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COMISIÓN DE DERECHOS HUMANOS
60º período de sesiones
Tema 9 del programa

**CUESTIÓN DE LA VIOLACIÓN DE LOS DERECHOS HUMANOS
Y LAS LIBERTADES FUNDAMENTALES EN CUALQUIER
PARTE DEL MUNDO**

**Nota verbal de fecha 1º de abril de 2004 dirigida a la secretaría
de la Comisión de Derechos Humanos por la Misión Permanente
de Azerbaiyán ante la Oficina de las Naciones Unidas en Ginebra**

La Misión Permanente de la República de Azerbaiyán ante la Oficina de las Naciones Unidas y las demás organizaciones internacionales en Ginebra saluda atentamente a la secretaría del 60º período de sesiones de la Comisión de Derechos Humanos y tiene el honor de adjuntar la información del Gobierno de la República de Azerbaiyán relativa a las presuntas violaciones contra la mezquita Juma y su imán Ilgar Ibrahimogly Allakhverdiyev, denunciadas por el Fondo Becket para la Libertad Religiosa.

La Misión Permanente de la República de Azerbaiyán agradecería que se hiciera distribuir la presente nota verbal y su anexo* como documento oficial del 60º período de sesiones de la Comisión de Derechos Humanos en relación con el tema 9 del programa, "Cuestión de la violación de los derechos humanos y las libertades fundamentales en cualquier parte del mundo".

* Se reproduce como se presentó, en el idioma original únicamente.

Annex

INFORMATION OF THE GOVERNMENT OF THE REPUBLIC OF
AZERBAIJAN REGARDING THE ALLEGED VIOLATIONS AGAINST
THE JUMA MOSQUE AND ITS IMAM ILGAR IBRAHIMOGLY
ALLAKHVERDIYEV

The building located in 51 A.Zeynally Street, "Inner City", Baky was constructed at the end of XIX and the beginning of XX century. That building is under the protection of the Ministry of Culture as one of the historical monuments of the old part of Baky. This is the place where the Carpet Museum had been functioning till 1992. After 1992 the building was seized by Ilgar Ibrahimogly Allakhverdiyev and Azer Ramizogly Samadov, inhabitants of Baky. They established the society of "Islam Ittihad" pretending as religious community.

It should be mentioned that any religious community with the aim to use a mosque should conclude a contract with the Ministry of Culture and then assume the responsibility to preserve it in appropriate conditions. According to the rules, only registered religious community, namely a legal body, can use a mosque. The above-mentioned community has no such a registration.

In accordance to the information received from the State Committee for Work with the Religious Bodies, representatives of the religious community using the living place located in 51 A.Zeynally street, 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.

According to the information received from the Caucasian Moslems' Board, the representatives of the religious community using that building as the mosque have never appealed to the Caucasian Moslems' Board for the state registration.

Taking into account the above-mentioned, the Community not being a legal body can not pretend to use any building as a mosque. However, the members of the Community are not prohibited to worship in any mosque including Juma Mosque.

It is the reason why the Executive Power of Baky City and the State Committee for Work with the Religious Bodies were informed in order to take appropriate measures to examine the activity of the religious

community functioning in that building and to promote the utilization of the building in accordance with the law.

As for the arrest of Ilgar Ibrahimogly Allakhverdiyev, it should be mentioned that he was brought to a justice due to the fixed facts that he participated in the mass disturbances conducted on 15-16 October 2003 in Baky organized by the activists of some political parties with the aim to impact on results of the Presidential elections of October 15, 2003 in favor of candidate supported by them.

Ilgar Ibrahimogly Allakhverdiyev was accused of the violation of articles 233 (organization of and participation in mass disturbances) and 315.2 (resistance to representatives of executive authorities) of the Criminal Code of the Republic of Azerbaijan.

The Government of the Republic of Azerbaijan reiterates its adherence to the respect for the right to freedom of opinion and expression as well as other fundamental principles set forth in the human rights instruments.
