



**ЭКОНОМИЧЕСКИЙ
И СОЦИАЛЬНЫЙ СОВЕТ**

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КОМИССИЯ ПО ПРАВАМ ЧЕЛОВЕКА

Шестьдесят первая сессия

Пункт 11 повестки дня

ГРАЖДАНСКИЕ И ПОЛИТИЧЕСКИЕ ПРАВА

**Вербальная нота Постоянного представительства Азербайджана при Отделении
Организации Объединенных Наций в Женеве от 13 апреля 2005 года
в адрес секретариата Комиссии по правам человека**

Постоянное представительство Азербайджанской Республики при Отделении Организации Объединенных Наций и других международных организациях в Женеве свидетельствует свое уважение секретариату шестьдесят первой сессии Комиссии по правам человека Организации Объединенных Наций и имеет честь препроводить настоящим замечания делегации Азербайджанской Республики по поводу выдвинутых Фондом религиозной свободы Бекета в ходе рассмотрения пункта 11 повестки дня утверждений о нарушениях, якобы допущенных в отношении мечети "Джума" и ее имама Ильгара Ибрагимоглы Аллахвердиева.

Постоянное представительство Азербайджанской Республики было бы весьма признательно за распространение секретариатом настоящей вербальной ноты и прилагаемой информации* в качестве официального документа шестьдесят первой сессии Комиссии по пункту 11 повестки дня.

* Воспроизводится в приложении в полученном виде только на том языке, на котором она была представлена.

Annex

**COMMENTS OF THE DELEGATION OF THE REPUBLIC OF AZERBAIJAN TO
ALLEGATIONS VOICED BY REPRESENTATIVE OF THE BECKET FUND ON
RELIGIOUS LIBERTY ON SITUATION WITH “JUMA MOSQUE” AND ITS IMAM
ILGAR ALLAKHVERDIYEV**

61ST SESSION OF THE COMMISSION ON HUMAN RIGHTS

AGENDA ITEM 11

“Juma Mosque” as a historical monument of the middle ages is under the joint authority of the Ministry of Culture of the Republic of Azerbaijan and Executive Power of Baky City and located in “Inner City” State Historical Architectural Reserve. The State Carpet Museum had been functioning in this building since 1968 to 1992.

In 1992, the building was seized by Azar Ramiz ogly Samadov and Ilqar Ibrahim ogly Allahverdiyev, inhabitants of Baky where they were engaged in activity within “Juma Mosque” religious community. According to the Article 17 of “Law of the Republic of Azerbaijan on freedom of conscience”, any historical and cultural buildings can be given in accordance with legislation to religious organization and used by them after the conclusion of contract with the authorized state structure. Only registered religious community, namely a legal entity, can use a mosque. The above-mentioned community has no such a registration.

Moreover, there were no any legal acts allowing members of the “Juma Mosque” religious community to use or lease the Mosque building. Use of mosques is within the competence of the Board of Muslims of the Caucasus. “Juma Mosque” religious community has never appealed to the Board of Muslims of the Caucasus to this end and their activity in this building is considered unlawful. Nevertheless, this does not restrict the freedom of conscience of those who worships in this mosque.

In accordance with the Decision of the Cabinet Ministers of the Republic of Azerbaijan dated 2 August 2001, “Juma Mosque” was included to the list of immovable historical monument of state importance. Given this fact, a lease of the building to any legal entity or natural person contradicts to the legislation.

Touching the issue of registration, it should be mentioned that Ministry of Justice of the Republic of Azerbaijan registered “Juma Mosque” in 1993. But according to the newly adopted legislation, all religious communities should be re-registered by the State Committee for Work with Religious Bodies of the Republic of Azerbaijan. Representatives of “Juma Mosque”

appealed to the State Committee for the state registration on 29 January 2002. But the State Committee did not accept the constituent documents of the community, as they had not been prepared in accordance with the legislation. The Community refused to observe two provisions of the "Law on the freedom of conscience" according to which it should register with the Caucasian Moslems' Board and indicate juridical address of the Community.

On 1 March 2004, having considered a suit brought by "Inner City" State Historical Architectural Reserve against "Juma Mosque" religious community, the Baky District Court passed a sentence. According to the sentence, taking into account the above-mentioned facts, the "Juma Mosque" religious community was demanded to leave the building of the mosque. On 22 April 2004, the Court of Appeal of the Republic of Azerbaijan confirmed the sentence passed by the court of first instance.

At present time, Baky Office of the Center of Protection of Religious Freedom and Freedom of Conscience (DEVAMM) headed by Ilqar Allahverdiyev has a separate building in the Inner City and it has been continuing its activity.

Ilqar Allahverdiyev representing himself as Imam of "Juma Mosque" graduated from Islam education faculty of Qazvin University of Iran in 1993-1998 and taught in post-graduate course in Teheran University in 1998-2002. Having returned to Azerbaijan he was engaged in activity within "Islam Ittihad" community. Statements against a secular regime that is stipulated by the Constitution of the Republic of Azerbaijan were organized in "Juma Mosque" under his direct leadership as well as views were disseminated on ideas of Islamic revolution. I. Allahverdiyev representing himself as a leading coordinator of "Islam Ittihad" community and of the Center of Protection of Religious Freedom and Freedom of Conscience as well as Imam of "Juma Mosque" as a matter of fact plays politics.

On 2 April 2004, having reviewed the criminal case on accusation of crimes committed by I. Allahverdiyev and a group of people, the Court of the Republic of Azerbaijan on grave crimes passed a sentence. According to the above-mentioned sentence, coming to the agreement in advance with a group of persons and entering the criminal relations with them I. Allahverdiyev decided to organize mass disturbances on October 15, 2003 by committing acts of violence, pogroms, destruction of property with the aim to forcefully alter the results of the Presidential elections of the Republic of Azerbaijan in favor of candidate supported by them. On October 16, 2003 coming to the Azadliq Square of Baky city I. Allahverdiyev led the acts of violence against life and health of the representatives of the Ministry of Interior who were carrying out their duty of service.

Mass disturbances resulted in postponement of lessons at schools as well as the population of the city was kept in horror. Acts of violence caused a huge damage to shops, hotels, cafes and

medical centers. Some citizens were brutally beaten by the rally participants. During mass disturbances, 150 policemen and 25 civil persons received body injuries of various severities. Material damage to the state property was equivalent to 3.143.414.400 manats (640.000 USD), to the private property-46.676.320 manats (10.000 USD).

Having reviewed the criminal case, the Court on grave crimes sentenced I. Allahverdiyev to imprisonment for 5 years. Applying the Article 70 of the Criminal Code of the Republic of Azerbaijan, the Court on grave crimes decided to replace the above-mentioned sentence by suspended one for 5 years.

As for the allegations voiced by the representative of the Becket Fund for Religious Liberty on violation of the right to freedom of I. Allahverdiyev, it should be mentioned that according to the above-mentioned sentence passed by the Court on the Grave Crimes of the Republic of Azerbaijan dated 2 April 2004, I. Allahverdiyev being found guilty in violation of the Articles 220.1 and 315.2 of the Criminal Code of the Republic of Azerbaijan was sentenced to the suspended imprisonment for 5 years with 5 years trial period and imposed not to change the place of residence without prior notice of the relevant state agency.

In accordance with the “Law of the Republic of Azerbaijan on Exit, Entry the Country and Passports” dated 14 June 1994, there are several reasons to temporarily restrict the right of citizens to exit and enter the country. One of them is suspended imprisonment of citizen.

Given the suspended imprisonment of I. Allahverdiyev in accordance with paragraph 32 of “Provision of the application of the Law of the Republic of Azerbaijan on Exit, Entry the Country and Passports” approved by the Milli Maclis (Parliament) of the Republic of Azerbaijan dated 29 November 1994, the information on Mr. Allahverdiyev was included into the Unified Data Base and his right to exit the country during the trial period was temporarily restricted. This is the reason for preventing him to exit Azerbaijan for abroad.

Republic of Azerbaijan is a multiconfessional and tolerant country. At present time, there are 130 mosques, about 40 churches, synagogues and other worship places that belong to Russian and Georgian Orthodox as well as Catholic and Protestant Churches and Jewish religious communities along with Muslims ones in the Republic of Azerbaijan. They live and function in conditions of religious tolerance and mutual understanding.
