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AZERBAIJAN: Judge "has already decided in her own mind to liquidate us" ?

By Felix Corley, Forum 18 (<https://www.forum18.org>)

A court in Azerbaijan's capital Baku is likely to decide on 19 April whether Greater Grace Protestant Church should be liquidated, a court official told Forum 18 News Service after the latest hearing on 12 April. If the court upholds the liquidation suit lodged by the State Committee for Work with Religious Organisations, all the Church's communal activity will become illegal. "The conduct of the Judge during the hearing testifies that she has already decided in her own mind to liquidate us", church members complained to Forum 18. They note that the Judge has acted with the State Committee in trying to dismiss the Church's defence arguments. The authorities have already closed down Muslim mosques they do not like – mostly Sunni mosques. Police and the courts have raided and warned Muslims who continued to worship in private homes. Also, a "temporary" ban on Muslims praying outside mosques, imposed in 2008, is still being enforced. No text of the ban appears to have ever been made public.

A court in Azerbaijan's capital Baku is likely to decide on 19 April whether Greater Grace Protestant Church – which has had state registration for 19 years – should be liquidated, a court official told Forum 18 News Service after the latest hearing on 12 April. If the court upholds the liquidation suit lodged by the State Committee for Work with Religious Organisations, all the Church's communal activity will become illegal. "The conduct of the Judge during the hearing testifies that she has already decided in her own mind to liquidate us, and is looking for an excuse and possible formulation of the reason for such a decision," church members complained to Forum 18. The authorities have already closed down Muslim mosques they do not like – most of them Sunni. After the closure of the only Sunni mosque in the country's second city Gyanja [Gäncä], police and the courts have raided and warned community members who continued to worship in private homes.

In defiance of its international human rights commitments, Azerbaijan has banned all exercise of freedom of religion or belief without state permission, imposing heavy penalties for this. The State Committee has failed to register hundreds of religious communities which applied for the compulsory re-registration required by harsh amendments to the Religion Law in 2009. As of 13 April 2012, only 570 religious communities are listed as registered on the State Committee website. None have been added to the published list since 21 November 2011 (see F18News 22 December 2011 http://www.forum18.org/Archive.php?article_id=1651).

Two religious communities have challenged in court as arbitrary and unjust the State Committee's refusal to re-register them. Baku's Jehovah's Witness community finally lost in the Supreme Court in February 2012, and is preparing a case to the European Court of Human Rights (ECtHR) in Strasbourg. Baku's Protestant Cathedral of Praise Church finally won in the Supreme Court the same month. It is hoping it will now get re-registration.

Saleh Aslanov, spokesperson for the State Committee, has told Forum 18 on many occasions that the Committee does not answer questions by telephone. He told Forum 18 on 13 April that he had replied in writing on 9 April to Forum 18's earlier questions, though Forum 18 did not receive them. Forum 18 asked him to resend the responses.

Liquidation suit

Judge Tahira Asadova presided over the latest hearing of the State Committee suit to liquidate Greater Grace Church at Baku's Administrative Economic Court No. 1 on the afternoon of 12 April. After a 25-minute hearing, the Judge adjourned the case until 19 April, her assistant, who did not give his name, told Forum 18 immediately after the hearing. He said Judge Asadova is likely to hand down her decision at the next hearing. He added that an observer from the Office in Baku of the Organisation for Security and Co-operation in Europe (OSCE) was present to monitor the hearing.

The State Committee lodged the suit to liquidate Greater Grace Church in December 2011. This is the first such suit it is known to have lodged against any religious community since the harsh new 2009 Religion Law required re-registration of all communities.

The State Committee argued that Greater Grace Church had to be liquidated as it had not undergone the compulsory re-registration with the State Committee. The first hearing was held on 15 March 2012, with a subsequent hearing on 29 March. The Church insists that one state agency – in this case the State Committee – cannot seek the liquidation of legal status granted by another – in this case

the Justice Ministry, which registered the Church in April 1993. The Church insists it has never broken the law, but the State Committee told the Court it has "secret documents" – which it refused to reveal – testifying to violations (see F18News 30 March 2012 http://www.forum18.org/Archive.php?article_id=1686).

At the 12 April hearing, the State Committee's lawyer repeated earlier accusations that the Church had failed to re-register with the State Committee after it was formed in 2001, church members told Forum 18 after the hearing. Judge Asadova also intervened to accuse the church of failing to bring its registered Statute into line with successive changes to the Religion Law. The church argued that its statute is in line with the current Law.

"In response to this, the Judge and the State Committee representative started to search through our statute to find inconsistencies with the new amendments to the Religion Law," church members told Forum 18. "These actions testify clearly to the Judge's bias in considering this question and we raised a protest, as such actions fall outside the framework of the State Committee's suit." However, the Judge rejected the protest.

The Judge and the State Committee representative claimed that the Statute should have declared that the Church can only function in its office, and that the Statute should describe the Church not as an "organisation" but as a "religious group". The Church insisted that the Court can only liquidate it if it has violated the Religion Law "and no basis for this exists".

Judge Asadova proposed that the Church's registration be liquidated and the Church re-register. But the Church rejected this, arguing that no legal basis for this existed. "Moreover, the State Committee systematically rejects the registration of other churches, and there is no guarantee that – once our registration is liquidated – it will register us in future," church members complained to Forum 18.

Re-registration denial suit fails in court

Of the two religious communities known to have legally challenged the State Committee's denial of re-registration, the Jehovah's Witness suit was lodged first. Baku's Jehovah's Witness community was first registered in December 1999 and gained the compulsory re-registration in February 2002. It applied for the further mandatory re-registration in November 2009, but the State Committee rejected the re-registration application in February 2010, after which the community went to court.

Sabail District Court – the local Baku court for the State Committee where such suits are initially heard – rejected the Jehovah's Witness suit on 16 July 2010. Its first appeal to Baku Appeal Court was rejected on 6 January 2011. The Supreme Court on 24 May 2011 annulled the Appeal Court decision and asked it to rehear the case. The Appeal Court again rejected the Jehovah's Witness suit on 12 September 2011 (see F18News 1 November 2011 http://www.forum18.org/Archive.php?article_id=1632).

Jehovah's Witnesses again took their case to the Supreme Court, but on 1 February 2012 finally lost the case. Jehovah's Witnesses told Forum 18 on 12 April that, now they have exhausted all possible legal remedies in Azerbaijan, they are preparing to take their case to the European Court of Human Rights (ECtHR) in Strasbourg. Azerbaijan is subject to the Court's jurisdiction as a member of the Council of Europe.

Re-registration denial suit upheld – but no registration yet

By contrast, Cathedral of Praise – a Baku church linked to the Word of Life Pentecostal Church in Sweden - ultimately won its case against the State Committee through the courts. It had initially been registered by the State Committee in 2002. Like many other religious communities it had lodged its re-registration application in autumn 2009. However, the State Committee had rejected it in writing on 19 February 2010.

Cathedral of Praise had lost its first suit in Sabail District Court on 30 July 2010, and at Baku Appeal Court on 13 December 2010. However, on 12 May 2011 the Supreme Court overturned the December 2010 decision and sent the case for a new hearing at the Appeal Court. On 27 July 2011, Baku Appeal Court upheld the Church's suit, declaring the February 2010 State Committee rejection unlawful and obliging it to re-register the Church (see F18News 1 November 2011 http://www.forum18.org/Archive.php?article_id=1632).

After the Church won its suit at the second Appeal Court hearing, the State Committee challenged the ruling. However, on 20 February 2012 a panel of three Judges at the Supreme Court – in a final decision seen by Forum 18 – found in favour of the Church which received the written decision on 23 March. The Court rejected the argument from the State Committee's lawyer Akif Aliyev that the Church had failed to inform the State Committee within the required 20 days of the changes in the list of founders, and that therefore the Church should not be re-registered.

The Supreme Court then instructed the Appeal Court to instruct the State Committee to register the community. Church members told Forum 18 on 12 April that they hope this will overcome their long-running re-registration denial.

Registration rejections

Among the many religious communities whose registration applications have been rejected since the harsh 2009 Religion Law are two Baptist churches in the small town of Aliabad in Zakatala [Zaqatala] Region of north-western Azerbaijan. One of the two churches began seeking state registration in 1994 and is believed to hold the record for the religious community in Azerbaijan which has been seeking legal status in vain for the longest time.

Up till 2009, the two churches could not even lodge formal registration applications, because the then State Notary in Zakatala, who had to notarise the signatures of the churches' founders on the applications, refused to do so because she did not like them (see F18News 7 April 2010 http://www.forum18.org/Archive.php?article_id=1429).

However, after she was replaced in early 2011, the new State Notary and the local authorities approved the two applications, which were then sent to the State Committee in Baku, church members told Forum 18 from Aliabad on 11 April. "We were warned not to lodge the applications, but even though we did so we have not faced reprisals," one church member noted. "We have not been raided since we lodged the applications."

However, the State Committee rejected both applications in writing in 2011. "We are trying to lodge the applications again, though this is now harder as each community needs 50 adult citizen founders with the change in the Law," one church member added.

The Baptist Union – to which the Aliabad congregations belong - had 10 registered congregations in 1992. After compulsory re-registration in 1994 it was six. After compulsory re-registration in 1999 it was two. By 2009 – before the latest round of compulsory re-registration - the Union had been able to register three congregations, in Baku, in the port city of Sumgait [Sumqayıt] and in Gyanja.

As well as the two Aliabad congregations, five other Baptist Union congregations applied for re-registration or registration: two in Baku, one in Sumgait, one in Gyanja and one in Neftechala. All seven applications were rejected. "In none of the seven rejection letters did the State Committee tell us specifically what was wrong with the applications," the head of the Baptist Union Ilya Zenchenko complained to Forum 18.

Praying leads to warnings

Members of the only Sunni mosque in Gyanja, known as the Albanian Mosque, in the city's Shahsevenler district, have seen "no movement" in their campaign to achieve its reopening, community member Vidadi Abbasov told Forum 18 from the city on 11 April. "The only hope we have is what God gives." The Mosque – which opened in 1995 – was suddenly closed by the authorities in 2009 without explanation, just days before the start of Ramadan. Abbasov told Forum 18 that the Mosque building – which the community had restored over many years - was turned into a library.

Mosque members are now forced to pray in groups of no more than five people in private homes, though under often close police surveillance. Police forced one group of former mosque members to sign statements in summer 2011 that they would stop meeting for joint prayers.

Another group – which met in Abbasov's home – was raided by police in November 2011. All twelve present for Friday prayers were taken to the police station and forced to sign similar statements. Abbasov was then taken to the city's Nizami District Police where he faced a possible large fine or imprisonment of up to 15 days for leading unregistered worship, he told Forum 18. He said only the intervention of local State Committee official Firdovsi Kerimov prevented him from being fined or imprisoned.

Abbasov was instead given an official warning. Muslim prayer books which had been seized from him were later returned after they had been "checked" that they contained nothing illegal, he told Forum 18.

The man who answered Kerimov's phone on 12 April put the phone down as soon as Forum 18 introduced itself.

Gyanja has been a particularly difficult place for religious communities to operate. State Committee representative Kerimov ordered three religious communities which did not have legal status to close in March 2011. One, Star of the East Pentecostal Church, was visited by two bus loads of riot police and ordinary police to stop them meeting for worship (see F18News 8 April 2011 http://www.forum18.org/Archive.php?article_id=1560). In late 2011, further massive fines were imposed on local Jehovah's Witnesses after their meetings were raided (see F18News 14 December 2011 http://www.forum18.org/Archive.php?article_id=1647).

Elsewhere, Muslims who read the works of the late Turkish theologian Said Nursi are regularly subjected to raids on their meetings and receive official warnings. Two such raids are known to have occurred in March, with confiscation of their books (see F18News 30 March 2012 http://www.forum18.org/Archive.php?article_id=1686).

Street praying still banned?

A "temporary" ban on praying outside mosques was imposed in 2008 but is still being enforced. The text of the ban does not seem to have ever been made public (see F18News 17 October 2008 http://www.forum18.org/Archive.php?article_id=1205).

Eldar Zeynalov, head of the Human Rights Centre of Azerbaijan, says that the ban appears still to be in force. "You no longer see the crowds around mosques at Friday prayers," he told Forum 18 from Baku on 10 April. He points out that officials try to avoid issuing such bans in their own name, preferring to have the state-backed Caucasian Muslim Board issue them instead.

During the Muslim commemoration of Ashura, marked by Shia Muslims as a day of mourning, the authorities are particularly nervous about processions through the streets and large-scale gatherings in mosques. Numerous press reports at Ashura in early December 2011 noted police intervention at mosques to prevent large numbers of Muslims from gathering, including at the Fatima Zahra mosque in Baku, mosques in villages around Baku and in Yevlakh in western Azerbaijan.

"Today in many parts of Azerbaijan, including in [the southern town of] Lenkoran, violence continues to be used against clergy who wish to hold mourning rites for Ashura," complained a letter to Sheikh Allahshukur Pashazade, head of the Muslim Board, from ethnic Talysh imams in southern Azerbaijan. They noted that mourning processions "are banned or obstructed".

The letter, of which extracts were published by the opposition Yeni Musavat newspaper and other media on 13 December 2011, deplored what the authors regarded as Pashazade's failure to take up the issue and called for the Muslim Board to be replaced. "You remained silent when mosques were destroyed, as well as over problems connected with the hijab [headscarf]." (END)

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1690.

More coverage of freedom of thought, conscience and belief in Azerbaijan is at <http://www.forum18.org/Archive.php?query=&religion=all&country=23>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

For a personal commentary, by an Azeri Protestant, on how the international community can help establish religious freedom in Azerbaijan, see http://www.forum18.org/Archive.php?article_id=482.

A printer-friendly map of Azerbaijan is available at <http://education.nationalgeographic.com/education/mapping/outline-map/?map=Azerbaijan>.

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