimination against Baptist Christians in their Employment**

We have met several cases of Baptists being asked to leave their employment when it is known that they are Baptist Christians, and this continues right up to the present time. One example of this is the case of the General Secretary of the Baptist Union, Elnur Jabiyev, who was forced to leave his employment as a Baku Police Officer in 2001. We would ask the help of SCWRA in finding ways for them to appeal against this violation of their human rights and religious freedom. We intend to monitor and report on such violations in the future.

## **4. Soviet-era Building not returned to the Baptists**

From our visits to other faith groups, especially the Muslims and the Orthodox Church, we learned that, despite Azerbaijan having no Law of Restitution, many buildings confiscated by the Soviet authorities have been returned to their original owners. In 1931 a major church building (constructed by the Baptists in 1911) in Azadliq Avenue 47, Baku, was confiscated, and this building exists today as a Cinema-Theatre. The Baptists regard this as a desecration of one of their holy places and have a document requesting its return dated 1989. Therefore we request that the same policy be followed with the Baptists as other faith groups, and this building be restored to them.

The responses to these situations given by the Chairman of the State Committee on Affairs with Religious Organizations are neither exhaustive nor satisfactory. Therefore we continue to raise these points.

### **Recommendations to the President and the Government of Azerbaijan**

We urge the authorities of Azerbaijan to actively make sure that the right to religious freedom for all people will be protected. *Many of the people from religious minorities groups which we met are living in fear of losing their jobs or being harassed by private persons or police if they openly confess their faith.*

We request the Government of Azerbaijan to submit the religion law to the Organization for Security and Co-operation in Europe for evaluation in order to bring the law into conformity with international standards; *Azeri speaking citizen have told us that a number of articles in the new religion law is limiting freedom of religion much more than in the old law. Therefore we urge the Government to let the OSCE analyze the law and give recommendations.*

### **This Report and statement is presented to the OSCE Human Dimension Implementation Meeting (HDIM) in Warsaw in September 2009**

Christer Daelander  
EBF Religious Freedom Representative  
Address: Baptist Union of Sweden  
SE-172 99 Sundbyberg, Sweden  
E-mail: [christer.daelander@baptist.se](mailto:christer.daelander@baptist.se)  
Phone: +46 70 758 27 31

The full report from the monitoring trip to Azerbaijan can be found on the web site of the European Baptist Federation [www.ebf.org/resources from mid-October 2009](http://www.ebf.org/resources/from%20mid-October%202009).

---

## **Religious freedom concerns in Azerbaijan**

### ***Oral statement by the European Association of Jehovah's Christian Witnesses Presented to the OSCE HDIM, Warsaw, 28 September to 9 October 2009***

EAJCH (28.09.2009) / HRWF Int. (01.10.2009) - Website: <http://www.hrwf.net> - Email: [info@hrwf.net](mailto:info@hrwf.net) - In spite of their being legally registered in Azerbaijan, Jehovah's Witnesses continue to experience great difficulties in exercising their religious freedom. Government agencies continue to illegally raid religious meetings and mistreat those in attendance. Others have been deported. Conscientious objectors are criminally charged and sentenced. Religious literature is censored and often denied importation.

**Deportation:** The Azerbaijan government continues to violate the guarantees of Articles 9, 10, and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms by deporting citizens of member states of the Council of Europe on specious charges of engaging in "religious propaganda." Since 2007 already 12 individuals who were merely worshipping with their fellow members and not engaged in any criminal activity, were unjustly arrested and deported from Azerbaijan. The last example is the deportation of a Georgian citizen Elguja Khutsishvili on July 23, 2009. His wife Tarana who was in the last month of her pregnancy, together with their two children, remained in Azerbaijan and this family was left without a source of income.

**Illegal police interference with religious meetings:** A disturbing pattern of police interference with religious meetings of Jehovah's Witnesses has been developing. Only in 2009 there have been already five of such police raids. The latest example is a raid on a

religious meeting on August 12, 2009, in the house of the abovementioned Khutsishvili family in the city of Gakh. Victims of these incidents have been subjected to brutal assaults, hours of intimidating police questioning, verbal abuse and slanderous accusations, though they are peaceful, law-abiding citizens who happen to espouse the teachings of the Bible and attend meetings of Jehovah's Witnesses. The victims of this physical abuse have included women and children—even pregnant women were subjected to inhumane treatment.

**Lack of alternative civilian service:** There is still no provision for an alternative civilian service despite Azerbaijan's commitments to the Council of Europe. Conscientious objector Mushfiq Mammedov, who already in 2006 was sentenced to and served a conditional sentence of six months for draft evasion, was again arrested on August 19, 2009, on the same charges. This is despite the fact that the Criminal Code of Azerbaijan does not allow condemning a person twice for the same crime. His case together with the case of another conscientious objector, Samir Huseynov, who was in prison for almost seven months, are currently before the European Court of Human Rights as a part of the application *Mushfiq Mammedov & Samir Huseynov v. Republic of Azerbaijan*, dated March 7, 2008.

**Censorship of literature:** There are ongoing problems with importing religious literature. The State Committee for Work With Religious Associations approves some items of literature of Jehovah's Witnesses but denies other items on the basis that their "contents promote the exclusiveness of the faith of Jehovah's Witnesses and insult the feelings of other Christian religions." These publications are widely distributed and generally accepted around the whole world like, for example, the publication called "*What Does the Bible Teach?*," printed in more than 300 languages and distributed in more than 200 countries.

We are concerned that the sufferings Jehovah's Witnesses endured during the Soviet era may be revived. We urge the authorities of Azerbaijan to actively pursue dialogue with our representatives to resolve these problems peacefully and, in the meantime, to issue orders to the police to desist from interfering with religious freedom.

A delegation of Jehovah's Witnesses is ready to meet with representatives from Azerbaijan to discuss this serious issue.

---

## **Mosque closed four days before Ramadan ends**

By Felix Corley

Forum 18 (14.09.2009) / HRWF Int. (15.09.2009) - Website: <http://www.hrwf.net> - Email: [info@hrwf.net](mailto:info@hrwf.net) - Just days before the end of the Muslim holy month of Ramadan, the authorities in Azerbaijan's second city, Gyanja [Gäncä], suddenly closed a Sunni Muslim mosque which had functioned for the previous 12 years. "We had no warning," the imam Ilham Ibrahimov told Forum 18 News Service from the city on 18 September. "I asked if they could at least hold off until after the end of Ramadan, but they refused." This is the latest in a string of enforced mosque closures on various pretexts over the past year. Meanwhile, police defended the expulsion of a Baptist children's summer camp from a village in northern Azerbaijan but denied absolutely the Baptists' claims to Forum 18 that violence was used. Baptists rejected this. "He's completely lying," one told Forum 18.

As is their usual custom, the officials who answered the telephones on 18 September of Gunduz Ismailov and Yagut Alieva, spokespersons at the State Committee for Work with Religious Organisations, hung up as soon as Forum 18 had asked about the latest harassment of religious communities.

## **Gyanja mosque closure**

Officials led by local religious affairs official Firdovsi Kerimov arrived at the Juma Mosque in Gyanja's Shahsevenler district mid-morning on 16 September, accompanied by police officers and Nazim Guliev, an official of the Culture and Tourism Ministry. Imam Ibrahimov told Forum 18 that he received a call summoning him to the mosque once the officials had arrived. He found police confiscating all the books they could find, apart from the Koran. "The police just told us the mosque would be closed and they sealed the door."

Imam Ibrahimov said the officials claimed that the mosque had not lodged a registration application, though he told Forum 18 the mosque has registration under the old Religion Law and has applied for re-registration under the new Religion Law adopted this year. This gives a deadline of 1 January 2010 for religious communities to gain re-registration.

"When we gave the application to Firdovsi Kerimov he told us we should wait – he wanted us to delay the application, I don't know why," Ibrahimov told Forum 18. "He believes it's his role to control religious communities."

Forum 18 was unable to speak to religious affairs official Kerimov on 17 or 18 September. Whoever answered his phone hung up as soon as Forum 18 began to ask about the mosque closure.

The building had once been a Christian church but was closed during the Soviet period. It was then used as a warehouse before being used by the state as the People's Friendship Museum. Guliev of the of the Culture and Tourism Ministry told the local APA news agency that the building had been handed over for temporary Muslim worship a decade ago, while remaining the property of the Ministry as an ancient monument. "I was given the order to take and seal the building," APA quoted him as saying.

Ismailov of the State Committee for Work with Religious Organisations told APA that the Juma Mosque community had several times broken the law and not gained registration. He said several warnings had been issued. He also said the people at the mosque did not have the required authorisation from the Muslim Board and that the building belongs to the Ministry of Culture and Tourism. He claimed that a "normal mosque community functioning within the law" could function there in future.

Ibrahimov's predecessor as imam, Kazim Aliev, who had been named by the state-approved Caucasian Muslim Board as imam of the mosque in 1997, was arrested in 2002 on charges of organising an armed uprising. His community and human rights defenders insisted to Forum 18 the charges were trumped-up. Sentenced the following year, Aliev was freed under a presidential amnesty in January 2006. On his release, though, the authorities refused to allow him to return to serve the Gyanja mosque.

Imam Ibrahimov says he does not know where his mosque community will celebrate the feast of Bayram Ramazan (Id al-Fitr), which marks the end of Ramadan, on 20 September. "We'll apply to the local authorities to allow us somewhere to hold it, but I don't think they'll allow us," he told Forum 18. He said police told him that if they pray on the street they will be arrested. "They said we can pray at home."

Ibrahimov added that his community has no money to engage a lawyer to challenge the closure in court.

## **Series of mosque confiscations and demolitions**

The closure of the Juma Mosque in Gyanja is the latest in a series of state-ordered mosque closures on various pretexts.

Most recently, the Economic Court No. 2 ruled in late August that the still unfinished Fatima Zahra Mosque – the only mosque in Baku's Yeni Guneshli residential district – is to be demolished, the community is to be expelled from the site and the land transferred back to the Surakhany District authorities, who had originally brought the suit. The mosque community's lawyer, Rovshan Shiraliev, said it would challenge the court ruling. On 1 September police dispersed a group of demonstrators protesting against the court ruling.

The then mayor of Baku originally gave the mosque community the 30.6 hectare site back in 1996 and construction began in 1998. However, in 2002 the new city mayor, appointed the previous year, decided to take the site back, complaining that the mosque construction had not been completed, and ordered the site be used to build a sports complex. However, after protests the decision was verbally overturned and the community allowed to keep the site and continue building the mosque.

Nevertheless, earlier this year the Surakhany District authorities brought the suit. Officials closed the mosque in mid-June. "The time the community had to complete construction work is over," local police chief Jovdat Mamedov told Forum.

The Prophet Muhammad mosque in Baku's Yasamal District was demolished in April after officials claimed it had been built illegally. A mosque on the manmade Oily Rocks island in the Caspian Sea was demolished in May after oil company officials and state officials claimed it was unsafe. Muslim activists dispute these claims.

A Turkish mosque in central Baku was closed for restoration in May 2009.

Abu-Bekr Mosque in Baku's Narimanov District was closed in August 2008 after a grenade attack, and officials have repeatedly refused to reopen it, despite repeated attempts by the community to gain its reopening through the courts.

The community's lawyer, Javanshir Suleymanov, said that in the wake of the failure of their appeal to the Supreme Court in May, the community lodged an appeal to the Plenum of the Supreme Court. He said no response has been received, even though such responses are usually given within 15 days. "I don't know what the delay is, but I'm sure the decision won't be positive," he told Forum 18 from Baku on 17 September. If the eventual Plenum ruling is unsuccessful, the community will then lodge a final appeal to the Constitutional Court. He believes this could rule in the community's favour.

Suleymanov said police still guard the closed mosque to prevent anyone gaining access. He added that community members now have to go to other mosques to pray or meet in private homes.

He declined to speculate on whether the mosques closures and demolitions are linked, but pointed out that Sunni mosques (including the Abu-Bekr mosque) figure prominently among those affected (most Muslims in Azerbaijan are Shia). Asked who had ultimately been behind the closures, he also declined to comment. "My business is only to get the Abu-Bekr mosque reopened and to see the Religion Law applied," he told Forum 18.

### **Growing concern over mosque closures**

On 4 September, in the wake of the court decision to demolish the Fatima Zahra mosque, a new Centre for the Defence of Baku's Mosques held its first press conference, the Baku newspaper Zerkalo reported the following day. Shiraliev, the lawyer for the Fatima Zahra mosque, was among those condemning the closures.

Perhaps in response to this growing concern, Ali Hasanov, a senior official in the Presidential Administration, denied to the APA news agency on 17 September that demolishing "illegal" or "unfinished" mosques represented closure of mosques. He insisted that mosques need permission and must abide by the law. He claimed that suitable "explanations" had been given for the temporary closure of other mosques.

An aide at the Presidential Administration told Forum 18 on 18 September that Hasanov was unavailable all day. "He has made his comments, everything he said is true and we have nothing further to add."

### **Children's camp broken up with violence**

Meanwhile, Council of Churches Baptists complained that in July the authorities broke up the children's Christian summer camp they had planned to hold in the village of Avaran near Kusar [Qusar], close to Azerbaijan's northern border with Russia.

Baptists told Forum 18 that they arrived at the private home of church member Ilgar Mamedov on 23 July and set up the camp in the forest ten metres (yards) from the edge of his land. However, they say that on 25 July, as they were complying with orders from a forest official to move the tents back onto Ilgar Mamedov's land, four cars full of police officers – led by Kusar's Deputy Police Chief Elman Mamedov - "unexpectedly" arrived at the camp.

"Without the approval of the Prosecutor's Office, they searched church members' personal belongings and cars," Baptists complained. Police confiscated CDs and Christian books. "Crudely using physical force and swearing, they forced church members to take down the tents."

One police officer, whose first name the Baptists say was Firuddin, threatened Ilgar Mamedov and the other Baptists present. "He then grabbed 24-year-old church member Pavel Dubrovin by the hair and kicked him in the stomach," they added. "All this happened within sight of young children."

The Baptists say police refused to allow them to put up the tents on church member Ilgar Mamedov's land. "They ordered us out of the whole village," they told Forum 18. They added that they discovered later that the local authorities had given an order not to allow the children to gather.

On 8 September, Ilgar Mamedov was summoned and told that he had been found guilty by an administrative court on accusations that he had allowed too much noise on his land. "This is not true, it's all lies," he insisted to Forum 18 two days later. "They let me read the verdict but refused to let me have a copy." He said he asked them why he had not been summoned for any trial and why no church members who were witnesses were summoned either, but was given no answer.

Ilgar Mamedov said he refused to pay the fine of 17.60 Manats (130 Norwegian Kroner, 15 Euros or 22 US Dollars). "They wanted me to pay the fine as a way of admitting my guilt, but as I was not guilty of anything I refused to pay."

Deputy police chief Elman Mamedov denied absolutely the Baptists' accusations. "It was not a raid," he insisted to Forum 18 on 14 September. "No-one was beaten, no-one was insulted, nothing was confiscated. Do you think we're bandits? We acted in accordance with the law." He said only four police officers had been present and stood on one side while local authority officials dealt with the Baptists.

Asked why - if the Baptists were not allowed to camp in the state-owned forest - they were not allowed to camp on Ilgar Mamedov's own land, the deputy police chief insisted that they had been prevented only from camping on state-owned land.

Other church members told Forum 18 that the approximately 120 children who had been due to attend had no summer camp this year. "All we could do was offer one day out after the camp was banned," one told Forum 18. "All the money we had collected from church members and spent on the camp was wasted."

Baptists and other religious communities continue to face frequent harassment, arrests and other violations of their freedom of religion or belief by the authorities.

---

## **"They believe talking about their faith is not a crime"**

By Felix Corley

Forum 18 (14.09.2009) / HRWF Int. (15.09.2009) - Website: <http://www.hrwf.net> - Email: [info@hrwf.net](mailto:info@hrwf.net) - Three adherents of the late Turkish Muslim theologian Said Nursi were given prison terms of between five and seven days in the central town of Yevlakh [Yevlax] in late August for teaching their beliefs, court officials and the men's lawyer told Forum 18 News Service. "The police accused them of hooliganism, but they were not guilty of any wrongdoing," the lawyer Farhat Mamedov told Forum 18 from Yevlakh on 10 September. "They believe talking about their faith is not a crime." Police have continued to move against other Nursi adherents, as well as Jehovah's Witnesses and Protestants.

As is their usual custom, the officials who answered the telephones on 11 September of Gunduz Ismailov and Yagut Alieva, spokespersons at the State Committee for Work with Religious Organisations, hung up as soon as Forum 18 had asked about the recent harassment of religious communities.

Religious communities of a variety of faiths are facing a wave of harassment at the moment. In the wake of the deportation of two Jehovah's Witnesses - both Georgian citizens - in July, police on 10 September fined and ordered the deportation of Javid Shangarov, an Azerbaijan-born Baptist from Yalama in the north of the country, after accusing him of "illegally propagandizing his faith" in his home.

### **Moves against Nursi followers**

Police in Yevlakh detained Hasil Mamedov, Yusif Mamedov and Arif Yunusov in late August for "preaching the Nursi religious trend", the local news agency APA reported, quoting local police. The agency said religious literature "banned for distribution" was confiscated.

Yevlakh District Court found the three men guilty on 26 August of violating Article 296 of the Code of Administrative Offences, which punishes "petty hooliganism", the court chancellery told Forum 18 on 10 September. Hasil Mamedov received a seven-day prison term, while Yusif Mamedov and Arif Yunusov each received a five-day sentence. Both the court and their lawyer told Forum 18 that the three denied the accusations against them but did not lodge appeals against the sentences.

The man who answered the phone of Yevlakh police chief Mehrali Bayramov on 11 September hung up as soon as Forum 18 asked why the three had been detained and punished. The duty officer at the police station insisted the same day that the men had been punished by the court, not by the police, but refused to discuss why the police had

detained them in the first place and what acts of hooliganism they are alleged to have committed.

Another group of Nursi followers were fined under the Code of Administrative Offences in Gyanja [Gäncä], Azerbaijan's second city, in late July. Quoting Interior Ministry officers, Trend news agency reported on 27 July that police took eleven local residents and one visitor from the capital Baku to the police station after they were caught studying Said Nursi's teachings in a private flat owned by Elmir Mekhtiev.

The agency said two of those held – Rovshan Iskenderov and Ismail Askerov – were punished under Article 310 of the Code of Administrative Offences, which punishes "wilful failure to obey the demands of the law or the police". Mekhtiev was punished under Article 299, which punishes "violation of the procedure for religious activity". The agency said the remainder were freed after they wrote statements.

Despite repeated calls on 14 September to Gyanja's Kapaz District Court – where it appears the three were fined – Forum 18 was unable to find any official able to confirm the cases and give the level of the fines.

These are the latest in a series of moves against Nursi adherents. In the north-western Gakh [Qax] District in July, three visitors from Mingechaur [Mingacevir] were detained for "propaganda for religious extremism" and copies of Nursi's works were confiscated from them. They were punished by Gakh District Court under the Code of Administrative Offences and expelled from the District.

The APA news agency also noted that ten men the police described as "Wahhabis" were detained in Yevlakh in August for "illegal religious propaganda". It said the group was led by local resident Zafar Ibrahimov. They too were sentenced to short terms of imprisonment by Yevlakh Regional Court. It remains unclear what activity the men were engaged in.

### **Jehovah's Witnesses and Baptists face administrative penalties**

On 12 August police again raided a group of Jehovah's Witnesses in Gakh, four weeks to the day after a previous raid. The group was meeting in the private home of Tarana Khutsishvili. In the wake of the 15 July raid, her husband, Elguja Khutsishvili, an Azerbaijan-born Georgian citizen, was deported from Azerbaijan on 23 July to punish him for his religious activity.

Shortly after the 12 August meeting concluded in mid-afternoon, about nine men in police uniform and another four in civilian clothing arrived at the Khutsishvili home, where 15 persons were gathered. "The worshippers relate how the police burst in and announced that all the activity of Jehovah's Witnesses in Gakh is forbidden," Jehovah's Witnesses told Forum 18. "They then searched the house without showing any identification, finally insulting those present and accusing them of violating administrative law." The police said that each would be fined 300 Manats (2,217 Norwegian Kroner, 256 Euros or 373 US Dollars).

They also threatened Tarana Khutsishvili with imprisonment, despite the fact that she was in the last month of her pregnancy and has two other children to look after in the absence of her deported husband.

Four of the men and one woman present were taken to the police station, where they were insulted, questioned and pressured to sign documents admitting that they had violated the law. One man was hit in the face. Two young women, also Jehovah's Witnesses, who had already left the Khutsishvili home before the police arrived, were also detained at the police station and not allowed to speak to anyone.

After a few hours' detention, the policemen told the two women that they should pay a fine of 500 Manats (3,694 Norwegian Kroner, 426 Euros or 622 US Dollars). All were finally released late that night.

Police in Gakh refused to answer any of Forum 18's questions on 14 September about why Elguja Khutsishvili had been deported, why religious meetings at the family home had been raided in July and August, why the Jehovah's Witnesses were detained, why one was beaten and why they were threatened with fines. After long deliberations with colleagues, the duty officer put the phone down.

The Interior Ministry website noted on the day of the raid that six Jehovah's Witnesses – five of them visitors from other towns - had been detained in Gakh for "proselytising the Jehovah's Witness faith". It added that sixty Jehovah's Witness brochures and seven books were found and taken from them. The Ministry said the six were released after official protocols about them had been drawn up under the "relevant article" of the Administrative Offences Code. As is their usual practice, the Ministry did not reveal anything about any punishments.

Jehovah's Witnesses told Forum 18 on 14 September that those detained have not paid the threatened fines and that they are not being pressed to do so at the moment. They say they intend to file a complaint with the General Prosecutor's Office against the police in connection with the raid.

Meanwhile, a young Baptist, Fagan Mammadov, is facing trial on 15 September in Guneshli in Baku under Articles 299 and 300 of the Code of Administrative Offences, Baptists told Forum 18 from Baku on 11 September. He has been accused of "illegally spreading Christianity to a minor" after giving a Christian CD to a teenage girl he knew who asked him for material on the Christian faith.

Baptists also complain that in the town of Gusar [Qusar], close to Azerbaijan's northern border with Russia, officials began in late August to force local church members to sign statements rejecting any Christian activity, otherwise they are threatened with arrest. "They even do this for women," they added. They say some church members have been forced to flee to other towns "for their own safety".

Baptists added that church members on the island of Pirallahi (Artyom) close to Baku are afraid after police began searching for them, though pressure there seems to have eased.

---

## **Jehovah's Witnesses deported, Baptist next**

by Felix Corley

Forum 18 (14.09.2009) / HRWF Int. (15.09.2009) - Website: <http://www.hrwf.net> - Email: [info@hrwf.net](mailto:info@hrwf.net) - After the deportation of two Jehovah's Witnesses who are Georgian citizens from Azerbaijan in July for "illegal religious propaganda", police on 10 September fined and ordered the deportation of an Azerbaijan-born Baptist from Yalama in the north of the country after accusing him of "illegally propagandizing his faith" in his home. "It is 99 per cent certain that they will deport me, even though this is my only home," Javid Shangarov told Forum 18 from Yalama on 11 September. "They could give me just fifteen minutes notice." Yalama's police chief Gazanfar Huseinov defended the fine and order to deport Shangarov. "I fined him – he violated the procedure for foreign citizens to live in Azerbaijan by propagandizing for his faith," he told Forum 18.

Asked what Shangarov had done wrong, Huseinov declared: "He invited friends and neighbours for religious events at his home." Asked whether these people had attended voluntarily, he admitted that they had. Asked how he had known that religious events had taken place, he responded: "We conducted an investigation. We questioned those who had been there." Asked why this was a matter for the police, he responded: "It's our duty." He described Shangarov as a "religious radical", but refused to explain why he believes this.

As is their usual custom, the officials who answered the telephones of Gunduz Ismailov and Yagut Alieva, spokespersons at the State Committee for Work with Religious Organisations, hung up as soon as Forum 18 had asked about the deportations and other recent harassment of religious communities.

The deportation orders appear to be part of a growing crackdown by the authorities on a variety of faiths. Numerous Muslim, Protestant and Jehovah's Witness gatherings have been raided and three adherents of the late Turkish Muslim theologian Said Nursi were sentenced to prison terms of five to seven days in late August (see forthcoming F18News article).

The past year has also seen numerous mosques closed down on various pretexts in the capital Baku and elsewhere (see forthcoming F18News article).

On 19 August the authorities arrested a Jehovah's Witness, Mushfiq Mammedov, for refusing compulsory military service on grounds of religious conscience. He is in detention awaiting trial (see forthcoming F18News article).

Twice this year the Religion Law has been amended, each time restricting religious activity still further. Under the amendments, all religious communities that have been able to gain state registration will have to undergo re-registration yet again by 1 January 2010.

As many communities have been denied registration so far and as each time re-registration has been imposed since the country became independent in 1991 the process has become more difficult, many communities are likely to be stripped of legal status and more vulnerable to state attacks.

### ***Baptist ordered deported***

Shangarov, a local Baptist leader in the small town of Yalama close to Azerbaijan's northern border with Russia, was fined and ordered deported after a police raid on his home at 11.10 pm on 9 September. "The police turned everything upside down in my house and accused me of holding illegal books," he complained. He said they confiscated some 300 books, including Bibles and children's Bibles, as well as DVDs and he was detained.

Shangarov was freed late on 10 September after being held for nearly 24 hours, though police retained his identity documents. He said that without a court hearing he was given the maximum fine of 400 Manats [2,955 Norwegian Kroner, 341 Euros or 498 US Dollars] under Article 300 of the Code of Administrative Offences, which punishes "religious propaganda" by a foreign citizen. As allowed under the Article, Shangarov was also ordered deported as he is a Russian citizen. For reasons he does not understand, police told him that although the fine is 400 Manats, he has to pay 500 Manats. Asked if he will pay, he told Forum 18: "What else can I do? They have my identity documents."

Shangarov added that while he was being held at the police station, he was filmed by ANS television station for a hostile news item about him. "They asked me what the literature was for and where I had got it from," he told Forum 18. "The police summoned

the journalist. I could have done without it, but I gave the interview voluntarily." ANS showed the item nationally on the evening of 10 September.

The station has previously given hostile coverage of religious minorities, as have other media outlets, which often join the police or National Security Ministry (NSM) secret police on raids on religious communities.

Shangarov was born in Azerbaijan, but has a Russian passport. His wife is an Azerbaijani citizen, as is one of their two children. His elderly parents also live locally.

Baptists say other church members in Yalama are also facing police pressure for their faith.

Police chief Huseinov insisted that Shangarov had been fined 400 Manats but could not explain why police were demanding 500 Manats. He said the written notification of the punishment has not yet been shown to Shangarov, but in any case he will not be given a copy. "He will be allowed to read it."

### ***Jehovah's Witnesses deported***

Two Jehovah's Witnesses who are Georgian citizens - Elguja Khutsishvili and Temur Aliev - were deported from Azerbaijan in July, Jehovah's Witnesses told Forum 18. Neither was given any document authorising the deportation.

The deportation followed a 15 July raid on the family home in Gakh [Kakh], a town close to the border with Georgia which has a large ethnic Georgian population.

Elguja Khutsishvili, an ethnic Georgian, was born and raised in Gakh. Later he moved to Georgia where, after the collapse of the Soviet Union, he received a Georgian passport. In 2000 he and his family returned to Azerbaijan. At the moment they have two children and his wife is eight-months pregnant.

When some eight police and NSM secret police officers raided Khutsishvili's home, they demanded that he hand over "the weapons". When he told them he did not have any weapons, he was told to hand over any religious literature. The police entered the house and confiscated all religious literature they could find. The policemen entered also the house of his brother, Givi Khutsishvili, who lives in the same courtyard, and also confiscated all the religious literature (some 45 books and 600 magazines). The police also confiscated the Azerbaijani passports of Tarana Khutsishvili (Elguja's wife) and of Givi Khutsishvili.

Givi and Elguja Khutsishvili were told to come to the police station the next day and from there Elguja Khutsishvili was brought to Prosecutor's Office. Because Khutsishvili does not know Azeri well, he could not understand the documents that the police forced him to sign. Later that day he was brought to the Migration Service in Baku. On 17 July he was taken to Baku's Narimanov District Court, where the judge told him that he had already ruled that he should be deported for conducting "religious propaganda". He was held at the Migration Service without access to his wife or lawyer and deported by aeroplane on 23 July.

Also deported with him was Aliev, an ethnic Azeri from Georgia who has a Georgian passport. He often travelled to Azerbaijan's second city, Gyanja [Gäncä], to sell watermelons, working together with Gyanja resident Vugar Abishev. On 13 July, a police officer came to their workplace and accused them of illegally doing business. Although they were prepared to show they have all the necessary documents, this was ignored and they were taken to the police station. "They were held in terrible conditions, being treated very rudely, being insulted and without any food given to them," Jehovah's

Witnesses told Forum 18. During their stay the police searched Abishev's home and the place where Aliev was staying and confiscated religious literature they found there.

The following day Aliev was brought to the Migration Service in Baku, where he too was taken to Narimanov District Court, ordered deported for the same reason and was also detained without access to anyone else until his deportation.

Abishev was held by Gyanja police for three days without any explanation, Jehovah's Witnesses told Forum 18.

Police in Gyanja and Gakh refused to discuss the cases with Forum 18.

Nine Jehovah's Witnesses are known to have been deported for what the Azerbaijani authorities insist is "illegal" religious activity in the past three years. Protestants and Muslims too are known to have been deported.

---

## **The government doesn't want to give up control over religion**

By Felix Corley

Forum (22.07.2009) / HRWF (23.07.2009) - Email: [info@hrwf.net](mailto:info@hrwf.net) - Website: <http://www.hrwf.net> - Azerbaijan's President Ilham Aliev has modified the text of legal changes targeting the freedom of religion or belief of Muslims, Forum 18 News Service has learned. The Caucasian Muslim Board alone will now appoint mosque leaders, only subsequently informing the State Committee for Work with Religious Organisations. Non-citizens and citizens who have gained their religious education abroad will still be banned from leading Muslim rituals. Parliamentary deputy Fazil Gazanfaroglu Mustafaev of the Great Formation Party stated that the revised text is "a little better". "But it doesn't resolve the problem," he told Forum 18. "The government doesn't want to give up control over religion." He also noted that the President has no legal authority to make changes to the amendments without parliamentary approval. Also, in addition to the state's continuing harassment of minorities such as the Jehovah's Witnesses, followers of the Muslim theologian Said Nursi are also being targeted. Three followers of his approach to Islam have been detained and internally deported.

Ahead of signing the controversial new amendments to the Religion Law on 20 July, President Ilham Aliev bowed to pressure from the state-favoured Caucasian Muslim Board and changed one of the two controversial new provisions which will restrict the rights of Muslims, Forum 18 News Service has learned. While non-citizens and citizens who have gained their religious education abroad will still be banned from leading Muslim rituals, a provision which would have required the leaders of mosques to be appointed jointly by the Muslim Board and the state has been changed. They will now be appointed by the Board, which will then have to inform the State Committee for Work with Religious Organisations.

Opposition parliamentary deputy Fazil Gazanfaroglu Mustafaev of the Great Formation Party – who voted against the amendments in the Milli Mejlis (parliament) - believes the revised text is now "a little better". "But it doesn't resolve the problem," he told Forum 18 from the capital Baku on 22 July. "There will still be interference by the state in the activity of the Muslim community. The government doesn't want to give up control over religion." He pointed out that Azerbaijan's Constitution decrees the separation of religion from the state, and asks why Muslim communities are being treated differently from other faiths.

Deputy Gazanfaroglu also objects to the continuing legal requirement that all Muslim communities have to be subject to the Muslim Board. He has also previously objected to restrictions on the freedom of religion or belief of non-Muslims and called for laws to be drafted in accordance with international human rights standards.

The new amendments were approved as Azerbaijan faced critical questioning by the United Nations Human Rights Committee in Geneva, including over its violations of religious freedom. An official delegation headed by Deputy Foreign Minister Khalaf Khalafov was questioned on 20 and 21 July about recent legal changes restricting freedom of religion or belief and practical difficulties faced by religious communities in registration.

However, it was notable that in the press report of the meeting issued by the UN - which is not an official record - Azerbaijan appears to have avoided answering these questions, limiting its replies to the statement that "under the jurisdiction of the European Court [of Human Rights in Strasbourg], Azerbaijan had committed to not limit religious instruction."

The delegation also noted the existence of an Islamic theological school (madrasa) and claimed that "people who graduated from it could perform religious services."

Also in July, the police and National Security Ministry (NSM) secret police in the north-western Gakh [Qax] District moved against Jehovah's Witnesses and adherents of the Muslim theologian Said Nursi, confiscating religious literature and detaining several people.

The telephones of State Committee spokespersons Gunduz Ismailov and Yagut Alieva went unanswered each time Forum 18 called on 22 July.

### **The new amendments**

The amendments – as approved by the President on 20 July – consist of two additions to the Religion Law. A new provision is added to Article 8: "The appointment of the religious functionaries who lead Islamic places of prayer is by the Caucasian Muslim Board which informs the relevant organ of executive power." The other new provision is added to Article 21: "The performance of religious rituals and ceremonies of the Islamic faith can be carried out only by citizens of Azerbaijan who have received their education in Azerbaijan."

As well as the change to the provision in Article 8, the President also added "and ceremonies" to the wording of the new provision in Article 21.

The Presidential Decree approving the amendments indicated that the State Committee is the "relevant organ of executive power" which must be informed of the appointment of Muslim leaders.

The Presidential Decree was posted to the presidential website on 20 July, together with the text of the amendments. The website indicated that the amendments were from 30 June, the date they were approved in the Milli Mejlis (see F18News 30 June 2009 [http://www.forum18.org/Archive.php?article\\_id=1320](http://www.forum18.org/Archive.php?article_id=1320)). However, it did not indicate that the text had been amended after Parliament approved it.

Curiously, the provision that the amendments come into force on official publication, present in the text approved by Parliament, has also been removed. It thus remains unclear when these amendments come into force. The President's accompanying Decree gives the government one month to bring other laws and regulations into line with the new amendments.

Deputy Gazanfaroglu pointed out that the unilateral amending of the text after parliamentary approval is illegal. "The President doesn't have the right to do this," he told Forum 18. "If he wanted changes he should have returned the text to Parliament."

It remains unclear what will happen to Muslim communities if they allow non-citizens or citizens who have studied Islam abroad to lead their worship.

While the latest amendments to the Religion Law affect only Muslims, amendments to the same Law which came into force on 31 May brought in sweeping new restrictions on the freedom of religion or belief of people of all faiths. The May amendments also introduced a range of new punishments for religious "offences" in both the Criminal Code and the Administrative Code. In addition, all religious communities which have been able to get state registration will again have to submit to re-registration by 1 January 2010.

Neither set of amendments was sent for review to the Organisation for Security and Co-operation in Europe (OSCE) or the Council of Europe's Venice Commission. On 24 June the Monitoring Committee of the Council of Europe's Parliamentary Assembly expressed concern about the first set of amendments to the Religion Law and urged Azerbaijan to send them for review to the Venice Commission. However, parliamentary deputy Rabiyyat Aslanova of the ruling Yeni Azerbaijan (New Azerbaijan) Party dismissed this suggestion to Forum 18.

Both sets of amendments flagrantly break Azerbaijan's international human rights commitments, as for example outlined in the OSCE / Council of Europe Venice Commission Guidelines for Review of Legislation Pertaining to Religion or Belief.

### **Muslim Board opposition**

While Muslim activists and human rights defenders complained publicly about these new amendments, the Muslim Board appears to have been working behind the scenes to have the provisions softened. The First Deputy Chair of the Caucasian Muslim Board, Haji Salman Musaev, told Forum 18 in June of his "personal" opposition to the amendments, but did not commit the Board.

The local Turan news agency quoted an unnamed Muslim Board official on 16 July as saying that the President had changed the wording from "agree" to "inform", as the wording approved by Parliament would have represented state interference in religious affairs.

Adopting a more ambiguous attitude has been Sheikh-ul-Islam Allahshukur Pashazade, who was elected head of the Muslim Board for life in 1980. Initially defending the amendments publicly, he has repeatedly claimed that the ban on those who have studied Islam outside Azerbaijan (like himself) will not have retroactive effect. He also claimed – though this is nowhere present in the text of the amendments – that it will not apply to those sent abroad now by the Muslim Board to supplement their Islamic education.

In a written interview with the opposition Yeni Musavat newspaper, published on 21 July, Sheikh-ul-Islam Pashazade put the number of students the Muslim Board has currently sent abroad at 500.

### **Crackdown on Jehovah's Witnesses and Muslim Nursi followers**

Police and the NSM secret police raided a house in the Gakh [Kakh] District on 15 July, where they found Jehovah's Witness literature, the website of Azerbaijan's Interior Ministry noted on 17 July. It said two brothers Elkia and Givi Khutsishvili, both Georgian citizens, were living in the house. The Ministry said three video-cassettes and 1,428

Jehovah's Witness journals and brochures were confiscated. The announcement did not say whether any further action will be taken against the Khutsishvili brothers.

Gakh District borders Georgia and has a large ethnic Georgian population. In addition to nationwide harassment of and raids on minorities such as the Jehovah's Witnesses (see F18News 26 June 2009 [http://www.forum18.org/Archive.php?article\\_id=1319](http://www.forum18.org/Archive.php?article_id=1319)), Georgian Orthodox churches in Gakh have been forcibly kept closed against the wishes of their congregations.

Also in Gakh District, three visitors from the city of Mingechar were detained for "propaganda for religious extremism", the local Azeri Press Agency reported on 21 July, citing the Gakh District Police. It said as a result of a police operation, Elnur Ibrahimov, Mais Abdullaev and Shukur Babashov were detained for illegally preaching and distributing "religious extremist" literature. Confiscated from them, it said, were ten books and four discs "propagating Nursism", an apparent reference to the late Turkism Muslim theologian Said Nursi.

The agency said the three were punished by the Gakh District Court under the Code of Administrative Offences and expelled from the District, though it does not make clear if they were expelled on court orders or unilaterally by the police. The agency added that local religious organisations were warned to be "vigilant".

The man who answered the telephone on 22 July of the head of Gakh District Police – who would not give his name and who identified himself as a sergeant – refused to discuss the moves against the Jehovah's Witnesses and Nursi followers. "You ask 'Why this?' and 'Why that?'," he told Forum 18. "Are you the Prosecutor's Office? Who are you to ask such ignorant questions?" He said the police chief was not present and put the phone down.

Parliamentary deputy Gazanfaroglu condemned the harassment of the Jehovah's Witnesses and Nursi followers. He particularly complained of the deportation of the Nursi followers from Gakh District. "It is not legal to kick citizens out of one district of the country," he told Forum 18.

Muslims who follow Nursi's approach to Islam have been attracting increasing state hostility in the former Soviet Union. Increasing numbers of Muslims following his approach have been jailed in Uzbekistan (see eg. F18News 4 June 2009 [http://www.forum18.org/Archive.php?article\\_id=1306](http://www.forum18.org/Archive.php?article_id=1306)). Translations of many of his writings are banned in Russia, and those thought to possess them have been raided.

The Collective Security Treaty Organisation (CSTO), consisting of Russia, Uzbekistan and five other ex-Soviet republics, added "Nurdzhular" – as it calls followers of Said Nursi – to its list of terrorist and extremist organisations this May (see F18News 15 May 2009 [http://www.forum18.org/Archive.php?article\\_id=1297](http://www.forum18.org/Archive.php?article_id=1297)). However, Azerbaijan is not a CSTO member and up to now is not known to have taken action against Nursi followers.

---

## **Jehovah's Witness arrested in Baku for refusing military duty**

RFE/RL (26.08.2009) / HRWF (27.08.2009) - Email: [info@hrwf.net](mailto:info@hrwf.net) - Website: <http://www.hrwf.net> - Mushfiq Mammadov, a conscientious objector to military service in Azerbaijan, has been detained for refusing to perform compulsory military service.

Mammadov, who is a member of the Christian group Jehovah's Witnesses, is reportedly being held in the Kurdakhani isolation center and has not been given a lawyer.

---

Mammadov was once detained in 2006 and given a six-month suspended jail term on the same charges.

Although Azerbaijan's Constitution guarantees the right to alternative service, no program exists for pursuing such an option.

Mammadov was detained on August 10 and sentenced one day later, even though the Interior Ministry says it has no information about the arrest.

Human rights defenders are calling on Azerbaijani authorities to immediately release Mammadov and move toward adopting a law on alternative military service.

Azerbaijan has pledged to the Council of Europe that it will adopt such legislation. The UN Human Rights Committee has also urged that such a law be passed.

Article 76 of the Azerbaijani Constitution recognizes that those who cannot perform military service on the grounds of their conscience are to be offered alternative service.

---

## **Parliament approves latest Religion Law changes**

By Felix Corley

Forum 18 (30.06.2009) / HRWF (03.07.2009) - Email: [info@hrwf.net](mailto:info@hrwf.net) - Website: <http://www.hrwf.net> - Azerbaijan's Parliament, the Milli Mejlis, today (30 June) adopted controversial new amendments to the Religion Law, a month after the last restrictive amendments to the same Law came into force. A parliamentary official told Forum 18 News Service that they "will be sent on to the Presidential Administration for final approval within days." The amendments require all leaders of Muslim communities to be appointed by the state, and state that "religious rituals of the Islamic faith can be carried out only by citizens of Azerbaijan who have received their education in Azerbaijan." Despite these restrictions on freedom of religion or belief, parliamentary deputy Ali Huseynov, who heads the Legal Policy and State Building Committee - which arranged the amendments' passage through Parliament - stated they "do not at all restrict freedom of conscience". Forum 18 was unable to find out from Huseynov why he thinks limiting the freedom of communities to choose their own religious leaders does not limit freedom of conscience.

Azerbaijan's Parliament, the Milli Mejlis, today (30 June) adopted controversial new amendments to the Religion Law, a month after the previous restrictive amendments to the same Law came into force. An official of the Milli Mejlis Legal Policy and State Building Committee - which had handled the Law - told Forum 18 News Service that the amendments were approved with 95 deputies in favour and seven against. "Only one reading was needed as they were merely amendments to an existing Law," the official who asked not to be named told Forum 18 in the wake of the vote. "The amendments will be sent on to the Presidential Administration for final approval within days."

Azerbaijan's Constitution gives the President 56 days from the date of receipt to sign or return a law to Parliament. The amendments were briefly discussed in Parliament on 19 June, before being briefly postponed until today's (30 June) session.

The amendments add two new restrictions which solely affect the Muslim community. A new provision is added to Article 8: "The appointment of the religious functionaries who lead Islamic places of prayer is by the Caucasian Muslim Board in agreement with the relevant organ of executive power." The other new provision is added to Article 21: "The

performance of religious rituals of the Islamic faith can be carried out only by citizens of Azerbaijan who have received their education in Azerbaijan" (see F18News 18 June 2009 [http://www.forum18.org/Archive.php?article\\_id=1314](http://www.forum18.org/Archive.php?article_id=1314)). The Law specifies that the amendments come into force on the date of their official publication.

Despite these restrictions on freedom of religion or belief, Ali Huseynov, a deputy and the head of the Legal Policy and State Building Committee, was quoted by journalists as telling the Milli Mejlis that these amendments "do not at all restrict freedom of conscience". Forum 18 was unable to reach Huseynov in the wake of the vote to find out why he thinks limiting Muslims' freedom to choose who should lead their communities and places of worship does not limit their freedom of conscience.

Vigorously defending the amendments to Forum 18 has been Rabiyyat Aslanova, a deputy of the ruling Yeni Azerbaijan (New Azerbaijan) Party and head of the Milli Mejlis Human Rights Committee.

But the amendments have provoked strong opposition from human rights defenders, Muslims and opposition politicians. The first deputy chairman of the Caucasian Muslim Board, Haji Salman Musaev, told Forum 18 on 22 June of his personal opposition to the two new amendments.

Two opposition parliamentary deputies, Fazil Gazanfaroglu Mustafaev of the Great Formation Party, and Iqbal Agazade of the Umid (Hope) Party, also told Forum 18 separately that they would oppose these amendments. Human rights defender Eldar Zeynalov and Muslim rights activist Ilgar Ibrahimoglu Allahverdiev were also highly critical.

Great concern has also been caused by the authorities' closure of mosques, their barring of children from Jehovah's Witness and Protestant worship, and the recent harshening of Azerbaijan's strict censorship regime.

Muslims in the village of Nardaran near Baku, who are known to be particularly devout Shia Muslims, also spoke out against the latest amendments. The local Turan news agency reported on 24 June that village elder Natig Kerimov described the amendments as "unacceptable and illogical". "It is not clear why Azerbaijanis studying abroad are suspected of disloyalty to the Motherland," he was quoted as saying.

However, the Legal Policy and State Building Committee official defended the new restrictions. "The objections raised by some deputies today mostly concerned the restrictions on those who have studied abroad," the official told Forum 18. "But such limitations are justified by the reality of today's Azerbaijan. Many people come back from studies abroad bringing back the religious policy of those countries." He declined to explain what problems he believes this causes.

Asked whether the amendments – if approved by President Ilham Aliev – will ban anyone who has gained an education abroad from leading prayers, the official insisted to Forum 18 that the ban relates only to those who have studied Islam abroad. Asked why the text of the amendments did not say this, the official responded: "The text can't include every little detail."

### **NGO Law amended**

Also adopted in the Milli Mejlis on 30 June was a package of controversial amendments to a number of other Laws, including the NGO Law. These had come in for particularly heavy criticism by local NGOs and foreign human rights groups, as well as by the Organisation for Security and Co-operation in Europe (OSCE). However, unlike the

Religion Law amendments, these amendments were modified by the Milli Mejlis before being adopted, with some of the most restrictive provisions being removed.

Any NGO working on issues such as religious freedom, or which is religiously-affiliated, would suffer the same new restrictions as any other NGO.

Human Rights Ombudsperson Elmira Suleymanova met NGO representatives who were unhappy with the amendments to the NGO Law. She then wrote to Milli Mejlis Speaker Oktai Asadov to urge deputies to defer consideration of the amendments until the autumn to allow more time, her spokesperson Zemfira Maharramli told Forum 18 on 30 June. However, Maharramli said Suleymanova had made no mention in her letter of the Religion Law amendments. She said the Ombudsperson was away in Russia and unavailable for comment.

### **No international review**

The Azerbaijani authorities sent neither the May 2009 amendments to the Religion Law nor the latest amendments for legal review by experts from the Council of Europe or the OSCE.

Azerbaijan is a member of both organisations, and both laws break international standards on freedom of religion or belief which the country has agreed to, as outlined in the OSCE / Council of Europe Venice Commission Guidelines for Review of Legislation Pertaining to Religion or Belief (see [http://www.osce.org/odihr/item\\_11\\_13600.html](http://www.osce.org/odihr/item_11_13600.html)). The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) told Forum 18 that "in line with its mandate, ODIHR stands ready to provide expertise in the field of freedom of religion or belief at the request of participating States".

On 24 June the Monitoring Committee of the Council of Europe's Parliamentary Assembly expressed concern about the amendments to the NGO and other Laws, as well as over the already adopted May 2009 amendments to the Religion Law.

Under the May 2009 amendments, all religious communities will have to re-register with the State Committee by 1 January 2010, a process many communities fear will be difficult. In previous re-registration rounds, many communities that applied for re-registration failed to get it.

Andres Herkel, an Estonian parliamentary deputy who is one of the two rapporteurs on Azerbaijan for the Monitoring Committee of the Council of Europe Parliamentary Assembly, says he is concerned about legislative developments in Azerbaijan. "If the Milli Mejlis has adopted controversial changes again to the Religion Law and the NGO Law without discussion and consultation with the rapporteurs and with the Venice Commission, that would be disappointing," he told Forum 18 on 30 June. "It's better to consult in advance on controversial points to help make such Laws better." Azerbaijani Deputy Mustafaev of the Great Formation Party has similarly suggested that consulting international experts would be helpful in ensuring that laws do not violate human rights standards. Herkel said the Monitoring Committee had hoped that consideration of these amendments would have been postponed again.

---

## **'Why shouldn't we bring order to this?'**

Forum 18 (26.06.2009) / HRWF (02.07.2009) - Website: <http://www.hrwf.net> - Email: [info@hrwf.net](mailto:info@hrwf.net) - Complaining of the latest closure of a mosque in Azerbaijan is Muslim rights activist Ilgar Ibrahimoglu Allahverdiev. He told Forum 18 News Service that local officials and police banned Muslims from praying at the Khazrat Fatima mosque in Baku,

cut off the power and threatened to demolish the uncompleted building. "The time the community had to complete construction work is over," local police chief Jovdat Mamedov told Forum 18. "The city authorities ordered them to stop. It's a problem of documentation." Parliamentary deputy Rabiyyat Aslanova defended the moves against mosques, insisting to Forum 18 that only "illegal structures" had been demolished or closed. "Why shouldn't we bring order to this?" Police elsewhere in Baku warned Jehovah's Witnesses they would be closed down if they allow children to attend, while two female Jehovah's Witnesses have officially complained of police interrogations during which they were pressured to change their faith.

Moves to restrict religious activity even more – this time targeted specifically at Muslims – come as another mosque has been closed down in the capital Baku. The Khazrat Fatima mosque in the settlement of Yeni Guneshli in the city's Surakhany District was closed by officials of the District Administration on about 19 June, Muslim rights activist Ilgar Ibrahimoglu Allahverdiev told Forum 18 News Service on 23 June. He pointed out that this was the latest of a series of mosques destroyed or closed in and around Baku. But dismissing such concerns was Rabiyyat Aslanova, a parliamentary deputy of the ruling party, who insisted that only "illegal structures" had been demolished or closed. "Why shouldn't we bring order to this?" she told Forum 18 on 25 June.

Facing continuing pressure from police officers are Jehovah's Witnesses, two of whom have lodged an official complaint over police interrogations during which they were pressured to change their faith. Police have warned the community in Baku that it will be closed down if it allows children to attend. Jehovah's Witnesses have also failed in a court challenge to the denial of permission to import some of their literature by the State Committee for Work with Religious Organisations, the official body which administers the system of prior compulsory censorship of all religious literature.

The telephones of the two spokespersons for the State Committee, Gunduz Ismailov and Yagut Alieva, went unanswered when Forum 18 called on 23 June.

The Milli Mejlis (Parliament) is due to consider the latest amendments to the Religion Law on 30 June which would impose new restrictions on Muslims. If adopted, these would be the second set of amendments to the Religion Law this year. The previous amendments, which came into force in May, were criticised by the Monitoring Committee of the Council of Europe's Parliamentary Assembly, which called on the authorities to submit them for a review of their compliance with European norms.

### **Why was the latest mosque closed down?**

Muslim rights activist Ibrahimoglu told Forum 18 that officials who arrived at the Khazrat Fatima mosque in Yeni Guneshli were soon joined by officers of the local police, who expressly forbade the praying of the namaz. Officials cut off the power and threatened to demolish the building.

The decision to close the mosque appears to have been taken by the Surakhany District administration. However, Forum 18 was unable to reach anyone there on 23 June to find out why they had banned further public prayer on the site.

Jovdat Mamedov, the head of the 33rd police division in Yeni Guneshli, insisted to Forum 18 on 23 June that no mosque had been closed. Asked about the closure of the Khazrat Fatima mosque, he responded: "Ask the city authorities. The time the community had to complete construction work is over. The city authorities ordered them to stop. It's a problem of documentation."

Asked why officers had been sent to the site to prevent Muslims from praying, Mamedov insisted that they were not present. Asked if they had been there in the previous week

with local officials he seemed unsure, referring enquiries to his superiors at the Surakhany District police.

The deputy head of Surakhany District police, who gave his family name as Veliev, told Forum 18 that the District police had not sent any officers to the mosque. "Ask the 33rd police division."

Asked who had issued the order to close the mosque, Ibrahimoglu suggested that the District Administration would have been unlikely to have issued such an order without an order "from above".

Ibrahimoglu told Forum 18 that the mosque has been under construction since the 1990s, and that the interior is largely complete. He said only the cupola and the exterior of the walls need completing. He added that officials are no longer talking about demolishing the mosque but will only allow a few people from the mosque community to pray on the site. "The hundreds of local people who used to come there to pray are being blocked from doing so."

Forum 18 notes that many buildings in and around Baku are left unfinished – often for many years – and a few are used in the interim.

Muslims have expressed outrage to Forum 18 over the demolition of the two mosques and the closure of others in and near Baku. Press reports say attempts have been made away from Baku to demolish several mosques this year.

Deputy Aslanova of the ruling Yeni Azerbaijan (New Azerbaijan) Party, who heads the Milli Mejlis Human Rights Committee, insisted to Forum 18 that mosques that were built "illegally" – whether without documentation or on other people's property – had to be dealt with. She said this was not linked to the closure of other mosques on security grounds or for restoration. "You shouldn't be asking the question 'Why is this all happening now?', but rather 'Why wasn't this done before?'"

A deputy chairman of the Caucasian Muslim Board, Haji Salman Musaev, also downplayed the demolitions and closures. He told Forum 18 on 22 June that reconstruction underway in a number of mosques is necessary and that they will reopen as soon as possible.

A nationwide "temporary" ban on praying outside mosques, imposed in August 2008, along with bans on some Georgian Orthodox and Baptist churches reopening still remain in force.

### **Children banned from worship?**

Police have tried to prevent Jehovah's Witnesses from allowing children to attend their meetings in Baku, Jehovah's Witnesses told Forum 18 on 23 June. One of the leaders of their community in Baku was called in by the police of the 34th division in the city's Khatai District on 3 June. Police told the leader that children are not allowed to attend and that he was being given a "last warning". Police said that if this warning was not heeded their Kingdom Hall would be closed down.

"The police gave our leader no legal justification for the warning or for the demand not to allow children to attend," Jehovah's Witnesses told Forum 18. However, they said that children have continued to attend and so far police have not followed up on the warning.

No-one at the police's 34th division was prepared to talk to Forum 18 on 23 June to explain why the "warning" was issued and why they are insisting that children are not allowed to attend places of worship.

Officials have long disliked the presence of children at religious events. In December 2007, police in Azerbaijan's second city Gyanja [Gäncä] threatened Seventh-day Adventist pastor Elshan Samedov with jail for not banning school-age children from church and for leading worship in church-owned properties (see F18News 20 December 2007 [http://www.forum18.org/Archive.php?article\\_id=1065](http://www.forum18.org/Archive.php?article_id=1065)).

### **Jehovah's Witnesses harassed**

Two Jehovah's Witnesses lodged official complaints to the General Prosecutor's Office on 2 June over what they say was harassment by police officers at the 10th division of the police in Baku's Garadag District. In their complaints – seen by Forum 18 – Makhluca Akhmedova and Kaklik Muradova say they were discussing their faith on the street in Lokbatan on 30 April when two police cars drove up close to them. Four officers got out and, without showing identification or any document, ordered them to come to the police station, where the two women were held for four hours.

The two women complain that police officers "crudely insulted our faith and accused us of abandoning the Islamic religion, as though the law does not allow this". One officer told them they had no right to preach. Another officer forced them to write a statement about what they were doing and what they believe, despite their unwillingness to do so without a lawyer being present.

Akhmedova was asked to summon her husband, but she told police he was at work and they had no reason to intervene in her family life. Muradova said that she had an asthma attack during questioning and the police merely opened the window to allow in fresh air, but would not release her to allow her to get her medicine.

Several officers "demanded that we change our religion which, given their duty as state officials, is illegal," Akhmedova wrote in her complaint.

Akhmedova and Muradova demanded of the General Prosecutor's Office that disciplinary measures be taken against the officers, including the head of the 10th division, Zabit Baliev.

Reached on 23 June, Baliev claimed to Forum 18 that he did not recall the detention of the two women and said he would "look into it".

Told about the two women's complaints of pressure from the local police, including the pressure to abandon their faith and adopt another, parliamentary deputy Aslanova declared: "If this happened it would be a violation of the law and those involved could be punished." She pledged that if the Jehovah's Witnesses came to her with the evidence she would lodge a formal enquiry with the Interior Ministry, which oversees the police.

### **Supreme Court upholds religious censorship**

One year after the Jehovah's Witnesses were denied permission by the State Committee for Work with Religious Organisations to import some religious books from abroad, Azerbaijan's Supreme Court finally rejected their complaint against the decision on 16 June. Jehovah's Witnesses told Forum 18 that they submitted to the State Committee in early 2008 a list of titles they wished to import in line with the legal requirement that all religious literature needs to undergo prior compulsory censorship.

On 13 June 2008 the State Committee responded, granting permission for some books on the list but rejecting others. "They gave no reason for rejecting certain titles," the Jehovah's Witnesses told Forum 18. Unhappy at the decision, the community challenged

the rejection first in Sabail District Court, then in Baku Appeal Court and finally in the Supreme Court, all of which rejected their complaint.

The Jehovah's Witnesses told Forum 18 that as soon as they get the written judgment from the Supreme Court they will consider bringing a case to the European Court of Human Rights in Strasbourg.

The Religion Law amendments which came into force in May reinforced the sweeping censorship of all religious literature produced in Azerbaijan or imported into the country. Adding to the existing compulsory prior censorship of all religious literature, the new amendments now require state permission to set up a shop selling religious literature. Even exporting religious literature now needs permission. Changes made at the same time to the Code of Administrative Offences introduced new penalties for producing, selling, circulating, importing and exporting religious literature without state permission.

---

## **Further repressive religion law changes target Muslims**

By Felix Corley,

Forum 18 (18.06.2009) / HRWF (25.06.2009) - Email: [info@hrwf.net](mailto:info@hrwf.net) - Website: <http://www.hrwf.net> - Just two weeks after repressive new amendments to Azerbaijan's Religion Law entered into force, the Milli Mejlis (Parliament) is set to consider two further amendments to the Law, Forum 18 News Service has learnt. Both new amendments specifically target Muslims. The latest changes ban foreign citizens, and those who have not had Islamic education within Azerbaijan, from leading prayers in mosques and at places of pilgrimage. They also require everyone who leads mosques and places of pilgrimage to have state approval.

The amendments will be considered at an extraordinary session of the Milli Mejlis due to be held tomorrow (19 June), a parliamentary official who asked not to be identified told Forum 18. The official said that the proposed Law Parliament will consider amends the Religion Law as well as the Media Law, the Non-Governmental Organisations Law, the Grants Law, the State Fees Law and the Code of Administrative Offences. The official said the entire proposed Law will require only one parliamentary reading, as it merely amends other laws.

"These amendments to the Religion Law seriously violate the Constitution," Fazil Gazanfaroglu Mustafaev, a parliamentary deputy and chair of the Great Formation Party, told Forum 18 from the capital Baku on 18 June. "I will vote against them." He said that while the previous amendments to the Religion Law – which he also voted against – affected all faiths, these amendments are specifically targeted at the Muslim community.

Arastun Mekhtiev, Deputy Head of the Department for Social and Political Issues at the Presidential Administration, insisted that the proposed new amendments had been drawn up by the Milli Mejlis, not the Presidential Administration. "The Milli Mejlis considers the changes necessary – that's their right," he told Forum 18 from Baku on 17 June. "We're studying them. They'll be enough time after the Milli Mejlis has adopted them for the President to consider them."

Asked why the existing Religion Law and the new amendments include tight state control on all aspects of religious activity, Mekhtiev responded: "The State must control and protect the rights of citizens from outside interference. We don't want chaos, anarchy." He claimed that the existing Law "does not harm the rights to religious freedom – it's a very tolerant, liberal Law".

Asked why reviews of the May amendments and the latest amendments had not been sought from the Council of Europe or the Organisation for Security and Co-operation in Europe (OSCE), Mekhtiev repeatedly responded: "Everything is in accord with the law and human rights standards."

Deputy Mustafaeov, however, told Forum 18 that the amendments should have been drafted in accordance with international human rights standards, and that such expert advice should also have been sought.

### **The latest proposed Religion Law amendments**

Ali Huseynov, a parliamentary deputy who chairs the Milli Mejlis Legal Policy and State Building Committee, told the local APA news agency on 12 June of the two proposed amendments to the Religion Law, which he said had been initiated by his Committee.

Texts Forum 18 has seen of the proposed amendments do not include the proposed additions to the Religion Law.

According to Deputy Huseynov, a new provision is set to be added to Article 8: "The appointment of the religious functionaries who lead Islamic places of prayer is by the Caucasian Muslim Board in agreement with the relevant organ of executive power." The other new provision is set to be added to Article 21: "The performance of religious rituals of the Islamic faith can be carried out only by citizens of Azerbaijan who have received their education in Azerbaijan."

Forum 18 was unable to reach Huseynov to find out why he thinks these changes are necessary. His telephones went unanswered on 17 and 18 June.

However, he told APA that the revision to Article 8 did not aim to restrict religious freedom, but merely to govern who was named to head Muslim places of prayer. He failed to explain what he meant. He explained that the new Article 21 relates only to religious education outside Azerbaijan. He maintained that individuals are free to gain education wherever they wish. He also explained that the ban related only to prayers in mosques and at places of pilgrimages, not at funerals.

While claiming that individuals now have "wonderful opportunities to gain an Islamic education in Azerbaijan" at Baku's Islamic University or at the four medressahs (Islamic schools) in the country, and claiming that Islamic knowledge in Azerbaijan is greater than among the population of any other Muslim state, Huseynov declared that he sees no "need" for individuals to study Islam abroad. He failed to explain what was wrong with studying Islam abroad. He also said there is no longer a need for foreigners to teach Islam in Azerbaijan.

Huseynov claimed that "one shouldn't be worried about" people who have studied Islam abroad, claiming that there would be no limits on their activity. He said they could work in the State Committee for Work with Religious Organisations, the Academy of Sciences or "other structures". He failed to explain how preventing them from leading prayers would not limit their activity.

Deputy Huseynov also outlined a number of new punishments to be introduced in the proposed amendments to the Code of Administrative Offences, but did not specify if punishments will be added for those who violate the new provisions in Article 8 and Article 21 of the Religion Law.

Senior officials from the ruling Yeni Azerbaijan Party of the President Ilham Aliiev have also backed the proposed changes. On 18 June the party website quoted Mubariz

Gurbanli, a parliamentary deputy and the Party's Deputy Executive Secretary as declaring the amendments "completely justified".

### **Increasing controls condemned**

The Religion Law already bans mosques which function outside the framework of the Caucasian Muslim Board, a structure that often competes with the State Committee for Work with Religious Organisations over who should control the Islamic community in Azerbaijan.

Much opposition to the proposed Law being considered by Parliament, including from the OSCE, has only focused on the part of the Law affecting NGOs. The other proposed restrictions on fundamental freedoms have not received so much attention.

However, Eldar Zeynalov, head of the Human Rights Centre of Azerbaijan, an NGO which will be affected by the amendments, condemned all restrictions on fundamental freedoms. "I think Parliament should reject these amendments," he told Forum 18 from Baku on 17 June. "But sadly there is no case when parliament has rejected laws which have the backing of the Presidential Administration."

Zeynalov described the proposed further changes to the Religion Law as "reactionary". "The reason for them is obvious: the well-justified fear of the activity of some religious extremists. The first reaction of bureaucrats of Soviet origin is to prohibit everyone. But the proper way to deal with this is to establish strong control through the courts."

Ilgar Ibrahimoglu Allahverdiev, a Muslim rights activist and imam who was expelled with his community from a Baku mosque in 2004, is equally unhappy with the proposed new restrictions. "It's a violation of religious freedom," he told Forum 18 on 17 June. "This goes beyond what there was in the Soviet period – even then officials didn't name all imams in every mosque." He also objects to the existing requirement that all mosques have to be part of the Muslim Board.

Ibrahimoglu – who studied in Iran - describes the requirement that all prayer leaders have to have been educated in Azerbaijan as "absurd". He points out that the head of the Muslim Board, Sheikh-ul-Islam Allahshukur Pashazade, studied Islam in Uzbekistan during the Soviet period. "I don't expect he'll be banned from leading prayers, though. This will lead to double standards."

Imam Ibrahimoglu claimed that the Muslim Board is unhappy with the amendments, though Forum 18 has been unable to confirm this. The Board's spokesperson Rahima Rahimova told Forum 18 on 18 June from Moscow that she, Pashazade and the deputy head Salman Musaev are all busy in the Russian capital at a conference of Muslims in the CIS countries and unavailable to speak.

Ibrahimoglu also complained that the proposed amendments to the NGO Law, which would ban the activity of unregistered NGOs, would also affect the activity of Devamm, the Muslim rights organisation he leads. The organisation was refused registration by the Justice Ministry some years ago "and we just carry on without registration", he told Forum 18. "But it will be very hard for us to function if the amendments to the NGO Law are adopted."

Also affected would be the International Religious Liberty Association. Its local affiliate failed to gain registration as an NGO with the Justice Ministry.

### **Mosques closed**

Muslims have expressed outrage over the demolition of two mosques in recent months and the closure of a number of others. The Prophet Muhammad mosque in Baku's Yasamal District was demolished in April after officials claimed it had been built illegally. A mosque on the manmade Oily Rocks island in the Caspian Sea was demolished in May after oil company officials and state officials claimed it was unsafe. Muslim activists dispute these claims.

Abu-Bekr Mosque in Baku's Narimanov District was closed in August 2008 after a grenade attack, and officials have repeatedly refused to reopen it. The community's lawyer, Javanshir Suleymanov, told Forum 18 on 17 June that on 27 May the Supreme Court rejected their latest appeal against the continued closure. "We haven't had the reasons as they haven't yet given us the written verdict, even though it's supposed to be issued within ten days." He said he is preparing to lodge a suit at the Constitutional Court and at the European Court of Human Rights in Strasbourg. "Where else can we complain? To God? People don't know where to turn."

Among other closed mosques is the Martyrs' Mosque near the parliament building in Baku. Officials claim it needs "repairs".

Dismissing Muslims' concerns about these mosque demolitions and closures is Mekhtiev of the Presidential Administration. "It is not mosques that were closed but illegal places of worship," he insisted to Forum 18. "They must act legally."

A nationwide "temporary" ban on praying outside mosques, imposed in August 2008, along with bans on some Georgian Orthodox and Baptist churches reopening still remain in force.

---

## **Repressive new Religion Law and new punishments enter into force**

By Felix Corley

Forum 18 (03.06.2009) / HRWF (09.06.2009) - Email: [info@hrwf.net](mailto:info@hrwf.net) - Website: <http://www.hrwf.net> - Azerbaijan's repressive new Religion Law, and amendments to both the Criminal Code and the Administrative Code came into force on 31 May, Forum 18 has learned. New "offences" - such as more severe censorship - and new punishments are introduced for religious activities and organisations the government does not like. All registered religious organisations must re-register by 1 January 2010, the third time re-registration has been demanded in less than twenty years. It is implied that unregistered organisations are illegal, and stated that "all religious organisations" can act only after gaining state registration. Parliamentary Deputy Fazil Gazanfarolgu Mustafaev told Forum 18 that "the new Religion Law will limit people's rights to freedom of conscience - that is clear." He thinks the Law should have been drafted in accordance with international human rights standards, and that this would have been more likely if expert advice from organisations like the OSCE and Council of Europe had been sought.

Azerbaijan's repressive new Religion Law, and amendments to both the Criminal Code and the Administrative Code came into force on 31 May, Forum 18 has learned. The latest changes both introduce new "offences" and introduce new punishments for religious activities and organisations the government does not like.

All religious organisations which have currently managed to obtain state registration will have to re-register by 1 January 2010, the third time such re-registration has been required since Azerbaijan gained independence less than twenty years ago. Many

religious organisations fear they will fail to regain their legal status, as happened with earlier re-registration rounds.

Echoing new provisions in the Religion Law, the amendments to the Code of Administrative Offences introduce new "offences" of producing, importing, circulating or selling religious literature without specific permission from the State Committee for Work with Religious Organisations. Also introduced are "offences" of conducting religious activity away from the legal address where a religious community is registered and conducting religious activity not specifically listed in a registered religious organisation's statute.

Condemning the adoption of the Law and the amendments to the Criminal Code and the Code of Administrative Offences was Fazil Gazanfarolgu Mustafaev, a parliamentary deputy and chair of the Great Formation Party. He said he was one of only about eight deputies to vote against them (while about 100 voted in favour). "The new Religion Law will limit people's rights to freedom of conscience – that is clear," he told Forum 18 from the capital Baku on 3 June.

Gazanfarolglu particularly condemned the re-registration requirement. "Re-registration each time the Law is amended is not right – once an organisation has registration it should continue," he insisted. "Each juridical entity should require registration only once." He also maintained that the responsibility for registering religious communities should be taken away from the State Committee – which has had it since 2001 - and handed back to the Justice Ministry.

While rejecting suggestions that the new Religion Law had been prepared in secrecy, Gazanfaroglu said not enough time had been given to consider the draft Law properly. "The process was not normal," he told Forum 18. He said he thinks the Law should have drafted to conform with international human rights standards, and said this would have been more likely to have been achieved had expert advice from international organisations like the Organisation for Security and Co-operation in Europe (OSCE) or the Council of Europe been sought.

Deputy Gazanfaroglu told Forum 18 he thinks public pressure may force parliamentary deputies to take another look at the Religion Law, given public unhappiness over the way religion is controlled. "Society will raise this issue," he maintained.

The Law breaks international standards on freedom of religion or belief which Azerbaijan has agreed to, as outlined in the OSCE / Council of Europe Venice Commission Guidelines for Review of Legislation Pertaining to Religion or Belief (see [http://www.osce.org/odihr/item\\_11\\_13600.html](http://www.osce.org/odihr/item_11_13600.html)). The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) told Forum 18 that it has not been approached by the Azerbaijani authorities about the new legal changes, but that "in line with its mandate, ODIHR stands ready to provide expertise in the field of freedom of religion or belief at the request of participating States".

#### Presidential approval and entry into force

The controversial new Law and amendments were prepared in the Presidential Administration amid great secrecy. President Ilham Aliiev signed and sent them to the Milli Mejlis (Parliament) on 4 March in a letter seen by Forum 18. The amendments to the Religion Law were approved on 6 May in a joint session of the Milli Mejlis Human Rights Committee and the Legal Policy and State Building Committee. They were approved in a single vote by the full Parliament – together with the changes to the Criminal Code and Code of Administrative Offences - two days later.

The Presidential Administration did not reply to questions submitted on 13 May by Forum 18, asking why the President thinks these changes were necessary.

President Aliiev signed the new Religion Law and amendments on 29 May and they were published in official publications – including the official newspaper Halq Qazeti – on 31 May, together with the Presidential decrees approving them. They came into force on the day of official publication.

The Presidential Decree approving the new Religion Law specified that the Cabinet of Ministers will draw up the normative act on how the revised Law is to be implemented. It also specified that the State Committee is the body mainly tasked to implement the oversight over religious organisations. It declared that the licensing of religious educational institutions has been transferred from the Education Ministry to the State Committee.

The latest changes both introduce new offences, and introduce new punishments under the Criminal or Administrative Codes.

Unclear wording of ban on some religious organizations

The amendments add to Article 1 of the Religion Law an undefined ban on "spreading propaganda of religions with violence or by threatening violence, as well as with the purpose of creating racial, national, religious, social hostility and enmity. It is prohibited to spread and propagate religions (religious movements) against the principles of humanity and human dignity."

Ban on conscientious objection?

Article 4 of the Religion Law is changed to include a ban on "refusing or declining to fulfil obligations determined by the law for his/her religious beliefs." This may be aimed at barring conscientious objection to military service on grounds of religious belief, and similar objections based on conscience.

Ban on criticism of religions

Article 6.1 states that "establishing any superiority or limitations for any religion in comparison to another shall not be allowed." This appears to attempt to ban criticism of any or all religious beliefs, or suggesting that one religion or belief (including non-religious beliefs, such as atheism) may be more valid than another belief.

Religious education restricted

Article 6.2 adds a provision that religious education of children or adults in institutions can only happen if it is specified in the organisation's charter. It is unclear whether this is the only context in which religious education can happen. Article 10 now states that "religious educational institutions act on the basis of a special permission (license) issued by competent executive power by the rules defined by the legislation of the Republic of Azerbaijan". Criminal Code punishments for breaking rules on religious education have separately also been introduced (see below).

Unregistered organisations have no legal status

The new amendments devote much space to restricting legal status, and imply although do not explicitly state that unregistered organisations are illegal. State officials can be expected to regularly use this to try to ban the "illegal" exercise of freedom of religion or belief. Article 12 of the Religion Law declares that "all religious organisations" can act only after gaining state registration.

## Doctrinal and other intrusive tests for registration

Among the ways the Religion Law is amended to break international standards even more is the addition of highly intrusive and vague registration requirements. New Administrative Code punishments for breaking registration rules have separately also been introduced (see below).

Article 12 of the Religion Law now demands "information on the citizenship, residence, and date of birth of people founding the religious society, a copy of their identity cards, the basis of their religious doctrine, information on the date of establishment of the religion and society, its form and methods, traditions, attitude to the family, marriage and education, information on limitations on rights and duties of the members of the society. Other documents demanded by the Law 'on State Registration of the Juridical Person' shall also be submitted with the application."

The amendments do not indicate by what authority, standards, or competence state officials will decide registration applications or appeals against their decisions. Only 20 days are allowed for a religious body to lodge appeals, or make changes demanded by state officials. The officials have no such deadlines within which their decisions must be made.

## Extra reasons to refuse legal status

If state officials do not find enough grounds in the doctrinal tests or documents demanded to refuse registration, the Religion Law's Article 12 provides extra grounds for refusal. Among other reasons, state registration may be refused if "the activity of the religious organisations, their aim, or sense of the religious doctrines, and their main principles contradict the Constitution and laws" or if "the presented charter (regulation) or other documents contradict the requirements of legislation or the information is wrong."

## Religious activity restricted to approved venues

The new Article 12 includes a provision: "The religious organisation can act only in the juridical address defined in the information presented for state registration." This appears to indicate that any activity outside such venues will be regarded as illegal. New Administrative Code punishments for breaking registration rules have separately also been introduced (see below).

A new Article 13.2 allows religious organisations to sell religious literature only at venues approved by the authorities. New Administrative Code punishments for breaking censorship rules have separately also been introduced (see below).

The new Article 29 requires the State Committee to approve any new place of worship or rebuilding of any place of worship. New Administrative Code punishments for breaking rules on places of worship have separately also been introduced (see below).

## Reasons for banning organizations

Among the many – often undefined - reasons Article 12 allows a court to use to ban organisations state officials want to ban are:

- "spreading propaganda of religions with violence or by threatening violence, as well as with the purpose of creating racial, national, religious, social hostility and enmity. Forcing people to express a religious belief, participate in prayer, religious rites or ceremonies,

learning about their religion. Spreading and propagating religions (religious movements) against the principles of humanity and human dignity."

- "violating social order or social rules"

- "inciting people to refuse to execute duties required by the law"

- and "not observing the requirements of an executive body on submitting information on changes made in the information or documents necessary for state registration."

#### New offence in Criminal Code

A new article has been added to the Criminal Code, Article 167-1, punishing forcing individuals, including children, to take part in religious activity or religious education. Ordinary people who violate this can be punished by a fine or up to two years' imprisonment. Officials who violate this can be punished by a larger fine or between two and five years' imprisonment.

#### New offences in Administrative Code

A new clause has been added to Article 196, which punishes those who violate procedures for building in towns. Article 196.0.3-1 punishes those who have or build religious buildings without the permission required from the State Committee.

Article 299, which punishes those who violate the procedure for creating or running religious organisations, has had two new "offences" added. Article 299.0.4 punishes religious activity at an address other than a religious organisation's registered address. Article 299.0.5 punishes activity by a religious organisation that is not in accordance with its statute. The punishment for all "offences" under this article – previously 10 to 15 times the minimum monthly wage for individuals and 40 to 70 times for officials – is now between 100 and 300 Manats (790 - 2,360 Norwegian Kroner, 90 - 260 Euros, or 125 - 375 US Dollars) for individuals and 200 to 500 Manats (1,580 - 3,945 Norwegian Kroner, 180 - 440 Euros, or 250 - 620 US Dollars) for officials.

Article 300, which previously punished "religious propaganda" by foreigners or people without citizenship, has had three "offences" added. Article 300.0.1 punishes producing, importing or exporting religious literature without permission from the State Committee. Article 300.0.2 punishes circulating religious literature without such permission. Article 300.0.3 punishes selling literature in places not approved by the State Committee for sale of religious literature. Those found guilty will have such literature confiscated. All "offences" under this article are punished by fines on individuals, whether local citizens or foreigners, of 200 to 400 Manats (1,580 - 3,155 Norwegian Kroner, 180 - 350 Euros, or 250 - 500 US Dollars). "Offences" by officials attract a fine of 400 to 600 Manats (3,155 - 4,735 Norwegian Kroner, 350 - 525 Euros, or 500 - 745 US Dollars) and by organisations 2,000 to 4,000 Manats (15,800 - 31,550 Norwegian Kroner, 1,800 - 3,500 Euros, or 2,500 - 5,000 US Dollars). Foreigners involved in "religious propaganda" – as in the previous version of the Article – can also be deported.

Even before the latest changes, Azerbaijan's censorship regime was already extremely restrictive, and had been further tightened this year.

Forum 18 notes that while articles of the Criminal Code are rarely deployed to punish religious believers for peaceful religious activity, Articles 299 and 300 of the Code of Administrative Offences have been used.

Criticism from human rights defenders and religious communities

Criticism voiced by human rights defenders and religious communities in the run-up to President Aliiev's decision to sign the new Religion Law has continued.

Ilgar Ibrahimoglu Allahverdiev, a Muslim rights activist, told Forum 18 that the new Law limits religious freedom and makes the current difficult situation for religious communities even worse. "It takes us back to Soviet practice," he told Forum 18 from Baku on 3 June. He condemns the complex and intrusive registration demands, believing that "as in the rest of the world", registration should be achieved merely by notifying the authorities. "All communities will also have to re-register yet again, and have to provide answers to yet more questions," he complained.

Elnur Jabiev, the General Secretary of the Baptist Union, also maintains that re-registration will create "many problems" for religious communities, especially Protestant churches. He stresses that for many years no Protestant churches have been able to gain registration with the State Committee, despite submitting proper applications. "It is difficult to say how many churches will be unable to gain re-registration, but we have already tried so hard to register churches, without success," he told Forum 18 from Baku on 3 June.

He points out that Article 2 part 1 of the new Law sets out individuals' rights to meet together with others and Article 6 part 1 declares that all religions are equal. "Yet the police already violate this by intervening and preventing people from meeting for religious worship," he complained.

Arzu Abdullaeva, head of the Helsinki Citizens' Assembly, a Baku-based human rights group, describes the adoption of the new Law as "not positive". However, she is mainly concerned at the way it will be implemented. "After adoption of a new Law, bad things happen," she told Forum 18 from Baku on 3 June. She too remains sceptical that many religious communities will be able to achieve re-registration with the State Committee, a body she describes as "unprofessional".

---

## **Azerbaijan official says mosque demolitions legitimate**

RFE/RL (05.06.2009) / HRWF (09.06.2009) - Email: [info@hrwf.net](mailto:info@hrwf.net) - Website: <http://www.hrwf.net> - An Azerbaijani presidential administration official has said that the recent demolition of three mosques was carried out because the buildings were meant for commercial purposes, and that their use for religious activity violated the law, RFE/RL's Azerbaijani Service reports.

Ali Hasanov, head of the administration's sociopolitical department, rejected suggestions that the demolition of the mosques could be considered a violation of religious rights.

The State Committee on Work with Religious Bodies says that there are some 1,750 mosques in Azerbaijan, of which only about 500 are officially registered.

---

## **Azerbaijanis irate over plans to destroy new mosque**

RFE/RL (02.06.2009) / HRWF (03.06.2009) - Email: [info@hrwf.net](mailto:info@hrwf.net) - Website: <http://www.hrwf.net> - Reports that a newly built mosque is slated for demolition has sparked a protest in the northwestern Azerbaijani town of Delimmedli, RFE/RL's Azerbaijani Service reported.

The Hazrat Ali Mosque was completed less than a year ago.

Protesters say officials claim the building is situated too near a road, but they question why other structures are not being subjected to the same fate.

Mohammad Ashurov, a Goranboy regional official, said the mosque is being demolished because of a natural-gas pipeline that passes nearby.

But he said the mosque might not be pulled down if an order saving it comes from a higher level of government.

Two other mosques have been razed in the past month: a mosque in the Yasamal district and the only offshore mosque, on Oily Rocks off the coast of the capital, Baku.

---

## **Mosques close in Baku, "capital of Islamic culture"**

By Mina Muradova

Eurasianet.org (27.05.2009) / HRWF (29.05.2009) - Email: [info@hrwf.net](mailto:info@hrwf.net) - Website: <http://www.hrwf.net> - Baku may have the designation of this year's "Capital of Islamic Culture," but a recent series of mosque closures and fresh requirements for registration of religious organizations has prompted concern about how Azerbaijan is living up to its title.

Over the past month, police have closed or torn down mosques in various Baku neighborhoods for reasons ranging from electricity repairs to alleged construction irregularities. The Organisation of the Islamic Conference, the 57-member intergovernmental body that designated Baku as its "Capital of Islamic Culture" for 2009, has not commented on the government's actions.

The latest mosque to close, Ilahiyyat, located on the campus of Baku State University, was shut down "temporarily" for reportedly never having registered with the State Committee for Work with Religious Organizations (SCWRO). Prior to the closure, university administrators complained that classes were regularly disrupted by the azaan, or call to prayer, and the subsequent arrival of thousands of worshippers.

The mosque was constructed in 1992 by the Presidency of Religious Affairs of the Republic of Turkey, an organization that builds mosques in post-Soviet Turkic countries. Muzaffer Shahin, religious affairs advisor at the Turkish Embassy in Baku, disputed Azerbaijani authorities' contention that the mosque had been constructed "illegally," the APA news service reported.

Another Turkish-built mosque, Shahidlyar, next to Martyrs' Lane, was shut down for "repairs" on the eve of Turkish Prime Minister Recep Tayyip Erdogan's May 13 visit to Baku. The abrupt action, taken amid rising bilateral tension over Turkey's creeping rapprochement with Armenia, prompted some Baku residents to assume the decision was a tit-for-tat expression of displeasure over Ankara's political dialogue with Yerevan. [[For background see the Eurasia Insight archive](#)]. The State Committee on Work with Religious Organizations has since repeated that the mosque will reopen once repairs are complete.

Officials expressed similar concerns for building methods and property regulations to justify the destruction of two mosques. On May 11, authorities tore down a mosque located on the Oily Rocks, an offshore drilling settlement; the reason was to ensure worshippers' "safety" since the mosque allegedly had been constructed "on clay." And on April 26, police used bulldozers to tear down the Prophet Mohammed mosque; its imam

was accused of having constructed the house of worship on land that belongs to the State Economic University.

Ilgar Ibrahimoglu, an imam and head of the Centre for Protection of Freedom of Conscience and Faith, asserts that Azerbaijani leaders are suffering from what he described as "mosque-phobia."

"A state body that is supposed to protect the rights of believers instead is imposing a police regime," Ibrahimoglu contended. "It is inconceivable to call God's home an 'illegal' place."

Ibrahimoglu has an extended history as a government critic. In 2004, authorities evicted worshippers from the Juma mosque in Baku, where he was the imam. His supporters at the time said the government's action was politically motivated. [[For background see the Eurasia Insight archive](#)].

The start of authorities' "mosque-phobia" can be traced to August 2008, when an explosion at Baku's Abu-Bakur mosque killed two worshippers and injured another 19, Ibrahimoglu said. The mosque was shut down, and city police subsequently stepped up their presence around other mosques, particularly during Friday prayers.

Gunduz Ismaylov, chief of the SCWRO's department responsible for interacting with religious organizations, rejected Ibrahimoglu's allegations. "There is no reason to politicize the situation and create a stir around these closures," Ismaylov said. "Some of them were illegally constructed structures."

Ibrahimoglu argues that the mosque closures are part of a larger picture. Recent amendments to the 1992 Law on Freedom of Conscience, adopted by parliament on May 8, would hinder the registration of religious organizations and simplify their closures, he charged. Azerbaijani President Ilham Aliyev has yet to sign the amendments into law.

Before registering with the SCWRA, Muslim groups now need to receive a letter of approval from the Caucasus Muslim Board, a state-associated body that appoints Muslim clerics to mosques and monitors sermons. All religious groups will have to be re-registered by September 2009 in accordance with this requirement.

Religious groups also must submit information about their founders' citizenship, residence, date of birth, religious doctrine, traditions, official duties, attitude towards family, marriage and education, as well as details about any restrictions put on their members. The group can function only at the address given for their registration. This appears to indicate that any activity outside such venues will be regarded as illegal.

Ibrahimoglu contends that the new requirements would contradict international practice. SCWRO representatives counter that the amendments were dictated by the threefold increase in the number of religious organizations functioning in Azerbaijan (534) since the committee began registering such groups in 2001. Once the current re-registration is complete, "the number of religious communities will double," argued Ismaylov.

"If a religious community's activity is in accordance with both national legislation and society's interests, why should we not register it?" he asked.

Rabiyat Aslanova, the head of parliament's Committee on Human Rights, said that the law needs to be amended to ensure "state security" and "to prevent harmful missionary activity."

"Some religious sects that are banned in Europe are freely operating in Azerbaijan," she declared during a May 8 parliamentary session without mentioning the names of suspect

groups. "We will ban the activity of groups spreading the propaganda of violence . . . [as well as those that are] against the principles of humanity and human dignity."

Ibrahimoglu rejects such arguments. "It should not be allowed to suppress freedom of conscience for the sake of state security."

Editor's Note: Mina Miradova is a freelance reporter based in Baku.

---

## **Religion Law amendments contradict themselves**

By Felix Corley

Forum 18 (14.05.2009) / HRWF (22.05.2009) - Email: [info@hrwf.net](mailto:info@hrwf.net) - Website: <http://www.hrwf.net> - In the wake of Parliament's adoption on 8 May of amendments to the Religion Law, the Criminal Code and the Code of Administrative Offences, religious communities and human rights activists in Azerbaijan have expressed shock and concern about the new restrictions which have reportedly been introduced. "The amendments will prevent religious communities from flourishing and are a step back to Soviet thinking," Ilgar Ibrahimoglu Allahverdiev, a Muslim rights activist, told Forum 18 from the capital Baku on 13 May. "I'm in shock," Ilya Zenchenko, head of the country's Baptist Union, told Forum 18 the same day. "Of course life for us will be harder."

The controversial amendments to the Religion Law were approved on 6 May in a joint session of the Milli Mejlis (Parliament) Human Rights Committee and the Legal Policy and State Building Committee. They were approved in a single vote by the full Parliament two days later.

Forum 18 has asked the Presidential Administration – which drew up the original amendments – why it believes these amendments are needed and why it proposed amendments which violate Azerbaijan's international human rights commitments.

Rabiyyat Aslanova, a Parliamentary deputy who chairs the Human Rights Committee, promised Forum 18 on 13 May that she would send the texts of the so far unpublished amendments, as approved by Parliament on 8 May. However, Forum 18 had not received them by the end of the working day in Baku on 14 May.

Given the impossibility of seeing the amended Religion Law as approved by Parliament, religious communities have had to respond to provisions in the original version of the Law drawn up by the Presidential Administration and sent to Parliament in March, together with press reports of the debate and approval on 8 May. Deputy Aslanova insisted to Forum 18 that Parliament had made "serious changes" to the presidential version, but this cannot yet be proved.

### Concerns over existing Religion Law

The existing Religion Law, with the state's demands to re-register after each successive amendment, has long been a cause of frustration for human rights defenders and religious believers of all faiths.

A particular source of frustration has been the way that officials unilaterally extend "legal" restrictions on freedom of religion or belief beyond the limits of written law. The most common example of this is the claim that unregistered religious activity is illegal. So the importance of the latest amendments is not only what they say, but also what they may reveal about the ways the state intends to label exercising religious freedom as "illegal".

## Implementation of international agreements?

The existing Religion Law preamble proclaims that it "provides for the implementation of Freedom of Religion (..) according to the Constitution of the Republic of Azerbaijan and international agreements". However, Article 2 is reportedly amended to state that "legislation on religious liberty consists of the Constitution, International agreements agreed by Azerbaijan, this Law and other relevant legislative documents of Azerbaijan."

However the amendments break international standards on freedom of religion or belief which Azerbaijan has agreed to, such as those outlined in the OSCE / Venice Commission Guidelines for Review of Legislation Pertaining to Religion or Belief (see [http://www.osce.org/odihr/item\\_11\\_13600.html](http://www.osce.org/odihr/item_11_13600.html)).

The amendments do not discuss whether any legislation which breaks international human rights standards – such as the amendments themselves – is therefore illegal in Azerbaijan.

## Unclear wording of ban on some religious organizations

The amendments add to Article 1 of the Religion Law an undefined ban on "spreading propaganda of religions with violence or by threatening violence, as well as with the purpose of creating racial, national, religious, social hostility and enmity. It is prohibited to spread and propagate religions (religious movements) against the principles of humanity and human dignity."

## Ban on conscientious objection?

Article 4 of the Religion Law is changed to include a ban on "refusing or declining to fulfil obligations determined by the law for his/her religious beliefs." This may be aimed at barring conscientious objection to military service on grounds of religious belief, and similar objections based on conscience.

## Ban on criticism of religions

Article 6.1 reportedly states that "establishing any superiority or limitations for any religion in comparison to another shall not be allowed." This appears to attempt to ban criticism of any or all religious beliefs, or suggesting that one religion or belief (including non-religious beliefs, such as atheism) may be more valid than another belief.

## Religious education restricted

Article 6.2 reportedly adds a provision that religious education of children or adults in institutions can only happen if it is specified in the organisation's charter. It is unclear whether this is the only context in which religious education can happen. Article 10 now reportedly states that "religious educational institutions act on the basis of a special permission (license) issued by competent executive power by the rules defined by the legislation of the Republic of Azerbaijan".

## Unregistered organisations have no legal status

The new amendments devote much space to restricting legal status, and imply although do not explicitly state that unregistered organisations are illegal. State officials can be expected to regularly use this to try to ban the "illegal" exercise of freedom of religion or belief. Article 12 of the Religion Law now reportedly claims that: "All religious organisations can act as a juridical person only after being state registered by certain executive bodies."

## Doctrinal and other intrusive tests for registration

Among the ways the Religion Law is amended to break international standards even more is the addition of highly intrusive and vague registration requirements.

Article 12 now reportedly demands "information on the citizenship, residence, and date of birth of people founding the religious society, a copy of their identity cards, the basis of their religious doctrine, information on the date of establishment of the religion and society, its form and methods, traditions, attitude to the family, marriage and education, information on limitations on rights and duties of the members of the society. Other documents demanded by the Law 'on State Registration of the Juridical Person' shall also be submitted with the application."

The amendments do not indicate by what authority, standards, or competence state officials will decide registration applications or appeals against their decisions. Only 20 days are allowed for a religious body to lodge appeals, or make changes demanded by state officials. The officials have no such deadlines within which their decisions must be made.

## Extra reasons to refuse legal status

If state officials do not find enough grounds in the doctrinal tests or documents demanded to refuse registration, the Religion Law's Article 12 reportedly provides extra grounds for refusal. Among other reasons, state registration may be refused if "the activity of the religious organisations, their aim, or sense of the religious doctrines, and their main principles contradict the Constitution and laws" or if "the presented charter (regulation) or other documents contradict the requirements of legislation or the information is wrong."

## Reasons for banning organizations

Among the many – often undefined - reasons Article 12 reportedly allows a court to use to ban organisations state officials want to ban are:

- "spreading propaganda of religions with violence or by threatening violence, as well as with the purpose of creating racial, national, religious, social hostility and enmity. Forcing people to express a religious belief, participate in prayer, religious rites or ceremonies, learning about then religion. Spreading and propagating religions (religious movements) against the principles of humanity and human dignity."
- "violating social order or social rules"
- "inciting people to refuse to execute duties required by the law"
- and "not observing the requirements of an executive body on submitting information on changes made in the information or documents necessary for state registration."

## Religious activity restricted to approved venues

The new Article 12 reportedly includes a provision: "The religious organisation can act only in the juridical address defined in the information presented for state registration." This appears to indicate that any activity outside such venues will be regarded as illegal.

A new Article 13.2 allows religious organisations to sell religious literature only at venues approved by the authorities.

## Re-registration requirement

The Religion Law amendments require all registered religious communities to undergo compulsory re-registration. Those that fail to achieve this will be deprived of legal status. The presidential version of the amendment specified a deadline of 1 September 2009, which religious communities told Forum 18 many would struggle to meet. Deputy Aslanova claimed to Forum 18 that this specific deadline had been removed by Parliament and that no deadline is in the latest text.

## Religious communities' responses

Forum 18 was unable to reach anyone on 13 and 14 May at the Caucasian Muslim Board to find out its reaction to the amendments to the Religion Law. Representatives of the Baku diocese of the Russian Orthodox Church declined to comment to Forum 18.

Other religious believers, however, have been outspoken in their criticism of what they know of the amendments. Muslim rights activist Ibrahimoglu, who was ousted by the state authorities as imam of the Juma (Friday) Mosque in Baku's Old City in 2004 and who heads the Devamm organisation, pointed out to Forum 18 that in much of the world what is not banned is allowed. "But this Law is like in Soviet times – only what is specifically written down as approved is approved."

To illustrate this, Ibrahimoglu highlighted the restriction on selling religious literature to designated, state-approved venues or the requirement for a licence to conduct religious education. "Officials will interpret this as being a ban on activity which is not specifically approved."

Ibrahimoglu complained that the Law seems set to make it more difficult to register and that religious communities that do not have registration will be banned. He also complained that the new Law seems set to build on existing government censorship of religious literature.

A Protestant pastor, who asked not to be identified for fear of worsening the difficult situation for his community, told Forum 18 that he expected "nothing good" from the amendments. "This Law is not for our benefit. I don't have real hope." The pastor complained that registration for his community has already been denied for some years. "It's already a problem for us. Why can't we have our meetings?"

A member of a minority faith, who asked not to be identified as they were speaking personally, described the extensive information and documentation required under the new Law before religious communities can apply for registration as "crazy". The individual echoed complaints from others over the restriction of religious activity to a registered organisation's legal address, restriction of sale of religious literature to approved venues, the restrictions over religious education, and the requirement yet again for re-registration.

Zenchenko of the Baptist Union points to the waste of religious communities' resources that the new Law's re-registration requirement will entail. "This means that instead of studying and teaching the Bible we will have to spend time and effort on preparing our applications," he told Forum 18. He pointed out that of the Baptist Union's twenty congregations, only three have been able to get registration under current restrictive practices.

Zenchenko said that if the amendments are signed into law and re-registration is demanded, he will be urging all Protestant communities to refuse to re-register. "They can't close down all the Protestant churches."

---

## **Will Presidential Administration explain why it thinks amendments needed?**

By Felix Corley

Forum 18 (14.05.2009) / HRWF (22.05.2009) - Email: [info@hrwf.net](mailto:info@hrwf.net) - Website: <http://www.hrwf.net> - The Presidential Administration has confirmed to Forum 18 News Service that it had produced the controversial amendments to the Religion Law, the Criminal Code and the Code of Administrative Offences. These were approved in Parliament (Milli Mejlis) on 8 May, and are shortly to be sent to President Ilham Aliyev for signature. However, the Presidential Administration has not explained why it thinks these amendments are needed, and why it proposed amendments which violate Azerbaijan's international human rights commitments.

Although unable to see the final text of the amendments approved by Parliament as they have not been made public, religious communities have already given detailed criticism of what is reported to be in the amendments.

Rabiyyat Aslanova, a Parliamentary deputy who chairs the Human Rights Committee, told Forum 18 on 13 May that the amendments are due to be sent to President Aliyev for signature on 18 May. "We have approved a lot of laws this week, but we may get these amendments to him on Saturday [16 May] if the final version is complete by then."

Azerbaijan's Constitution gives the President 56 days from the date of receipt to sign or return a Law to Parliament.

Deputy Aslanova declined to speculate on whether President Aliyev will sign the amendments to the Religion Law, the Criminal Code and the Code of Administrative Offences. "That is his prerogative," she told Forum 18. "He could sign or not, or amend them. We tried to do what we could to do what was necessary."

The amendments to the Religion Law, the Criminal Code and the Code of Administrative Offences each needed only one Parliamentary vote, Jeyhun Guliyev of the Milli Mejlis press service told Forum 18 on 13 May. "New laws require three readings, but these were merely amendments." Asked how many deputies had voted in favour in each vote and how many against, he said he did not have the information. "For us this information is not important."

No explanation why amendments needed

The proposed amendments to the Religion Law were prepared in the Presidential Administration. President Aliyev signed and sent them to Parliament on 4 March 2009 in a letter seen by Forum 18.

Shahin Aliyev, the head of the Department of Legislation and Legal Expertise at the Presidential Administration, confirmed to Forum 18 on 14 May that his department had participated in drawing up the amendments, but declined to answer any questions on them. He referred all enquiries to Ali Hasanov, who heads the Public and Political Department in the Administration, which also includes a two-person section on ethnic and religious affairs. However, Hasanov's office told Forum 18 that he was away in Moscow.

Forum 18 sent written questions on 13 May to Azer Gasimov, spokesperson for President Aliyev, asking:

- why the President believes that the Religion Law needs to be changed yet again;

- why the President proposed changes to the Religion Law that violate Azerbaijan's international human rights commitments (such as by making registration of religious communities compulsory and restricting the locations where religious literature can be sold);
- what help, if any, Azerbaijan sought from international organisations like the Organisation for Security and Co-operation in Europe (OSCE) and the Council of Europe's Venice Commission to ensure that the revisions to the law are in line with Azerbaijan's international human rights commitments;
- if no such help was sought, why not;
- why registered religious communities will yet again be required to undergo re-registration, given that each time this has happened it was very difficult and expensive for religious communities to regain registration and many of them were unable to do so;
- and what the authorities will do with religious communities that continue to meet for worship and other religious activities without state registration.

Forum 18 had not received any response from the Presidential spokesperson by the end of the working day in Baku on 14 May.

#### Speedy adoption of amendments

Muslim rights activist Ilgar Ibrahimoglu Allahverdiev and Ilya Zenchenko of the Baptist Union are among religious leaders who told Forum 18 of their surprise that the first they learned of the draft amendments was when their existence was reported in the press just days before they were finally adopted in Parliament.

"There should have been public debates, and independent experts should have been able to check that the drafts were in accordance with Azerbaijan's Constitution and international human rights norms," Ibrahimoglu told Forum 18.

He was echoing comments made to Forum 18 on 6 May by Eldar Zeynalov, the head of the Baku-based Human Rights Centre of Azerbaijan, that the draft of these amendments should have been opened up to public discussion before being considered in Parliament.

Asked what he wants President Aliiev to do when he receives the amendments for signature, Zenchenko responded: "I want him to look at our Constitution which guarantees freedom of religion and reject the Law as it violates the Constitution."

---

## **Will revised Religion Law ban unregistered worship?**

By Felix Corley

Forum 18 (06.05.2009) / HRWF (12.05.2009) - Email: [info@hrwf.net](mailto:info@hrwf.net) - Website: <http://www.hrwf.net> - Azerbaijan is apparently rushing restrictive amendments to its Religion Law through parliament, Forum 18 News Service has learnt. "Only the parliamentary deputies have the text, and it will only be published after its adoption," a parliamentary aide told Forum 18. The amendments - which reportedly include a ban on unregistered religious activity - have not been made public, and the full parliament is due to begin consideration of them on Friday 8 May. The refusal to make the text public denies the opportunity for public discussion of the proposals, complains Eldar Zeynalov of the Human Rights Centre of Azerbaijan. "Everything prepared in top secrecy is bad for

human rights," he told Forum 18. Parliamentary Deputy Rabiyyat Aslanova, who chairs one of two committees which prepared the draft, told Forum 18 that state registration will be compulsory, but claimed that: "No one will be punished for practicing without registration, as long as they don't preach against the national interest or denigrate the dignity of others." She declined to discuss what this means, and confirmed that religious communities will have to re-register. Religious communities - especially of minority faiths - have struggled to re-register after previous changes.

Revisions to Azerbaijan's Religion Law are due to go to the full session of the country's parliament, the Milli Mejlis, on 8 May, the parliamentary press office told Forum 18 News Service on 6 May. However, the text of the amendments - which are reported to include a ban on unregistered religious activity - have not been made public and Forum 18 has been unable to obtain them from parliament or from the State Committee for Work with Religious Organisations. "Only the parliamentary deputies have the text, and it will only be published after its adoption," a parliamentary aide told Forum 18 on 6 May.

As of the end of the working day on 6 May, Forum 18 could not find the text of the amendments on the Milli Mejlis website, though the website does mention the planned consideration of the amendments by the full parliament on 8 May. It remains unclear whether the draft amendments will be given three readings, and what the parliamentary timetable will be.

Rabiyyat Aslanova, a parliamentary deputy who chairs the Milli Mejlis Human Rights Committee, one of the two committees which prepared the draft, expressed surprise that Forum 18 had been unable to obtain the text of the proposed amendments. She told Forum 18 on 6 May that she did not have the text in front of her and could not discuss every point.

### **What is in the amendments?**

Asked about the reported ban on unregistered religious activity, Aslanova initially said that registration would be made compulsory. Asked whether this meant that unregistered religious activity would therefore become illegal, she responded: "No, it's a free choice, whether to register or not. No one will be punished for practicing without registration, as long as they don't preach against the national interest or denigrate the dignity of others." She declined to discuss the definition of these terms or why such provisions are needed.

Deputy Aslanova confirmed that once the amendments are adopted, religious communities with registration will once again be required to re-register. Religious communities had to re-register in the wake of 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. Each time, religious minority groups struggled to gain re-registration.

Many mosques, Protestant and Jehovah's Witness congregations have been unable to get registration, including the Baptist congregation in Aliabad, which has been trying in vain for nearly 15 years, and the Temple of the Lord, an Assemblies of God congregation in Baku, which has been trying in vain since 2006.

"No one has appealed to me," Deputy Aslanova told Forum 18, denying any knowledge of religious communities which have been refused registration. However, she insisted the amended Religion Law will overcome such obstacles, though without explaining how.

Asked why deputies believe a revised Religion Law is necessary, she declared: "The Law was adopted back in 1992, a very long time ago, and revised several times since then. The situation has changed." Asked why this meant further changes were needed, she declared: "Many mosques function without registration and one mosque [the Abu Bekr

mosque in Baku] was hit in a grenade attack last year. Many religious communities call for separatism." She refused to specify which religious communities call for separatism and why this or her other reasons are relevant to the Religion Law.

The Abu Bekr mosque community has been struggling to re-open their mosque since it was closed by the authorities.

As is there usual practice, officials at the State Committee refused to discuss the proposed Religion Law changes with Forum 18 or to provide the text of them. Spokesperson Yagut Alieva put the phone down as soon as Forum 18 spoke to her. Committee official Gunduz Mamedov insisted to Forum 18 that only Alieva or Committee chairman Hidayat Orujev could speak for the Committee. However, officials said Orujev had visitors.

### **Lack of public consultation**

The refusal to make the text public denies the opportunity for widespread public discussion of the proposals, complains Eldar Zeynalov, the head of the Baku-based Human Rights Centre of Azerbaijan. "Everything prepared in top secrecy is bad for human rights," he told Forum 18 on 6 May. "There are no nice surprises from our deputies."

Zeynalov fears that the new amendments will make the already restrictive Religion Law even worse. He called for parliament to open up discussion of these draft amendments to local civil society experts first and then to send the draft to international organisations such as the Council of Europe or the Organisation for Security and Cooperation in Europe (OSCE) for them to assess their conformity with Azerbaijan's international human rights obligations.

The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) told Forum 18 from Warsaw on 6 May that it has not been approached by the Azerbaijani authorities about the proposed amendments to the Religion Law. "In line with its mandate, ODIHR stands ready to provide expertise in the field of freedom of religion or belief at the request of participating States," a spokesperson for ODIHR told Forum 18.

### **Swift parliamentary progress**

Reports in the Azerbaijani media, quoting parliamentary officials, note that the proposed amendments to the Religion Law were approved on 6 May in a joint session of the Human Rights Committee chaired by Aslanova and the Legal Policy and State Building Committee, which is chaired by Ali Huseynov, in preparation for their consideration by the full parliament.

Addressing the session was Orujev of the State Committee, who was quoted as declaring that the religious situation in Azerbaijan is "fairly stable". However, he accused heads of families who become Jehovah's Witnesses or who join some unnamed Muslim groups of forcing their family members to adopt the same faith. He also claimed that some religious communities do not want to gain state registration, which would force them to act "in accordance with their statute".

An Azeri Press Agency report of 5 May said that under the amendments, unregistered religious activity would be banned. Interfax-Azerbaijan also noted on 6 May that the amendments would require religious organisations to obtain a licence to open educational institutions.

### **Linked changes to Constitution and Interior Ministry Plan?**

In a move possibly related to the Religion Law amendments, changes to the Constitution were passed on 18 March. Officials claimed these would make it easier to crack down on "harmful" religious groups.

The Interior Ministry has issued but apparently not published - a "Plan to Prevent the Spread of Religious Extremism by Radical Sects". A raid on a Jehovah's Witness meeting was linked by officials to the Plan. Human rights defenders and religious communities and religious communities have been particularly concerned by the authorities publishing the full names, addresses and birthdates of victims of such raids. One human rights defender stated it could be regarded as "a kind of hate speech". No official has been able to explain to Forum 18 how these official actions "prevent the spread of religious extremism".

### **Existing Religion Law criticized**

The Religion Law was first adopted in 1992 and amended several times, each time making the Law more restrictive. Discussion of what some officials claimed was a "need" to revise the Religion Law peaked in late 2006, though Forum 18 was unable to find out why officials believed such a need existed.

Jeyhun Mamedov of the State Committee told Forum 18 categorically in May 2008 that there would be no new Religion Law. "This is what we've been told from above".

Human rights defenders and religious communities have repeatedly criticised the existing Religion Law, which requires all Muslim communities to be under the umbrella of the Muslim Board; imposes compulsory prior censorship by the State Committee of all religious texts printed in Azerbaijan or imported into the country; appears to allow only registered religious centres to establish educational institutions - and even then a maximum of one per central community; and appears to allow only registered religious centres to establish religious publishing houses. There have been recent moves to harshen the censorship regime.

Many religious communities have also criticised the burdensome registration requirements and arbitrary denials of registration. Religious communities also complain of police and National Security Ministry secret police raids on peaceful religious meetings, most recently in the case of a 9 April raid on a Jehovah's Witness meeting in Gyanja [Ganca].

---

## **What is the 'Plan to Prevent the Spread of Religious Extremism'?**

By Felix Corley

Forum 18 (15.04.2009) / HRWF (24.04.2009)- Email: [info@hrwf.net](mailto:info@hrwf.net) - Website: <http://www.hrwf.net> - Azerbaijan's Interior Ministry has issued - but apparently not published - a "Plan to Prevent the Spread of Religious Extremism by Radical Sects", Forum 18 News Service has learnt. Senior Ministry officials have refused to say what is in the Plan, however police in Gyanja have claimed that a raid on a Jehovah's Witness meeting marking their most important festival is part of the Plan. Police insisted that the meeting was "illegal" as the community does not have state registration in the city. Asked why this makes their meeting "illegal", officers - who did not give their names - only repeated the "illegal" claim. It is unclear whether a raid on a Baptist meeting, publishing full names, addresses and birthdates of victims of such raids, and refusal to allow a mosque in the capital Baku to reopen are also linked to the Plan. Human rights defenders and religious communities are especially concerned about officials publicising

the personal details of their victims, one defender stating it could be regarded as "a kind of hate speech". No official has been able to explain to Forum 18 how these official actions "prevent the spread of religious extremism".

Three weeks after Azerbaijan's Interior Ministry issued a "Plan to Prevent the Spread of Religious Extremism by Radical Sects", the only known outcome so far has been a 9 April raid on the Jehovah's Witnesses in the country's second city Gyanja [Ganja], Forum 18 News Service notes. It is unclear whether a 25 March raid on a Baptist congregation in the central town of Agdash and the continued refusal to reopen the Abu Bekr mosque in the capital Baku are also linked to the 17 March Plan. In what appears to be a new development, local journalists are publishing the full names, year of birth and full home addresses of victims of such raids, causing concern to religious communities and human rights defenders.

Officers of Gyanja City Police raided the home of local Jehovah's Witness Yegyana Gahramanova on 9 April, the Interior Ministry website stated the following day. Jehovah's Witnesses pointed out to Forum 18 on 15 April that the raid occurred on the day Jehovah's Witnesses mark the Memorial of Christ's death, their most important religious event of the year. Yashar Ismailov, an aide to the head of the City Police, told the local APA news agency on 10 April that the raid was conducted in accordance with the Interior Ministry Plan to Prevent the Spread of Religious Extremism by Radical Sects.

Ismailov of Gyanja Police refused to discuss the raid with Forum 18 on 16 April, how it fitted in with the Plan or his presentation of the raid to the APA news agency. Forum 18 was unable to reach the head of the City Police, Rasim Musaev, on 16 April.

Neither General Emin Shekinsky, head of the Interior Ministry's Criminal Investigation Department, nor Sadig Gezalov, the head of the Ministry's Press Service, were able to explain what is in the Plan or why at least one peaceful religious community has been raided as part of the Plan. "It is for official use only," General Shekinsky told Forum 18 from Baku on 16 April. He claimed not to have seen the Plan, which appears not to have been published. Forum 18 submitted its request for the text of the Plan in writing, but had not received it by the end of the working day on 16 April.

No one at the State Committee for Work with Religious Organisations was prepared to talk to Forum 18 on 16 April. As is the Committee's usual custom, the woman who answered the phone of Yagut Alieva, the Committee spokesperson, hung up as soon as Forum 18 introduced itself. Likewise on 16 April, the man who answered the phone of the Committee's official in Gyanja, Firdovsi Kerimov, hung up as soon as Forum 18 had introduced itself.

Raids on the Jehovah's Witnesses have been frequent, with the most recent police raid on 22 February on a meeting in a private home in a Baku suburb. The 25 March raid on a Baptist congregation in Agdash was conducted not only by the local police but by officers of the National Security Ministry (NSM) secret police, although the Ministry in Baku denied this to Forum 18. The Abu Bekr mosque in Baku has been closed by the authorities since a grenade attack in August 2008, despite repeated attempts by the community to have it reopened.

### **The raid on the Jehovah's Witnesses**

Gyanja City Police told Forum 18 on 16 April that the Jehovah's Witness meeting they raided on 9 April was "illegal" as the community does not have state registration in the city. Asked why this makes their meeting "illegal", officers – who did not give their names – repeated that such meetings are "illegal". "We committed no violation," they insisted to Forum 18.

The APA news agency report, which also wrongly described the meeting as "illegal" and wrongly claimed the Jehovah's Witnesses are "banned" in Azerbaijan, said 76 people had been present at the meeting, 39 of them women, 16 of them men and 21 of them children. It said the police are investigating the home owner as well as three other people present and that they have been "brought to administrative responsibility". It said the police gave all the other people present a "verbal warning".

Jehovah's Witnesses told Forum 18 that none of those present at the meeting has faced any charges under the Code of Administrative Offences or the Criminal Code. "The authorities often claim through the media that charges will follow, but they rarely do."

### **"Dangerous" publication of personal details**

The APA report gave Gahramanova's full name and home address even though she has not been found guilty of any offence, something that the Jehovah's Witnesses say is a new development in such media coverage. "Of course our main concern is that police keep raiding our meetings," Jehovah's Witnesses told Forum 18. "But publishing individuals' full addresses is a concern and could have consequences for them."

Forum 18 notes that the publication of personal addresses for victims of police and NSM secret police raids on religious communities – even if they have not been found guilty of any offence - appears to be a new trend. In the wake of the 25 March raid on the Baptist community in Agdash, the same APA agency published the years of birth, full names and full home addresses of four of the Baptists present when the home was raided. Unlike the Jehovah's Witnesses in Gyanja, three of the four Baptists whose details were published were fined. Baptists told Forum 18 in the wake of the raid that they were highly concerned that the four individuals' home addresses were given, describing it as "dangerous".

Echoing the Baptist and Jehovah's Witness concerns is human rights defender Eldar Zeynalov, who heads the Human Rights Centre of Azerbaijan. "This is very dangerous," he told Forum 18 from Baku on 15 April. "Their neighbours know they are Baptists or Jehovah's Witnesses, but tomorrow if there are campaigns against such religious communities mobs would have concrete addresses to come to and attack." He believes it could be regarded as "a kind of hate speech".

Zeynalov points out that among the Constitutional changes approved in March were a number defending the private lives of citizens, especially the amendments to Article 32. "For the police to give this private information to journalists for them to publish appears to be contrary to government attempts to protect private life," he told Forum 18. He believes this could be grounds for the individuals concerned to bring a case against the police and the media who have published such information. "But they probably wouldn't get very far – local courts refuse to accept lawsuits against officials."

Editors at the APA news agency refused to give Forum 18 the contact details for their local journalists who had published the information about the April raid on the Jehovah's Witnesses and the March raid on the Baptists. "No one is allowed to speak to our individual journalists." However, Nurshan Guliev, APA's editor for political and social issues, insisted to Forum 18 from Baku on 16 April that all the information their correspondent had published on the Jehovah's Witness raid had come from the police. He did not explain why the journalist had not sought comment from the Jehovah's Witnesses and merely republished police information.

Guliev saw nothing wrong in publishing personal information in an article on their website about people, whether or not they have been convicted of any offence. "It's not against the law," he told Forum 18. "They've been accused of wrongdoing." Told that they have not been convicted he responded, wrongly: "Jehovah's Witnesses are banned in

Azerbaijan. If they're not registered they're not allowed." Told that no Azerbaijani law prohibits unregistered religious activity and that the Jehovah's Witnesses have registration in Baku, he insisted that they are illegal.

Told that one of the victims has told Forum 18 of her concern about her home details being published and Baptists, Jehovah's Witnesses and human rights defender Zeynalov had complained about the practice, Guliev said his agency has received no complaints from those it has named.

Also dismissing concerns was General Shekinsky of the Interior Ministry. He insisted to Forum 18 that police only give out information "in accordance with the law". He added that journalists are independent and the police have no control over what they publish.

### **Trial to begin of relative of convicted pastor**

Meanwhile, a preliminary hearing took place on 14 April in the north-western town of Zakatala [Zaqatala] in the criminal trial against Teyyub Eyvazov, an official of Zakatala District Court told Forum 18 on 16 April. The trial – under Article 234 part 1 of the Criminal Code, which punishes illegal possession of drugs – is due to begin under Judge Elchin Huseinov on 28 April, he added.

Eyvazov is the brother of one of the pastors of a much-persecuted Baptist congregation in the nearby small town of Aliabad. Another of his relatives, Pastor Hamid Shabanov, was found guilty in February by the same judge at the same court of illegal possession of a weapon under Article 228 Part 1 of the Criminal Code, but is now back at home. Another pastor, Zaur Balaev, also served a prison term from 2007 to 2008.

Church members insisted to Forum 18 that, like the charges against Balaev and Shabanov, the charges against Eyvazov of possessing drugs have been fabricated by the police. "It is 100 percent certain that Teyyub did not have drugs – he is not the kind. He didn't even know what they were."

Teyyub Eyvazov, who has suffered psychiatric difficulties since a family tragedy and is not responsible for his actions, is not himself a Baptist. However, church members strongly suspect that the charges were lodged against him as a way of punishing the congregation. "The authorities wanted to do something against his brother Novruz," one church member told Forum 18 on 12 April. "The other possibility is that this is being done as a way of extracting money."

Eyvazov's lawyer, Mirman Aliev, told Forum 18 from Baku on 16 April that he believes his client is being punished as a relative of Shabanov. "I will be there in court on 28 April to defend his rights."

Aliev added that the same day he will attend Shabanov's appeal hearing at Sheki [Saki] Appeal Court.

The Aliabad church member told Forum 18 that the authorities had said they have an order "from above" to imprison another member of the congregation. However, the official at Zakatala District Court dismissed this suggestion. "There's no order from Baku. This couldn't happen." He claimed to Forum 18 that the cases against Eyvazov, Shabanov and Balaev were all "completely separate" and "unconnected".

Human rights defender Zeynalov doubts if the authorities in Baku would have given the Zakatala authorities any specific instructions against the Aliabad Baptists, but says they are likely to have given a "general instruction" to move against religious minority communities.

---

## Call for mosque reopening

Zeynalov of the Human Rights Centre of Azerbaijan also called for the immediate reopening of the Abu Bekr mosque in Baku's Narimanov District. He says that the mosque was widely known as a "Wahhabi" mosque – following the strand of Islam which predominates in Saudi Arabia – and that Wahhabis with a dangerous agenda do exist in Azerbaijan. However, Zeynalov thinks this does not allow the authorities to keep the mosque closed. "I believe it should be reopened at once," he told Forum 18.

The authorities have repeatedly refused to clarify to Forum 18 which agency has ordered the mosque to remain closed and why it should remain closed.

Zeynalov also rejects the government's insistence that all mosques must be subordinated to the Muslim Board. "Half the Muslim communities in Azerbaijan are not subject to the Board," he told Forum 18. "They could be closed down at any time." However, Abu Bekr mosque was closed down despite being under the supervision of the Board.

A nationwide "temporary" ban on praying outside mosques, imposed in August 2008, along with bans on some Georgian Orthodox and Baptist churches reopening still remain in force.

---

## **"We have long been after you and now we've caught you!"**

By Felix Corley

Forum 18 (01.04.2009) / HRWF (02.04.2009)- Email: [info@hrwf.net](mailto:info@hrwf.net) – Website: <http://www.hrwf.net> - Police in the central town of Agdash, near Göycay, have refused to explain why eight officials, including their officers, raided a peaceful religious meeting in a private home in the town on 25 March. The town police refused to discuss the raid with Forum 18 News Service, while the head of the Department for Communications with the Public at the National Security Ministry secret police in the capital Baku, Arif Babaev, denied that his Ministry had been involved. "We never engage in such acts," he told Forum 18 on 1 April. "We don't carry out such operations – this is false information." Told that local press reports quoted the local police as declaring that Ministry officers were also involved in a "joint operation", he repeated his denial.

Babaev also denied that his Ministry is involved in the refusal to allow the Abu Bekr Mosque in Baku to reopen. "It is not within our competence to open or close mosques," he claimed.

Others remain sceptical about the Ministry's blanket denial of involvement in these two cases and other religious freedom restrictions. "Their work is in secret – they never say when they are involved in activity against religious organisations," one commentator who asked not to be identified told Forum 18 from Baku.

As is their custom, officials at the State Committee for Work with Religious Organisations refused to speak to Forum 18 on 1 April. Yagut Alieva, the Committee spokesperson, put down the phone four times when Forum 18 introduced itself. The office of the State Committee representative covering the Sheki-Shirvan region, which includes Agdash, also put the phone down as soon as Forum 18 had introduced itself on 1 April.

In the afternoon of 25 March, eight men raided the Agdash home of long-standing Baptist Vera Zhuchaeva, who is in her seventies. Church members told Forum 18 that the seven officers were accompanied by the local official of the State Committee for Work

with Religious Organisations (the only one to identify himself). Also with the eight were two cameramen.

The Baptists told Forum 18 that officers insulted them for their faith. During the raid, one of the police officers told them: "We have long been after you and now we've caught you!"

The Baptists say that parents had been invited to send their children to Zhuchaeva's home to listen to Bible stories over the Novruz spring festival holiday. They say the 12 children were all present with their parents' specific permission.

"The police came in and put all the children in one room," Lilia Hudaverdieva, a visiting member of the Baptist congregation in Baku, told Forum 18 on 1 April. "A police officer, the State Committee official and a teacher questioned the children without allowing the parents to be present, even though some of the children were crying and parents in the homes round about could hear them. They refused to allow the parents to collect their children." Only once they had written down all the children's names did they allow their parents to take them away.

Police confiscated 508 books and 40 film recordings, as well as a player for the recordings. The Baptists insist there was nothing illegal among the books and films – they point out that many were Hollywood films on Biblical themes.

Hudaverdieva and two other visitors from the Baku congregation, Sara Babaeva and Ofelia Yakulova, were taken to the police station. There they were questioned for four hours and their identity documents were seized. Hudaverdieva said police asked them "provocative" questions, but that she and her friends "told them the exact truth". She said they were not freed until midnight.

The three were told to return the following day to the police station to collect their documents. The police took them to the Prosecutor's Office next door, where they were again insulted for their faith and fined. Agdash District Prosecutor Munis Abuzarli told Forum 18 from the town that the three were found guilty of violating Article 299 of the Code of Administrative Offences for "illegally spreading Christianity and other faiths". He said each was fined 10 Manats (84 Norwegian Kroner, 9 Euros or 12 US Dollars).

Asked how the three Baptists had violated the law, Abuzarli complained that they taught religion to children. "You can't attract children to religious activity," he insisted to Forum 18. Asked why the women had committed an offence, given that the children were present with the specific permission of their parents, he responded: "The law regards this as an offence. If they committed this offence they should be fined in accordance with the law."

Hudaverdieva complained that because banks were not open over the Novruz holiday, police told the three women that they had to hand over the fines to them in cash. "We were given no documents about being fined or any receipt when we paid," she told Forum 18.

She also complained about how the Agdash police presented information about the Baptists' activity to the local media. The raid was shown several times on television, including on the private ATV channel's evening news broadcast on 27 March. A report also appeared on the website of the Azeri Press Agency (APA) on 26 March, which was widely picked up by other news outlets, which said the raid had been a "joint operation" of the Agdash District Police and the Agdash District Ministry of National Security.

Included in the APA report were the ages and full home addresses of Zhuchaeva and the three women from Baku. "This was very unfortunate," Hudaverdieva told Forum 18.

The General Secretary of Azerbaijan's Baptist Union, Elnur Jabiev, went further. "This is dangerous," he told Forum 18 from Baku on 31 March. "Nationalists will know their addresses. The police should not have given journalists this information." Given the refusal of Agdash Police to discuss the raid with Forum 18, it remains unclear whether this was done deliberately to intimidate the Baptists even further. The authorities have often used journalists to intimidate members of religious minorities, including children.

Hudaverdieva faced further problems when she returned to work after Novruz. She told Forum 18 that the National Security Ministry had told the parent company of the state-owned firm where she works about her activity in Agdash and the administrative penalty. She said the parent company had contacted her boss, telling him that the company could not have employees who behave in this way. "I was threatened with losing my job," she told Forum 18. "But my own boss is good and I was able to explain to him that this was all slander and tell him what actually happened. I told him I'm no criminal."

Ilya Zenchenko, the head of the Baptist Union, told Forum 18 that leaders from the Baku Baptist church will continue to visit church members in their branch congregation in Agdash.

### ***More raids on Jehovah's Witnesses***

The authorities in various parts of Azerbaijan have also frequently raided Jehovah's Witness meetings in recent months. In the afternoon of 22 February in the Garachakhuri district of Baku, some 20 people had gathered in the home of Gyulsira Akchurina, on the 9th floor of a block of flats. About ten police officers came up and started to knock at the door, demanding that it be opened, Jehovah's Witnesses told Forum 18. When this did not happen, the police, from the hallway outside the flat, turned off the electricity and gas in the apartment. After two hours the policemen went down one floor and waited there.

In the early evening, when the meeting was over, those present left the flat together. However, the police were waiting for them on the next floor down. They detained and questioned the group for half an hour, after which they were released. When half an hour later Akchurina and Rashida Ismaylova returned to the block of flats, some seven police officers detained them on the 5th floor. "These policemen, some of whom were in a state of intoxication, behaved very rudely, pushed the women and insulted them," Jehovah's Witnesses complained.

One of the officers told the two women he was a representative of the Migration Service. He said the police were there because they had information that foreigners attend these meetings.

The following morning, Jehovah's Witnesses told Forum 18, police arrived at the place of work of Rinat Sadigov, who is not a Jehovah's Witness but whose mother Tamilla Sadigova attended the meeting the previous day. The police took Sadigov as well as his manager away to the Sabail District police station No. 8, where he was "insulted and hit in the face". The police told Sadigov that he should invite his mother and brother to the police station. Also during the questioning he was asked whether he knows Mushfig Mammedov. Mammedov is a conscientious objector whose case has been filed with the ECHR. Sadigov was not freed until late afternoon.

On 29 January police raided a Jehovah's Witness meeting elsewhere in Baku, eleven days after a Jehovah's Witness meeting in the village of Sevinj near Gyanja was raided.

### ***Continued closure of mosque***

Meanwhile, members of the Abu Bekr mosque in Baku's Narimanov District are struggling to try to get the mosque reopened. It was closed by the authorities in the wake of a grenade attack in August 2008 which left several members of the community dead and others injured. Police, the National Security Ministry and the State Committee have said the others ordered it closed.

The mosque community's lawyer, Javanshir Suleymanov, says that the investigation into the attack is long over, so no obstacle to reopening the mosque should remain. "It should be allowed to reopen now," told Forum 18 from Baku on 1 April. "They said that it could reopen once the investigation is over, and the National Security Ministry confirmed at the beginning of March that it is indeed over. But a police car and a police post guard the mosque round the clock and it cannot reopen."

Suleymanov said the community lodged its final appeal to the Supreme Court on 30 March over the authorities' refusal to allow it to reopen. On 19 February, Baku's Appeal Court had rejected the community's appeal against a Narimanov District Court decision that the community cannot challenge the closure order. He pledged that if the community loses at the Supreme Court it will take its case to the European Court of Human Rights in Strasbourg.

Officials who answered the phones of Muradali Babaev, the police chief of the Narimanov District, and his deputy Alekper Ismailov told Forum 18 each time it rang on 1 April that neither was there. The duty officer declined comment.

### ***Constitutional changes to crack down on "harmful" religious groups***

Amid the Constitutional changes put to a referendum on 18 March were several that touched on religion. Article 18 Part 2 of the Constitution was amended with the addition of "religious tendencies" and now reads "Banned is the spread and propaganda of religions (religious tendencies) degrading the worth of the individual and contradicting the principles of humanity". A new Part 5 was added to Article 48, reading "No one may be forced to express (demonstrate) their religious faith and religious convictions, carry out religious rites or take part in them". The Central Election Commission in Baku claims that both of these amendments were backed by more than 87 percent of those who took part in the referendum, according to its website.

In the run-up to the referendum, state officials claimed these changes would protect religious freedom and would make it easier to crack down on "harmful" religious groups. Elchin Askerov, the deputy head of the State Committee, told the Day.az news agency on 4 March that the amendments would "prevent the activity of destructive so-called religious groups". He did not explain which groups he believes are "harmful", nor how he believes these Constitutional amendments will be used in practice.

---

## **Literature censorship for export also?**

By Felix Corley

Forum 18 (24.02.2009) / HRWF (25.02.2009)- Email: [info@hrwf.net](mailto:info@hrwf.net) - Website: <http://www.hrwf.net> - Azerbaijan's wide-ranging religious literature censorship system has started to affect the export of such literature, Forum 18 News Service has found. Customs authorities recently confiscated Christian religious literature from Azerbaijani citizens leaving Azerbaijan. No mention is made in Azerbaijan's laws of censorship of religious literature taken out of the country. Similarly, Forum 18 was told by a customs official that customs regulations are also silent on this point. An official of the State Committee for Work with Religious Organisations, speaking after the confiscation of

Muslim literature, told Forum 18 that "our society doesn't need books that don't suit our laws and our beliefs." He claimed that unspecified religious literature could cause unspecified "social harm and possibly inter-religious and inter-ethnic violence." Jehovah's Witnesses have filed three lawsuits specifically against the censorship system, which, they point out, is a violation of the right to religious freedom as guaranteed by the European Convention on Human Rights, to which Azerbaijan is a party.

Azerbaijan's compulsory censorship of all religious literature has started to affect the export of religious literature, Forum 18 News Service has found. In early January, Azerbaijani customs authorities confiscated religious literature from Azerbaijani citizens leaving Azerbaijan. "We know the authorities seize religious literature coming into Azerbaijan, but going out?!" Ilya Zenchenko, head of the Baptist Union, exclaimed to Forum 18.

Zenchenko told Forum 18 that on 4 January, two Baptists were on their way to visit fellow-Baptists in Azeri-speaking villages in eastern Georgia. They crossed the land border to Georgia at the Mazimchai crossing point, in the north-western Balakan District. At that crossing point, Azerbaijani customs officers seized Azeri-language Bibles and computer discs with Christian material from the two Baptists.

No mention is made in Azerbaijan's laws – such as the Religion Law, or the Regulations of the State Committee for Work with Religious Organisations - of censorship of religious literature taken out of the country. Similarly, Forum 18 was told on 20 February by an official of the Passenger Department at Baku Customs, who would not give their name, that customs regulations are also silent on this point.

Forum 18 asked how, if an Azerbaijani citizen leaves the country with personal religious literature, such as a copy of the Koran or the Bible, and then returns home with it, Customs officials know if it is the same book and can thus be brought back into Azerbaijan. The official insisted this is no problem. However, he failed to explain how Customs know if it is the same book.

Although religious believers have told Forum 18 confiscation of small quantities of religious books from individual travellers at Customs has lessened in recent years, in the past such confiscations – even of personal copies of the Koran or Bible – have happened.

In another new development, Jehovah's Witnesses told Forum 18 that censorship has been in 2008 extended to all their literature, whether it is in Azeri, Russian or any other language. Past obstruction to their literature was primarily directed towards Azeri-language material. The Jehovah's Witnesses have sought to challenge specific literature import denials and the system of censorship overseen by the State Committee.

Azerbaijan's compulsory prior censorship requires all religious literature printed in and imported into the country to gain specific approval from the State Committee. The State Committee also specifies the number of copies of each named work that may be printed or imported, checks the contents of bookshops, and has a list of "banned" religious literature which it will not make public.

Following their usual practice, no official at the State Committee was prepared to discuss the censorship of religious literature with Forum 18 on 23 February. The man who answered the phone of Aliheidar Zulfikarov of the Expertise Department told Forum 18 it was a wrong number and put the phone down. The man who answered the phone of press spokesperson Yagut Alieva told Forum 18 she was not in the office and that the issue was not within his competence. Zulfikarov has previously defended the system of prior compulsory censorship of religious literature to Forum 18.

The Baku Customs official, the only official at the State Customs Committee prepared to discuss the system of state censorship of religious literature with Forum 18, openly admitted that religious literature is treated differently from any other literature. "Of course you don't need permission to import works by, say, Tolstoy or Dostoevsky," the official – who declined to give their name – told Forum 18.

However, the official was unable to explain why the import of religious literature needs special permission, as censorship was formally abolished under an August 1998 Presidential Decree. "It's in our law – we just implement our law," they insisted. Asked whether the late President, Heidar Aliiev, had been wrong to state that censorship had been abolished, the official responded: "No, he wasn't wrong. But there are some problems when people import books to stir up controversy here."

The official refused to discuss the list of "banned" religious literature drawn up by the State Committee.

Asked to identify the law that specifically authorised the censorship of religious literature, the Customs official agreed that Azerbaijan's laws on customs controls include nothing on the subject. But he pointed to Presidential Decree 609 of 24 June 1997 and Cabinet of Ministers Decree 105 of 31 May 2000. These both list items that are subject to special controls (such as ammunition or drugs), but there is no mention of religious literature in either.

The Customs official also referred to the Religion Law, which does specify the State Committee's role in carrying out the official censorship. Article 9.2 of the State Committee's Regulations states that it "takes control of the production, import, and distribution of religious literature, items, and other religious informational materials, and gives its consent on the basis of the appeals of religious institutions and relevant state bodies in accordance with the established procedure".

The Baku Customs official explained to Forum 18 that people wishing to import religious literature need to write to the State Committee asking for permission to import a specified number of copies of a named title. Customs needs a letter from the State Committee "telling us that there is nothing objectionable" in each book to be imported. The letter also specifies the number of copies authorised for import. "Then we clear the book."

The official stressed that all this should be done before the books arrive in Azerbaijan. Asked what happens if religious books are brought to Customs without prior permission from the State Committee the official responded: "We'll stop them, take them to temporary storage. If they are permitted, then we'll allow them to enter. If not, they're seized. The importer then has the choice, whether to take them out of the country or leave them to the Customs to destroy. If they haven't been declared as religious books, then the importer will be fined."

State Committee officials have repeatedly told the local media about "dangerous" and "extremist" religious literature that has been seized at Customs. Officials told the Azeri Press Agency on 11 February and the Trend News Agency on 18 February that the import into Azerbaijan of 59 different titles "propagating religious intolerance and discrimination" had been prevented in 2008. Officials said the State Committee had examined 1,507 titles in 2008, a rise on earlier years.

On 13 January, Trend News Agency quoted local State Committee representative Miryahya Badirov as stating that Customs officials had prevented the import of "illegal" religious literature by Russian pilgrims. The report said they were returning from a pilgrimage, presumably the haj to Mecca, when they were stopped at Customs at Astara

on the southern border with Iran. It said 4,000 books of eight different titles, mostly in Kyrgyz and Russian, were seized.

Speaking to Forum 18, Badirov claimed he had been misquoted. He denied that the Russians had been pilgrims, describing them as "book traders," and said that the 4,000 books had been confiscated over a three or four-month period. He insisted that the expert analysis conducted by the State Committee in Baku had confirmed that the books were "harmful." "Everyone is subject to the law," he told Forum 18 from the southern town of Masalli on 23 January. "We also checked the literature of pilgrims returning from the haj."

Badirov insisted that censorship is necessary to protect the country. "Our society doesn't need books that don't suit our laws and our beliefs," he told Forum 18. "We're not prepared to put Azerbaijan at risk." He claimed that unspecified religious literature could cause unspecified "social harm and possibly inter-religious and inter-ethnic violence."

Jehovah's Witnesses have complained to Forum 18 of "repeated problems" with importing religious literature into Azerbaijan. The State Committee has given them several written warnings because of their attempts to import these "prohibited" religious publications. Jehovah's Witnesses have filed three lawsuits specifically against this censorship of literature, which, they point out, is a violation of the right to religious freedom as guaranteed by the European Convention on Human Rights, to which Azerbaijan is a party.

In March 2008 the Jehovah's Witnesses tried to challenge the State Committee's right in law to censor religious literature, but Judge Rauf Ahmedov of Baku's Sabail District Court ruled that the issue should be challenged not in a local court but at the Constitutional Court. On 13 October 2007 the Supreme Court dismissed the final appeal on this case and the Jehovah's Witnesses are considering taking the case to the European Court of Human Rights in Strasbourg.

Meanwhile, the Jehovah's Witnesses lodged another similar case directly at the Constitutional Court on 17 December 2008. A hearing on the case is pending, they told Forum 18.

Separately, the Jehovah's Witnesses went to court to challenge a 13 June 2008 decision by the State Committee to reject an application to import a shipment of literature. At the same time, "banned" literature was confiscated from Protestants and Jehovah's Witnesses in police raids. Appeals to higher courts against the June 2008 decision were rejected, most recently on 3 December. The Jehovah's Witnesses are preparing to challenge this rejection at the Supreme Court.

Some religious communities have had limited success in appealing directly to the State Committee to allow religious literature into the country. Georgian Orthodox Bishop Sergi Chekurishvili of Nekrisi, whose diocese in eastern Georgia includes the Kakh [Qax] District of Azerbaijan which has a Georgian Orthodox minority, said that small quantities of literature can be brought in from Georgia.

Bishop Sergi said he had met Hidayat Orujev, the Chair of the State Committee, who had asked the Georgian Orthodox not to bring in "too much" literature. "So we don't," he told Forum 18 on 29 January. "On the border Azerbaijani Customs won't allow in large quantities even of Bibles or baptismal crosses. All we are doing is providing pastoral care to our flock."

Georgian Orthodox believers in the area are also struggling to gain state permission re-open churches that Azerbaijan insists on keeping closed.

Religious literature confiscations are frequently publicised by the authorities in Azerbaijan's mass media. The 13 January Trend report said 1,300 books of 16 titles had been confiscated in 2008 both at operations on the border and in local bookshops in southern districts. The same agency reported on 18 February that 19 "banned" religious books had been confiscated from a resident of the village of Haji Zainabaldin near Sumgait [Sumqayit], on the Caspian Sea, in a joint operation by the town police and officials of the State Committee. Neither the names of the books nor the religious affiliation of the resident were given.

Police confiscated almost 100 Christian books and leaflets when they raided the home of Baptist pastor Hamid Shabanov in the village of Aliabad in the north-western Zakatala [Zaqatala] District in June 2008 and arrested him. He was sentenced on 11 February to two years' corrective labour on charges of owning an illegal gun – charges he rejects.

Shabanov said police described the books they confiscated – which included Bibles in Russian and Azeri – as "illegal". "I got the verdict today and it made no mention of the confiscated books," he told Forum 18 from Aliabad on 23 February. "But they are still refusing to return them."

The Jehovah's Witnesses face frequent confiscations of their literature when their meetings are raided by police.

The Chair of the State Committee, Orujev, continues to instruct the police that Jehovah's Witnesses do not have the right to distribute their literature, Forum 18 was told. Consequently, the police have arrested and fined Witnesses for distributing their literature. "Orujev and his predecessor, Rafik Aliev, have both given television interviews in which they encourage the public to treat us as if we had no right to distribute religious literature," they told Forum 18.

---

## **Government still keeps Mosque, Baptist church, and Georgian Orthodox churches closed**

By Felix Corley

Forum 18 (29.01.2009)/ HRWF (04.02.2009)- Email: [info@hrwf.net](mailto:info@hrwf.net) – Website: <http://www.hrwf.net> - Five months after the authorities closed the Abu-Bekr Mosque in Azerbaijan's capital Baku, the mosque community is still banned from worshipping in it, Forum 18 News Service has learnt. Another appeal is due to be heard on 19 February. No official has been able to explain to Forum 18 why the Mosque should remain closed, or why a Baptist church is also kept closed. A court has told the Mosque's lawyer that giving reasons is "not appropriate." The authorities have also refused to explain to Forum 18 why an unpublished nationwide ban on praying outside mosques, when mosques are full, remains in force. Also banned from meeting in their own place of worship are Georgian Orthodox villagers in north-west Azerbaijan. The Georgian Orthodox Church would like to fully reopen four churches in the region, and establish a monastery. At present the authorities allow worship lasting no more than 30 minutes in only three of the churches only. "But our services need at least an hour and a half," Bishop Sergi Chekurishvili told Forum 18. He fears that many Georgian Orthodox are deprived of the sacraments, and can die without access to communion.

More than five months after their mosque was hit by an August 2008 grenade attack, the community of Abu-Bekr Mosque in Baku's Narimanov District seem no nearer to overturning the unwritten ban on its reopening for worship, Forum 18 News Service has learnt. The community's lawyer Javanshir Suleymanov told Forum 18 on 28 January that the community lodged an appeal against the decision of the Narimanov District Court

that the Mosque should remain closed. He said the appeal is due to be heard by Baku Appeal Court on 19 February. No official has been willing to explain to Forum 18 why the Mosque should remain closed. Officials are similarly unwilling to explain why the unpublished nationwide ban on praying in the area around mosques, when mosques are full, remains in force.

Suleymanov complained that the Narimanov District Court decision gave no reasons for the ban. "It merely said this was 'not appropriate' – what's that supposed to mean?" he exclaimed to Forum 18. "There's been no document, no order mandating the continued closure." He said the National Security Ministry (NSM) secret police had, in December 2008, repeated its written assurance that it was not behind the ban on the Mosque reopening.

The ban on reopening the Abu-Bekr Mosque comes as Georgian Orthodox Christians in the north-west of Azerbaijan remain unable to regain for regular worship historic Georgian churches closed during the Soviet period. Baku's Baptist congregation is among other religious communities unable to regain places of worship confiscated by the Soviet regime.

Among other continuing problems for religious communities, police raided a Jehovah's Witness meeting near Gyanja [Ganca] on 18 January, while Baptist pastor Hamid Shabanov is due again in court on 4 February to face criminal charges which he and his congregation insist were fabricated to punish him for his religious work with his congregation.

The duty officer at the Narimanov District Police station referred all enquiries about the continued closure of the Abu-Bekr Mosque to the police chief. However, neither Muradali Babaev, the District Police chief, nor his deputy Alekper Ismailov were available when Forum 18 called on 28 and 29 January.

Lieutenant-Colonel Ahsan Zahidov of the Interior Ministry, told Forum 18 in October 2008 that nothing was the State Committee for Work with Religious Organisations had ordered the mosque closure, and that no one was preventing the Mosque from reopening. He refused to explain why the mosque cannot reopen. "You're disturbing my work," he told Forum 18 on 29 January before putting the phone down.

Nor was any official at the State Committee for Work with Religious Organisations in Baku prepared to speak to Forum 18 about the Abu-Bekr Mosque on 28 and 29 January.

The grenade attack on the Sunni Abu-Bekr Mosque in August 2008 killed several congregation members and wounded a number of others, including the imam, Gamet Suleymanov (no relation of the lawyer). The authorities closed the Mosque while the crime was investigated, but have repeatedly refused to allow it to reopen. The community challenged the refusal and also sought to establish who had issued the ban on the reopening. However, numerous court hearings failed to achieve the reopening.

Those who used to attend the Abu-Bekr Mosque have been forced to worship in private homes since the mosque's closure, Suleymanov told Forum 18. He said police at the city's three other Sunni mosques turn away many of those seeking to attend Friday prayers, saying they are full.

Muslims have told Forum 18 that a nationwide "temporary" ban on praying outside mosques, imposed in August 2008 also remains in force.

Also unable to meet in their own place of worship, as well as to restore and reopen it, are Georgian Orthodox villagers in Kurmukh, in Kakh [Qax] District, not far from Azerbaijan's north-western border with Georgia. Local villagers – who are overwhelmingly ethnic

Georgians - reopened the 100-year-old St George's Church several years ago, but the authorities sealed it in 2007, claiming that as a historical monument it could not be used. Local Georgians told Forum 18 on 28 January that the authorities have since then allowed the community to hold services at the Church twice a year – on the feasts of St George in May and November.

However, the authorities have not yet allowed the community to restore the Church or to reopen it regularly. "Of course we want to restart regular services," one local Georgian told Forum 18. "Discussions with the authorities are still underway. As soon as agreement is reached we would like to start restoration – the church is still ruined on the inside." The Georgian said discussions are now underway at the interstate level between Azerbaijan and Georgia, and that local Georgian Orthodox hope for a positive outcome.

Pushing for a resolution to the problem is Sozar Subari, Georgia's Human Rights Ombudsperson. He travelled to the village in November 2007 with his Azeri colleague Elmira Suleymanova, but failed to reach a solution, as he told Forum 18 in the Georgian capital Tbilisi on 9 December 2008. "The authorities won't allow the Orthodox to pray there," he lamented.

The Azerbaijani authorities have allowed only one Georgian Orthodox church in the country – in Gakhinglov, also in Kakh District – to reopen and gain state registration, served by one priest from Georgia, currently Fr Badri Archvadze.

Bishop Sergi Chekurishvili of Nekrisi, whose diocese in eastern Georgia includes the Kakh District and who estimates he has visited the District more than twenty times, was also present when the two Ombudspersons visited Kurmukh. He insists that friendly mutual relations between Georgians and Azeris are the way to resolve the problems for his flock in western Azerbaijan. "We have helped local ethnic Azeris here in eastern Georgia build mosques and not obstructed them – it's a question of mutual respect," he told Forum 18 from Georgia on 29 January.

Bishop Sergi said the Church would like to establish a monastery at Kurmukh once the Church is returned and restoration complete. He said that the Church would also like to reopen a further three historic churches in ethnic Georgian villages in the District. "At the moment Fr Badri is allowed to hold a service in any of these village churches lasting no more than half an hour," he reported. "But our services need at least an hour and a half. And it is difficult and takes a long time for our faithful to reach the Gakhinglov church – especially the elderly."

Bishop Sergi also fears that with only one priest, many Georgian Orthodox are deprived of the sacraments, especially the elderly in more remote villages who can die without access to communion.

Anar Alizade, who handles non-Muslim religious communities at the State Committee for Work with Religious Organisations in Baku, refused to explain why Georgian Orthodox villagers cannot pray regularly in their churches, including in Kurmukh. "You're not neutral," he told Forum 18 from Baku on 28 January. "Why can't Azeris pray in Nagorno-Karabakh?" he asked, without explaining what this had to do with the Georgian Orthodox in Kurmukh. "I'm a refugee from Karabakh myself." He then said he had no more time and put the phone down.

The authorities' long-running refusal to return the historic Baptist church close to the main railway station in central Baku was one of the topics raised with the State Committee by a visiting European Baptist Federation delegation in mid-January. The dilapidated church building has been used as a cinema, games hall and repair workshop in recent years.

One of those who helped build the church a century ago was the grandfather of the current head of the Baptist Union, Ilya Zenchenko. The Baptist Union has been seeking its return since 1989 so that it can be reopened as a place of worship.

---

## **Unregistered worship 'illegal' - but under what law?**

By Felix Corley

Forum 18 (28.01.2009)/ HRWF (29.01.2009)- Email: [info@hrwf.net](mailto:info@hrwf.net) - Website: <http://www.hrwf.net> - Police raided a Jehovah's Witness meeting in the village of Sevinj not far from Azerbaijan's second city Gyanja [Ganca] on 18 January, Jehovah's Witnesses told Forum 18 News Service. Nine Jehovah's Witnesses were taken to the police station where they were threatened with administrative penalties, but all were freed later that day. "We consider the police raid unlawful since the Constitution of Azerbaijan gives us the right to gather for worship and Azerbaijani law does not require registration to come together to study the Holy Scriptures," one Jehovah's Witness told Forum 18. The community will continue to meet, he insisted. Officials insist the gathering was illegal.

The threats to the Jehovah's Witnesses came as the long-running trial of Baptist pastor Hamid Shabanov drags on in the north-western town of Zakatala [Zaqatala]. At the same time, the Abu-Bekr mosque in the capital Baku and the Georgian Orthodox church in the village of Kurmukh (near Gakh [Qax]) remain closed by the authorities. Azeri customs officials also continued to confiscate religious literature, as part of the country's system of religious censorship (see forthcoming F18News article).

Anar Alizade, who handles non-Muslim religious communities at the State Committee for Work with Religious Organisations, insisted that the Gyanja police were acting in accordance with the law. "It wasn't a raid," he told Forum 18 from Baku on 28 January. "The Jehovah's Witnesses violated the law as they are not registered in Gyanja."

Asked which law banned individuals from meeting for religious purposes in private homes Alizade cited Azerbaijan's Civil Code, insisting that it requires legal entities to function only in the place where they are registered. "The Jehovah's Witnesses only have a registered organisation in Baku, so they can only function there," he told Forum 18. Told that Forum 18 could find no part of the Civil Code that banned individuals without a legally-registered entity from meeting for worship, Alizade repeated that such worship without registration is banned.

Jehovah's Witnesses told Forum 18 on 22 January that some 80 adherents had gathered in a private home in Sevinj on 18 January "to study the Bible and articles in our Watchtower magazine". They said police arrived about noon, yelling at those present and seizing nine of those present, forcing them to go to the Kapaz District police station.

There, officers shouted at the nine detainees, criticising their faith, asking why they do not go to mosques and why they had joined the Jehovah's Witnesses. Jehovah's Witnesses told Forum 18 that none of the detainees was beaten. "Police wouldn't say why they had been detained but tried to force them to write and sign statements. But they all refused." Jehovah's Witnesses report that they were threatened with prosecution under Article 299 of the Code of Administrative Offences, though officers refused to specify which offences under the Article they were accused of violating.

Article 299 of the Civil Code lists three "offences": avoiding state registration, violating regulations over organising religious events and attracting children to religious events. Individuals violating this Article are punished with fines of between 10 and 15 times the minimum monthly wage. However, Azerbaijani law does not require state registration

before religious activity can be conducted, despite state officials regularly insisting that the law does require this.

The Jehovah's Witnesses report that five of the nine detainees were freed in the afternoon, while the other four – three men and one woman – were released only in the evening after seven hours detention. The police told them that investigations would continue and they could be punished. However, Jehovah's Witnesses confirmed to Forum 18 on 28 January that police have so far taken no further action against the nine. "I doubt any investigation is going on," one Jehovah's Witness told Forum 18. "The whole raid was designed to intimidate them." The nine will be filing complaints against the police.

Jehovah's Witness in Azerbaijan state that this was the first raid on one of their meetings since a raid in Baku in November 2008 (see F18News 13 November 2008 [http://www.forum18.org/Archive.php?article\\_id=1217](http://www.forum18.org/Archive.php?article_id=1217)).

Forum 18 was unable to speak to Firdovsi Kerimov, the Gyanja representative of the State Committee for Work with Religious Organisations. The man who answered both his office phone and his mobile on 23 January said he was not available and hung up immediately. Subsequent calls went unanswered.

Declining to comment on why the peaceful Jehovah's Witness meeting had been raided were officers of the Kapaz District police. Reached on 23 January, the duty officer – who did not give his name – referred all enquiries to the District police chief, Elchin Gasymov. However, the man who answered Gasymov's phone on 28 January told Forum 18 it was a wrong number.

Officials have repeatedly insisted in the Azeri media that the Jehovah's Witness meeting was "illegal". Several television stations reported on the raid, including ANS on 20 January, a day marked as "Black January" commemorating the victims of the brutal Soviet assault on Baku in 1990. Kerimov of the State Committee for Work with Religious Organisations was interviewed on ANS claiming – without evidence - that Jehovah's Witnesses spoke of Armenians as "brothers" and that they would not take up arms against them. "Statements like that from officials may incite people against the community," one commentator told Forum 18 from Baku.

80 Jehovah's Witness prisoners of conscience, jailed for refusing to do compulsory military service, are in prison in Armenia (see F18News 11 December 2008 [http://www.forum18.org/Archive.php?article\\_id=1228](http://www.forum18.org/Archive.php?article_id=1228)).

Azeri officials frequently portray minority religious communities in the media as traitors to the country and under the sway of foreigners, often claiming that they are Armenian spies, an inflammatory accusation given the long-running conflict between Azeris and Armenians over the Nagorno-Karabakh region. For example the head of the Baptist Union, Ilya Zenchenko, has been falsely accused of being an "Armenian spy who acts only for money" (see F18New 30 July 2008 [http://www.forum18.org/Archive.php?article\\_id=1165](http://www.forum18.org/Archive.php?article_id=1165)).

Meanwhile Baptist Pastor Hamid Shabanov's trial is due to resume in Zakatala on 4 February, his lawyer Mirman Aliev told Forum 18 from Baku on 28 January. The Baptist pastor is being tried under Article 228 Part 1 of the Criminal Code of illegal possession of a weapon, which is punishable by up to three years' imprisonment for those found guilty.

Shabanov, his family and his congregation vigorously refute the charge. They argue that the case was lodged to punish him for leading his Baptist congregation in his home village of Aliabad near Zakatala which the authorities do not like (see F18News 13 November 2008 [http://www.forum18.org/Archive.php?article\\_id=1217](http://www.forum18.org/Archive.php?article_id=1217)).

Another of the congregation's pastors, Zaur Balaev, was freed from prison in March 2008 after being sentenced on what his congregation insists were equally trumped-up charges (see F18News 19 March 2008 [http://www.forum18.org/Archive.php?article\\_id=1102](http://www.forum18.org/Archive.php?article_id=1102)).

Pastor Shabanov was arrested in June 2008 and spent twenty weeks in prison, but was transferred to house arrest in November 2008. His trial began in July 2008 and hearings have dragged on since then. The most recent hearing took place on 26 January. "The law specifies no limit on the length of any trial," his lawyer Aliev told Forum 18. "But we will take as long as we need to have him acquitted, though this is difficult."

Alizade of the State Committee dismissed suggestions that Shabanov is being punished for his faith. "It's nothing to do with religion – it's in the hands of the Ministry of Justice," he told Forum 18.

Asked why Shabanov's congregation has been denied state registration for some 16 years (see eg. F18News 6 November 2008 [http://www.forum18.org/Archive.php?article\\_id=1214](http://www.forum18.org/Archive.php?article_id=1214)), Alizade responded: "No-one has complained to us." However, when Forum 18 pointed out that Baptists have made numerous complaints over many years to the State Committee, Alizade admitted that complaints had been received. He then also admitted that officials have been discussing the denial of registration with Baptists, including a visiting delegation from the European Baptist Federation in mid-January.

---