

26 April 2012

AZERBAIJAN: Court liquidates Church

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

A court in the Azerbaijani capital Baku has ruled to liquidate the Greater Grace Protestant Church, the Judge's assistant told Forum 18 News Service. At a 15-minute final hearing on 25 April in the Church's absence, Judge Tahira Asadova upheld the suit lodged by the State Committee for Work with Religious Organisations. Asked how the Judge could have taken a decision which means that any activity the Church engages in would be illegal and subject to punishment, Judge Asadova's secretary Sevinj Ahmedova told Forum 18: "The court has decided." She said the decision will enter into force a month after the written verdict is issued, unless the Church lodges an appeal. Church members told Forum 18 they intend to challenge the decision through every court, even to the European Court of Human Rights in Strasbourg. Ilya Zenchenko, head of Azerbaijan's Baptist Union, says he is troubled by the decision. "I protest against it – it is not just," he told Forum 18.

In a 15-minute hearing yesterday afternoon (25 April), Judge Tahira Asadova of Administrative Economic Court No. 1 in the Azerbaijani capital Baku ruled to liquidate the Greater Grace Protestant Church, the judge's assistant Parviz Zalyshov told Forum 18 News Service on 26 April. This is the first known enforced liquidation of a religious community since Azerbaijan's harsh new Religion Law was adopted in 2009. When the ruling comes into force, any religious activity the Church or its members engage in will be illegal and subject to heavy punishment. The Church – which has had legal registration for 19 years - told Forum 18 it will appeal against the decision.

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Saleh Aslanov, spokesperson for the State Committee for Work with Religious Organisations which brought the liquidation suit to court, declined to comment on the court decision by telephone. "Send your question in writing," he told Forum 18 on 26 April.

The 25 April hearing took place in the absence of any Church representatives. The lawyer had sent a telegram to the court asking for the hearing to be postponed because of illness. Ahmedova had told Forum 18 on the afternoon of 25 April that after receiving the telegram the Judge had decided to postpone the hearing (see F18News 25 April 2012 http://www.forum18.org/Archive.php?article_id=1693).

However, both she and Zalyshov insisted the Judge had no choice but to go ahead. "There is a deadline of three months to complete a case," Zalyshov told Forum 18. "Yesterday was the last day. The Church knew that."

Zalyshov added that monitors from the Baku Office of the Organisation for Security and Co-operation in Europe (OSCE), which have been monitoring the case throughout, were again present for the final 25 April hearing.

Forum 18 was unable immediately to reach Judge Asadova on 26 April.

Ilya Zenchenko, head of Azerbaijan's Baptist Union, says he is troubled by the decision. "I protest against it – it is not just," he told Forum 18 from Baku on 26 April. "I am not a lawyer, but I feel the decision is wrong."

Registration denied, places of worship closed

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 (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/Archive.php?article_id=1690).

The State Committee for Work with Religious Organisations, the government body now in charge of state registration, has denied registration to many communities of a variety of faiths. In addition, the authorities have already closed down Muslim mosques they do not like – most of them Sunni (see F18News 13 April 2012 http://www.forum18.org/Archive.php?article_id=1689).

Fair trial?

The State Committee argued that the Church's state registration – which it gained with the Justice Ministry in April 1993 – should be stripped from it as it failed to re-register with the State Committee. The case began under Judge Asadova on 15 March, which several subsequent hearings.

The Church insisted that one state agency – in this case the State Committee for Work with Religious Organisations – cannot seek the liquidation of legal status granted by another – in this case the Justice Ministry. The Church insisted 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.

On 17 April, as a result of the 12 April hearing, the Church asked the Chair of the Court, Museyib Huseynov, to remove Judge Asadova from the case. The Church argued that she had shown bias in hearing the case. However, Judge Huseynov rejected the request the same day. "I considered there was no basis to uphold the complaint," he told Forum 18 from the court on 23 April. "Judge Asadova committed no mistake and she'll continue."

Ten days till written verdict

Judge Asadova has ten days to hand down the written verdict, her assistant Zalyshov told Forum 18. "When the Church gets the written verdict it will have one month to appeal if it wishes to." Any appeal would be lodged to Baku Appeal Court.

Church members say they intend to appeal. "We had no faith in getting a just and legal decision from the start," they told Forum 18, "so we decided to appeal through all the local courts and take the case to the European Court of Human Rights in Strasbourg if necessary."

Punishment

Once the decision against the Greater Grace Church enters into force, Church members would risk punishment for any religious activity under Administrative Code Article 299, which punishes "violation of the procedure for creating or running religious organisations":

- Article 299.0.1 punishes "religious leaders who fail to register their communities with the state".
- Article 299.0.2 punishes "violating legislation on holding religious meetings, marches, and other religious ceremonies".
- Article 299.0.3 punishes "clergy and religious associations holding special religious meetings for children and young people, as well as the holding by religious bodies of literature circles or other specialised groups".
- Article 299.0.4 punishes "religious activity not within a religious association's registered address".
- Article 299.0.5 punishes "activity by a religious association that is not in accordance with its statute". (The community's statute must be approved by the state for state registration to be given.)

Fines for all "offences" under Article 299 are:

- for individuals, between 1,500 and 2,000 Manats;
- and for officials, between 7,000 and 8,000 Manats.

Each 1,000 Manats is equivalent to 7,290 Norwegian Kroner, 964 Euros or 1,273 US Dollars. The minimum monthly wage has been 93.50 Manats (682 Norwegian Kroner, 90 Euros, or 119 US Dollars) per month from 1 December 2011.

Church's appeal

Greater Grace Church also appealed for help from Azerbaijan's Ombudsperson for Human Rights Elmira Suleymanova. However, church members told Forum 18 they have had no response from her office.

Forum 18 asked the Ombudsperson's spokesperson Zemfira Maharramli in writing on 24 April what action Suleymanova has taken or intends to take in response to the Church's appeal. However, Forum 18 had received no response by lunchtime in Baku on 26 April.

Waiting, waiting

Re-registration of all religious organisations was ordered yet again in the wake of the 2009 amendments to the Religion Law.

Religious communities were given a deadline of the end of 2009 to submit their re-registration applications. However, hundreds of those which did so are still waiting for the State Committee to respond. In many cases the State Committee has told applicants of "mistakes" (often unspecified) in their applications (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/Archive.php?article_id=1690).

As of 26 April, only 570 religious communities are listed as registered on the State Committee website. Of these, 550 are of the state-backed Caucasian Muslim Board. Of the other 20, six are Jewish (Mountain, Georgian and Ashkenazi), three are Molokan (an earlier Russian Protestant-style Christian group), two are Udi Christian (a community revived with state backing), two are Georgian Orthodox, two are Baha'i, one is Russian Orthodox (the Baku diocese with six parishes), one Catholic, one Lutheran, one New Life Pentecostal and one Hare Krishna community.

No new religious communities have been added to the published list of registered communities since November 2011. (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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