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AZERBAIJAN: Religious freedom survey, September 2008

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In its survey analysis of religious freedom in Azerbaijan, Forum 18 News Service has found continuing violations of freedom of thought, conscience and belief. The state attempts to control or limit the majority Muslim and minority religious communities, including imposing strict censorship, violating its international human rights commitments. The situation in the Nakhichevan exclave is worse than the rest of the country. Officials often claim that Azerbaijan is a state of religious tolerance – a view promoted by government-favoured groups – but the state promotes intolerance of some minorities and has not introduced the genuine religious freedom necessary for genuine religious tolerance to flourish. Many officials are convinced that ethnic Azeris should not be non-Muslims, and act on this conviction. In practice, many violations of the human rights of both Muslims and non-Muslims – such as the detention of Baptist prisoner of conscience Hamid Shabanov and a ban on Muslims praying outside mosques – are based on unwritten understandings and even violations of the written law.

Ahead of the Universal Periodic Review (UPR) of Azerbaijan by the United Nations (UN) Human Rights Council in February 2009, Forum 18 News Service has found tight official controls over religious communities and unwritten restrictions on peaceful religious activity.

Azerbaijan's government claims to be secular, officially recognizing no state religion. State-approved Islam, Russian Orthodox Christianity, and Judaism are considered "traditional" and so their official bodies receive preferential treatment, such as being allowed a public voice and avoiding official harassment. Despite this preferred status, all three "traditional" religions are subordinate to government control and scrutiny, especially Islam.

The state appears to be fundamentally hostile to freedom of thought, conscience and belief, state policy apparently being to control faiths it regards as a potential challenge (especially Islam), to limit or co-opt faiths it sees as useful (Judaism, Russian Orthodoxy, Lutheranism and Catholicism) and to actively restrict faiths that it dislikes (some Protestant Christians, Jehovah's Witnesses). Faiths with a small following who function unobtrusively, such as Molokans (an early Russian Protestant group), Georgian Orthodox, Hare Krishna and Baha'is, have mainly tended to be able to operate without much hostile government attention.

Freedom of thought, conscience and belief acts as a litmus test of the state of the rule of law and human rights in any society. So violations of religious freedom are linked with violations of such human rights as freedom of speech and association, freedom of the media, etc., as well as with similar violations in other areas of society and politics. Since 1993, Azerbaijan has been ruled by the Aliyev family, first by Heydar Aliyev (President from 1993 to 2003), then by his son Ilham Aliyev (President since 2003). New presidential elections are scheduled for 15 October 2008, and the authorities are trying to ensure Ilham Aliyev's victory. Despite massive oil wealth and a booming economy in the capital Baku, much of the population remains in poverty. Corruption is said by many observers to be widespread. The long-running dispute with Armenia over Nagorno-Karabakh, remains unresolved and is a source of continuing tension, religious minorities having sometimes been accused of being "Armenian spies."

Much of Azerbaijan's population of more than 8 million would identify themselves as Muslim by tradition. Although most of these are of Shia background, there is also a large Sunni Muslim minority. The state has been hostile to Muslim scholarship advocating genuine religious freedom, and seeing pluralist democracy as totally compatible with Islam. All Muslim communities are compelled by the Religion Law to be under the control of the state-favoured Caucasian Muslim Board.

Government control of the majority religious community and harassment of minority communities violates Azerbaijan's international human rights commitments, such as those it undertook as a member of the Council of Europe and participating State in the Organisation for Security and Co-operation in Europe (OSCE). This appears, from Forum 18's observation of officials' responses, to stem from a fear of social change they cannot control, and a dislike of pluralism.

The situation in Nakhichevan [Naxçıvan], an exclave between Armenia, Iran, and Turkey separated from the rest of Azerbaijan, is considerably worse than the rest of the country. There has long been a de facto ban on religious activity by non-Muslim communities in Nakhichevan. Baha'is, a small Adventist congregation and a Hare Krishna community have been banned. "Of course our people would like to be able to meet" a Baha'i told Forum 18. Muslim communities too are under strict control by the Nakhichevan authorities. "There is no democracy, no free media and no human rights in Nakhichevan," Professor Ali Abasov of the International

Religious Liberty Association told Forum 18. Asked why, he responded with a grim laugh: "The authorities don't want it," insisting that the Nakhichevan authorities are doing what the authorities in the rest of Azerbaijan would like to do.

Officials often claim that Azerbaijan is a country of religious tolerance – a view sedulously promoted by government-favoured groups such as the Russian Orthodox Church, and the Jewish communities (Mountain, Georgian and Ashkenazi Jewish). At the time of the 2002 visit of Pope John Paul II, Catholics also promoted this view. Land was subsequently granted in Baku for a new Catholic church to be built. Orthodoxy's worldwide leader, Ecumenical Patriarch Bartholomew, repeated the same message during his high-profile visit in 2003. Social relations between the more visible religious communities are generally good, but the government – through such devices as sometimes broadcasting hostile TV film footage after police raids - promotes intolerance of some minorities.

Azerbaijan has continued many of the Soviet period's mechanisms of control, and has not introduced the genuine religious freedom which is an essential pre-condition for genuine religious tolerance to flourish. Many officials are therefore convinced that ethnic Azeris should not be non-Muslims, and act on this conviction.

For example, during an autumn 2007 police raid on a Protestant church in Sumgait [Sumqayıt], north of Baku, some 30 church members were detained. Police pressured them to renounce their faith, calling in the local imam. "The imam held up a copy of the Koran and police tried to force church members to pass underneath it and deny their faith," one Protestant told Forum 18. It is illegal for police to force individuals to renounce their faith.

National and local officials of the State Committee for Work with Religious Organisations have repeatedly alleged that Protestant Christians and Jehovah's Witnesses have violated the law by holding "illegal meetings", and that their communities should be closed down. Such claims encourage the belief among officials and the public that such groups are a threat to society.

Unwritten controls

Although the 1992 Religion Law (amended in 1996 and 1997) contains some restrictions on religious freedoms, most of the controls on free religious practice are unwritten. Without indications of approval from senior figures in authority, religious communities cannot be registered. Even though unregistered activity is not formally illegal, without some indications of official approval neither registered nor unregistered communities can only with difficulty undertake visible religious activity. This in practice prevents them from buying or building places of worship, recovering religious property confiscated during the Soviet era, holding large-scale events, running media operations, publishing religious literature or maintaining religious bookshops.

Police and National Security Ministry (NSM) secret police officers often prevent religious activity that does not have such "authorisation". A religious community without links to influential figures can be raided, harassed and threatened. It can have its property taken away and individual members beaten and arrested.

For example, Jehovah's Witnesses have faced repeated harassment with little legal foundation. Police in the north-western town of Zakatala [Zaqatala] arrested two Jehovah's Witnesses in July 2008 for talking about their faith to neighbours. Police questioned, threatened, insulted and swore at them, even though they had committed no crime. One was threatened with being dismissed from her job, even though this would be illegal. The other was expelled from Azerbaijan under the Code of Administrative Offences. In March 2008 police had raided the Zakatala home of another Jehovah's Witness and confiscated religious literature without a court order.

Imam Kazim Aliyev, who led the only Sunni mosque in Azerbaijan's second city Gyanja [Gəncə], was in March 2006 warned "unofficially" by police not to return to his mosque after being imprisoned, or be arrested. The mosque community insist that the charges against him of organising an armed uprising were falsified. Imam Aliyev categorically denied to Forum 18 the official claims. "How can three people organise an uprising? All our group did was to discuss Islam." He noted sadly to Forum 18 that he has given up trying to return to his old mosque as he knows "one hundred percent" that if he returned he would be sent back to prison.

Azerbaijani law does not ban religious activity in private homes, although state officials generally believe that it does. Nine Jehovah's Witness men detained at a religious meeting in a private home in Baku in June 2008 were told by police the meeting was "illegal". Officers beat and threatened them with rape.

Protestants too – including Baptists and Seventh-day Adventists – have faced repeated raids and fines. Police raided Adventist congregations in December 2007 in Baku and in Gyanja. The pastor in Gyanja was threatened with prison, if he refused to ban children from attending worship services and did not halt worship in two church-owned properties.

Baptist communities in the mainly Georgian-speaking village of Aliabad near Zakatala have faced perhaps the greatest pressure in recent months. After years of harassment, threats, destruction of property, confiscation of religious literature and denial of state registration, Pastor Zaur Balaev was arrested by police in May 2007. He was accused of physically assaulting five police officers, a charge his congregation insists was fabricated by police. Despite serious illegalities in the court proceedings, including prosecution

witnesses openly admitting that police told them what to say, Balaev was sentenced to two years' imprisonment. He was freed in March 2008. In June 2008, Balaev's fellow pastor Hamid Shabanov was arrested on charges of possessing a gun illegally. The congregation insists this charge too is equally fabricated. Shabanov's trial has begun, but a judge sent the case back to investigators in July 2008 for further work. Yet again, there have been serious illegalities in the court proceedings.

Said Dadashbeyli, a Muslim from Baku, founded an Islamic group called Nima in 2005. His family say he promoted a "European style of Islam", mutual respect and unity between Shias and Sunnis, and rejected fundamentalism. He received a 14-year sentence at a closed trial in December 2007. His lawyer and family insist that he and eight of the 15 people sentenced with him are innocent of the terrorism-related charges levelled against them. His appeal to Azerbaijan's Supreme Court was rejected in September 2008.

Religious communities without approval – formal or informal – from senior figures in authority do not enjoy security of property ownership. In August 2008 a Baku-based Protestant church, Cathedral of Praise, which claims 800 adult members, had its place of worship confiscated. The church bought the land and building legally in 2004, but a private company claimed that the church had not done so legally. No compensation is being offered. The Church is uncertain whether the action was based on hostility to religious freedom, but points out that its property rights have been violated. It was founded in 1994 but only managed to gain registration in 1999. Its Swedish pastor had his visa application denied in 2005 and was given two weeks to leave Azerbaijan. He was subsequently banned from returning to the country.

Communities without strong official approval of some kind cannot regain property confiscated during the Soviet era. Baku's Baptist community has long sought to regain a century-old church in the city centre, Baku's former Ashkenazi synagogue has not been returned, and Baku's Baha'i community would like to regain a building important to the history of their faith.

Similarly, such communities cannot invite foreigners for religious work. In contrast, this has been permitted for Catholics, Jews, Lutherans, Russian Orthodox, the one permitted Georgian Orthodox parish and the one permitted English-language Protestant congregation.

In north-west Azerbaijan, children given Christian (or Georgian) and not Muslim first names by their parents in Aliabad, Zakatala Region, have been denied birth certificates by officials. They have no formal power to deny Christian parents such choices of name, and without a birth certificate a child cannot go to kindergarten or to school, get treatment in a hospital, or travel abroad.

Officials have also interfered in individuals' appearance and dress, especially when it appears to demonstrate their religious affiliation. In August 2008, according to the imam of Baku's Abu-Bekr mosque, police at two Baku police stations forcibly shaved off the beards of 20 men from the congregation. Muslim women have at times faced obstructions working in official institutions while wearing headscarves.

Registration obstructions

The main instrument of formal written control is official registration: without it, individual religious communities cannot act as a body, including owning or renting property, or holding bank accounts. Although the Religion Law 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.

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. An example is the actions of the State Notary in Aliabad. She 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 headquarters body setting out the "need" for such a community, making it technically impossible to found an independent religious community.

2,000 religious communities are thought to function in some form, of which 406 had registration with the Ministry of Justice before the State Committee was set up in 2001. In September 2008 the State Committee reported that 480 Muslim and 32 non-Muslim religious communities are registered. There is no means of reliably and independently verifying these figures.

Among those known to have been denied registration either at local or national level are: independent mosques; Baptist communities in Aliabad and the south-eastern town of Neftechala (at the mouth of the river Kura); Adventists in Nakhichevan; the Greater Grace Protestant church in Ismaili south of Quba; an independent Lutheran congregation in Baku; as well as a variety of Protestant churches in Sumgait. The authorities particularly dislike Protestant churches that attract a mainly ethnic Azeri membership. The former head of the State Committee, Rafik Aliyev, 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 its 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 branch of the International Religious Liberty Association, founded with interfaith backing in 2002, applied for registration with the Justice Ministry but received no answer. The Devamm group led by Ilgar Ibrahimoglu Allahverdiev, which campaigns for Muslims' rights, failed to gain registration. This was despite a court ruling in its favour.

Lack of openness in religious policy formulation and enactment

Officials have for some years hinted that the Religion Law needs revision, but the State Committee told Forum 18 categorically in May 2008 that there will be no new Law. Many religious believers of a variety of faiths have called for removal of restrictions from it. No open public discussion on whether a new Law should or should not be presented to the Milli Mejlis (the parliament) has taken place.

The State Committee, like many government agencies, acts mainly behind closed doors, releasing little information about how it reaches decisions. Its website dqd.gov.az does not appear to have been updated since September 2007. Consultation hours for religious communities and members of the public at its Baku headquarters have been sharply reduced since Hidayat Orujev was appointed to lead it in July 2006.

Communities have little opportunity to challenge the time taken to decide on registration applications, or how the State Committee decides which documents to challenge. Symptomatic of this lack of transparency is the State Committee's refusal to allow itself to respond to questioning by independent groups. Its officials try to avoid answering questions about specific religious freedom violations.

The State Committee's in practice unlimited powers allow it to make decisions based on questionable legal foundations. In late August 2008, nearly two weeks after a fatal bomb attack at Baku's Abu-Bekr mosque, the State Committee banned worshippers from praying outside near mosques when they are full. The ban was communicated through the mass media only after police prevented worshippers from praying outside several Baku mosques. The State Committee claimed the "temporary" ban – which it said extended across the entire country - was to protect worshippers.

State intrusion into religious communities' affairs

Protestant and Jehovah's Witness communities have been subjected to police raids, beating and harassment of individual members and denial of registration. However, it is the Muslim community that faces the greatest state meddling. The government doubtless fears that it might become a source of opposition, with the power to mobilise large numbers of people.

Articles 8 and 9 of the Religion Law require all Muslim communities to be part of the state-approved Caucasian Muslim Board, led by Sheikh-ul-Islam Allahshukur Pashazade, despite claims that the state does not interfere in the internal activity of religious organisations. Independent mosques, which dislike the control imposed by the Caucasian Muslim Board, have faced government pressure and interference. Imams the authorities do not like have been removed. In June 2004 police ousted the community led by its imam, Ilgar Ibrahimoglu, from the Juma (Friday) Mosque in Baku's Old City.

Among the Muslim community, the state is particularly suspicious of fundamentalist-oriented Muslims - especially those linked or suspected to be linked with neighbouring Iran. The government appears to be fearful of losing control of traditional Muslim congregations, if fundamentalist-orientated Islam gains greater regional influence. However these fears lead to state surveillance of, and interference with, apolitical, peaceful Muslim groups. There appears to be little official understanding that this can increase the appeal of the very groups the government most fears, and that freedom of thought, conscience and belief reduces the tensions fuelling the appeal of such groups.

The State Committee takes part in drawing up and enacting "attestation tests" for imams, a clear violation of the autonomy of religious communities. In 2007 it issued a book for imams on Friday sermons, with "recommendations" on what they should cover.

The State Committee has always interpreted provisions in Articles 8 and 9 of the Religion Law allowing non-Muslim communities to be governed by a headquarters based abroad as a requirement. It therefore refuses to register locally-based religious minority communities. This adds to the popular perception that religious minorities are "foreign".

Religious censorship

Censorship of religious literature – which existed during the Soviet period – was continued in the 1992 Religion Law and its subsequent amended versions. Azeri diplomats have denied that such censorship exists. 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. The State Committee has denied that the compulsory prior approval required for all religious literature is censorship. Asked by Forum 18 how he would describe it, an official stated that the Committee "merely checks" to see which books were "not appropriate" for distribution and maintains a list of "banned" religious literature. This list is not published.

Religious literature sent by post is often blocked. All incoming parcels are sent to the International Post Office in Baku, regardless of where the intended recipient lives in Azerbaijan. Wherever they live in the country (which has a land area of 86,600 km² or 33,436 miles²), the intended recipient has to – in person - go to the International Post Office in Baku. They then have to collect one copy of each title posted to them and - in person - take it to the State Committee. When and if the State Committee grants or withholds permission to receive the title, the intended recipient then has to - in person - collect a letter from the State Committee and take it back to the International Post Office. If the State Committee has granted permission, the intended recipient will at last receive the literature they have been sent. Religious minorities have complained of the extraordinary effort needed to try to extract even a handful of books that should rightfully be theirs, which often ends in failure. This has forced some religious minorities to ask friends abroad not to send them literature.

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 USA - warn visitors to Azerbaijan that "customs authorities may enforce strict regulations" on bringing in religious literature.

Conscientious objection to military service punished

Military service is compulsory for all healthy young men. Azerbaijan offers no civilian alternative to those who cannot serve in the military on grounds of conscience. In General Comment 22 on Article 18 of the International Covenant on Civil and Political Rights, the 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.

When Azerbaijan joined the Council of Europe in 2001, it pledged to introduce alternative civilian service by January 2003, but it has not done so. 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". Despite the Constitutional provision and the Council of Europe commitments, officials at Azerbaijan's Human Rights Ombudsman Office told Forum 18 in 2006 that "signing such commitments doesn't mean we have to accept these rights without a corresponding law". A draft Law introducing an alternative service has been prepared but has not been sent to the Milli Mejlis.

Conscientious objectors to military service are punished under Article 321.1 of the Criminal Code: "Evasion without lawful grounds from a call to military service or from mobilisation, with the purpose of evading military service, is punishable by imprisonment for up to two years."

Jehovah's Witness Samir Huseynov was insulted at the Military Conscription Office, when he declared he could not serve in the armed forces because of his faith. He was imprisoned for 10 months in October 2007 under Article 321.1. He was freed in May 2008, even though his appeal failed, and has been left with a criminal record. In July 2006, conscientious objector Mushfiq Mammedov, who was studying to become a Jehovah's Witness, was found guilty of violating Article 321.1. He was given a suspended sentence of six months. In summer 2008, prosecutors sought to prosecute him for a second time on charges of evading military service, although the Constitution and the Criminal Code ban charging people a second time for the same offence.

Restricted religious freedom for foreigners

Foreign citizens are in international law entitled to religious freedom within the country. 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 Legal Status of Foreigners and Stateless Persons states: "Foreigners and stateless persons have freedom of conscience equal to that of citizens of the Azerbaijani Republic. Foreigners and stateless persons are forbidden to carry out religious propaganda." Article 300 of the Code of Administrative Offences punishes those who "carry out religious propaganda" 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.

What changes do Azerbaijani citizens want in religious policy?

Religious believers of a variety of faiths have told Forum 18 that they want to see Azerbaijan:

- stop attempting to control all peaceful religious activity, including abolishing all formal legal and informal unwritten barriers to freedom of thought, conscience and belief;
- establish full freedom of thought, conscience and belief in the Nakhichevan exclave;
- stop officials making statements attacking religious minorities;
- end police and NSM secret police raids on religious meetings, whether in private homes or elsewhere;
- end interrogations and fines of peaceful religious believers;
- end the imprisonment of religious believers for peacefully practising their faith;
- end obstructions to building, buying or opening places of worship;
- return confiscated religious property;
- register all religious communities and religious-related organisations that wish to apply for registration;
- stop interfering in the internal affairs of religious communities;
- allow believers to publish, import and distribute religious literature freely, without state censorship including postal censorship;
- introduce a genuinely civilian alternative to military service;
- allow foreigners legally resident in Azerbaijan the religious freedom international law grants them
- and bring to legal accountability those responsible for attacking individuals' religious freedom. (END)

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.

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

The previous Forum 18 Azerbaijan religious freedom survey can be found at http://www.forum18.org/Archive.php?article_id=92.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806.

A printer-friendly map of Azerbaijan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=azerba>.

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