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AZERBAIJAN: Muslim opposition to new Religion Law changes

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

A deputy chairman of the Caucasian Muslim Board, Haji Salman Musaev – stressing he was speaking personally – has told Forum 18 News Service of his opposition to the further two amendments to the Religion Law due for consideration in the Milli Mejlis (parliament) on 30 June. The changes would ban foreigners and those who have studied Islam abroad from leading Muslim prayers and require state approval for all mosque leaders. "If religion here is separate from the state, they should explain why this is necessary," he told Forum 18. Opposition Milli Mejlis deputy Iqbal Agazade – who opposes the changes – told Forum 18 he fears they will be adopted. "Only about eight – maximum ten – deputies will vote against them." The Council of Europe Parliamentary Assembly called on Azerbaijan to send the restrictive May 2009 Religion Law amendments to its Venice Commission for review. But ruling party Milli Mejlis deputy Rabiyyat Aslanova told Forum 18: "Why should we check our every step with the Council of Europe? This would be wrong – a violation of our sovereignty."

One of the deputy chairmen of the Caucasian Muslim Board has told Forum 18 News Service of his personal opposition to the proposed new changes to the Religion Law, due to be considered in the Milli Mejlis (parliament) on 30 June. "My opinion is that these changes are not right," Haji Salman Musaev told Forum 18 from the capital Baku on 22 June. He said the proposers of the changes – which only target Muslims - "should explain why they are necessary". The latest changes would ban foreign citizens, and those who have not had Islamic education within Azerbaijan, from leading prayers in mosques and at places of pilgrimage. They would also require everyone who leads mosques and places of pilgrimage to have approval from "the relevant organ of executive power".

All the politicians, human rights defenders and Muslims Forum 18 has spoken to agree that it is the State Committee for Work with Religious Organisations – currently headed by Hidayat Orujev – which would grant such approval if these amendments are approved. The involvement of state officials in naming leaders of mosques and places of pilgrimage would appear to violate Article 18 of Azerbaijan's Constitution, which declares that "religion is separate from the state".

Iqbal Agazade, the only parliamentary deputy of the opposition Umid (Hope) Party, spoke out against the proposed Religion Law changes when they were briefly discussed in the Milli Mejlis on 19 June. He fears that the changes will be adopted. "Only about eight – maximum ten – deputies will vote against them on 30 June," he lamented to Forum 18 from Baku on 23 June.

Despite repeated calls between 18 and 25 June, Forum 18 was unable to reach Ali Huseynov, a Milli Mejlis deputy and head of its Legal Policy and State Building Committee. He has been handling the proposed amendments, although Agazade insisted that they were initiated not in Huseynov's Committee but in the Presidential Administration.

Vigorously backing the amendments is Rabiyyat Aslanova, a deputy of the ruling Yeni Azerbaijan (New Azerbaijan) Party and head of the Milli Mejlis Human Rights Committee. She defended a state role in naming heads of mosques and rejected suggestions that this contradicts the Constitution. "The Constitution is separate from religion, but not from believers," she told Forum 18 from Baku on 25 June. "Many imams don't know the Koran and make crude mistakes in their sermons." She insisted it is the role of the state to tackle this alleged problem.

Aslanova also defended the ban on those who have gained their Islamic education abroad from leading mosques. She insisted that, unlike in the Soviet period, there are enough Islamic educational institutions in Azerbaijan now. "It is difficult for graduates of these institutions to get jobs now in competition with those who have studied abroad," she told Forum 18. Asked whether this was the motivation for including this ban, she said it was not, but failed to say what was the motivation.

Asked whether the ban would extend to those like Sheikh-ul-Islam Allahshukur Pashazade, the current head of the Caucasian Muslim Board who gained his Islamic education during the Soviet period in Uzbekistan, she said it would not. "The new provision of the Law would not have retroactive force," she told Forum 18.

Each time Azerbaijan's Religion Law has been amended since it was first adopted in 1992, restrictions on religious activity have got tighter. The Law was amended in 1997, 1998, 2001, 2003 and 2005. It has already been amended yet again once this year. Those amendments – which came into force on 31 May - also introduced a range of new punishments for religious "offences" in both the

Criminal Code and the Administrative Code (see F18News 3 June 2009 http://www.forum18.org/Archive.php?article_id=1305).

The latest proposed amendments

The short draft Law to amend the Religion Law – of which the text was published on the Milli Mejlis website on 19 June - adds just two extra points. A new provision is set to be added to Article 8: "The appointment of the religious functionaries who lead Islamic places of prayer is by the Caucasian Muslim Board in agreement with the relevant organ of executive power." The other new provision is set to be added to Article 21: "The performance of religious rituals of the Islamic faith can be carried out only by citizens of Azerbaijan who have received their education in Azerbaijan." The draft Law specifies that the amendments come into force on the date of their official publication.

Parliamentary officials told Forum 18 that as the draft Law merely amends an existing Law, only one vote in the Milli Mejlis is required, after which it is then sent to President Ilham Aliyev to be signed into Law. Azerbaijan's Constitution gives the President 56 days from the date of receipt to sign or return a Law to Parliament.

30 June parliamentary consideration

Although the Milli Mejlis appears to have set 30 June as the date for the extraordinary session which will consider these and other controversial amendments, it has not as of 25 June published on its website any formal notice or agenda of the session.

Discussion of the proposed amendments to the Religion Law began in the Milli Mejlis at an extraordinary session on 19 June. It was only when the agenda for the session and the text of the proposed amendments were published that day on the parliamentary website that it became clear that the proposed amendments were in a separate Law, and not together with controversial proposed amendments to the NGO, Media and other Laws (which are now also scheduled for the 30 June session).

The Religion Law amendments have already been condemned by another parliamentary deputy, Fazil Gazanfaroglu Mustafaev, as well as by human rights defenders (see F18News 18 June 2009 http://www.forum18.org/Archive.php?article_id=1314).

The Azerbaijani authorities sent neither the May 2009 amendments to the Religion Law nor the current proposed further amendments for review to the Council of Europe or the Organisation for Security and Co-operation in Europe (OSCE). Azerbaijan is a member of both organisations.

On 24 June the Monitoring Committee of the Council of Europe's Parliamentary Assembly expressed concern about the proposed amendments to the NGO and other Laws, as well as over the already adopted May 2009 amendments to the Religion Law. "We fear that the strengthening of state control over religion might give rise to restrictions on the exercise of the freedom of religion which are not in line with Article 9 of the European Convention of Human Rights and regret that the expertise of the Council of Europe has once again not been sought in advance."

It urged all these legal changes to be submitted for review by the Council of Europe's Venice Commission "in line with the spirit of co-operation with the Venice Commission set forth in the decree of the President of Azerbaijan of 3 April 2009".

Aslanova, the ruling party deputy, dismissed such suggestions. "These amendments could be sent to the Venice Commission, but why do they think we're doing wrong?" she told Forum 18. "Why should we check our every step with the Council of Europe? This would be wrong – a violation of our sovereignty. Why do they think we're not capable of doing right ourselves?"

Muslim opposition

In personally opposing the proposed new amendments, Musaev of the Muslim Board said he saw no reason to ban those who have gained their Islamic education abroad from leading prayers. "Every person has the right to education," he insisted. He maintained that if the authorities have reason to believe someone who has studied abroad is connected with "a certain group", then that individual should be checked by "certain organs", rather than by imposing a blanket ban on everyone who has studied Islam abroad.

The deputy chairman of the Muslim Board – who stressed that he was giving his personal views – insisted that it was the role of his Board to check those appointed to lead mosques and places of pilgrimage. "It's our right," Musaev declared. "If religion here is separate from the state, they should explain why this is necessary."

Musaev lamented that the authorities have not discussed the proposed amendments with the Muslim Board. "I don't know if they will," he told Forum 18. "Such laws should be drawn up with our involvement." He stressed though that the Muslim Board does not interfere in state affairs. "We'll respond if they ask." While asserting that "we'll defend our rights", he declined to say what the Board would do if deputies go ahead and adopt these amendments.

Musaev's complaints were echoed by Agazade, the parliamentary deputy. "How can they block those who have studied abroad?" he told Forum 18. "People want a good knowledge of Islam. Just because they studied abroad, it doesn't mean they're against

Azerbaijan." He said that he personally opposes Iranian and Turkish Muslim schools. "But even if I am against them, I can't say people who studied there are going to act against the country."

Will religious communities be able to re-register?

Human rights defenders and religious communities are already highly concerned about the restrictions imposed in the Religion Law amendments which came into force on 31 May.

New "offences" were also introduced into the Code of Administrative Offences of producing, importing, circulating or selling religious literature without specific permission from the State Committee for Work with Religious Organisations. Also introduced were "offences" of conducting religious activity away from the legal address where a religious community is registered and conducting religious activity not specifically listed in a registered religious organisation's statute.

All religious organisations which have currently managed to obtain state registration will have to re-register by 1 January 2010, the third time such re-registration has been required since Azerbaijan gained independence less than twenty years ago. Many religious organisations fear they will fail to regain their legal status, as happened with earlier re-registration rounds.

Many religious communities have already been denied registration – including a Baptist congregation in Aliabad in the north-western Zakatala [Zaqatala] District, which has been seeking registration in vain for some 16 years. Two of its pastors have successively been imprisoned in what church members say was retaliation for their continuing worship without state registration (see F18News 12 February 2009 http://www.forum18.org/Archive.php?article_id=1254).

State Committee officials told the local press in June that 534 religious organisations currently have registration, of which 502 are Muslim and 32 of other faiths. They say the country has about 1,750 mosques, of which 998 function regularly.

The State Committee officials also noted that in the past two years 155 Muslim communities and one Jewish community (in Sumgait) have gained registration. This means that no Christian, Baha'i, Jehovah's Witness or Hare Krishna communities have gained registration in the past two years, a position members of these communities fear will continue.

It remains unclear what will happen to the unregistered mosques and other religious communities now the new Law has come into force. The telephones of the two spokespersons for the State Committee, Gunduz Ismailov and Yagut Aliyeva, went unanswered when Forum 18 called on 23 June.

Parliamentary deputy Aslanova dismisses concerns that religious communities will again be arbitrarily denied registration. "That's why we have ordered normal re-registration of all communities," she told Forum 18. "Everyone should be re-registered normally without discrimination." Asked why she believes that the same State Committee which has arbitrarily denied registration in the recent past will behave any differently, she insisted that the process would be proper. (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.

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1192.

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

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