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AZERBAIJAN: Restrictions imposed as registration deadline approaches

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

Less than two weeks before Azerbaijan's 1 January 2010 deadline for religious communities to re-register to continue to legally exist, Forum 18 News Service has found that more than four fifths of religious communities have apparently been unable to get re-registration so far. They are liable to liquidation through the courts, unless they are able to re-register before 2010. Muslims have complained to Forum 18 News Service that only communities affiliated with the Caucasian Muslim Board are now eligible to apply for registration, while non-Muslim communities complain that officials of the State Committee for Work with Religious Organisations - which conducts the registration - is forcing communities to include restrictions in their statutes. The so-called "model statute" reinforces restrictions included in the 2009 Religion Law, and also imposes unclear wording that may be used against peaceful religious activity. One reinforcement of restrictions is a requirement that the State Committee will be informed when religious education is given to a community's young people and adults. It appears that in the Nakhichevan exclave no re-registration is taking place.

With less than two weeks to go before the 1 January 2010 deadline for religious communities to re-register if they wish to continue to legally exist, more than four fifths of Azerbaijan's religious communities will become liable to liquidation through the courts unless they are able to get registration before 2010. Muslims have complained to Forum 18 News Service that only communities affiliated with the Caucasian Muslim Board are now eligible to apply for registration, while non-Muslim communities complain that officials of the State Committee for Work with Religious Organisations - which conducts the registration - are forcing communities to include restrictions on religious activity in their statutes.

Officials of the State Committee admitted to the local Azeri Press Agency on 16 December that only some 100 of the 534 religious communities that had registration under the old Religion Law have been re-registered. Officials have insisted through the local media that in accordance with the harsh new Religion Law, all unregistered religious activity will be illegal.

Without state registration, religious communities remain vulnerable to police raids and other forms of harassment (see eg. F18News 1 October 2009 http://www.forum18.org/Archive.php?article_id=1357). There is testimony that this can include physical violence, even including severe violence against and other mistreatment of an elderly woman (see F18News 15 December 2009 http://www.forum18.org/Archive.php?article_id=1387).

Many have condemned the renewed demand for re-registration, such as Ilgar Ibrahimoglu Allahverdiev, head of the Devamm Muslim rights organisation and former imam of the Juma mosque community in Baku's Old City which was forcibly ousted by the state in 2004 (see F18News 7 July 2004 http://www.forum18.org/Archive.php?article_id=357). "Registration has always been difficult but this time the bureaucracy has been worse than ever," Ibrahimoglu told Forum 18 from Baku on 21 December. "I don't understand why re-registration is needed every few years - each time communities suffer."

The requirement that mosques have to submit to the Muslim Board before applying for state registration or re-registration is not new. But Ibrahimoglu says he knows of several mosques in Baku and elsewhere that have difficulties applying for registration because of this requirement. He said he did not wish to identify them for fear of making their situation worse.

Ibrahimoglu also claimed that in Shamkir District of north-western Azerbaijan the authorities have bypassed the local Muslim communities and formed their own communities that they can control and promoted their re-registration applications.

Mosques closed, Muslim Board and Orthodox re-registered

The first organisation to be re-registered was the Caucasian Muslim Board in September, followed in November by the Baku and Caspian Russian Orthodox Diocese and then the Mountain Jewish community in Baku. Mosques, mostly in and around Baku, as well as the Hare Krishna community in Baku and New Life Protestant church were among others to receive re-registration.

Rahima Rahimova, press spokesperson for the Caucasian Muslim Board, told Forum 18 from Baku on 21 December that the Board's

Organisational Department has asked the State Committee to re-register 419 individual mosques around Azerbaijan. She said she did not know how many of those have already been re-registered, but agreed that it seems unlikely that all will be re-registered by the deadline. "State Committee officials told us that communities that apply before the deadline, even if they are not re-registered by then, will be fine."

Just over 500 mosques had registration under the old Religion Law, but Rahimova said she did not know what had happened to any applications from the more than 80 others. She was unsure whether any communities whose mosques have been demolished or closed down by officials were included in the communities recommended for re-registration (see F18News 18 September 2009 http://www.forum18.org/Archive.php?article_id=1350).

In Baku alone the authorities have demolished one mosque and closed three others, one of which is also threatened with demolition. Several commentators bitterly pointed out to Forum 18 that the mosque closures and demolitions came while Baku was one of the four Capitals of Islamic Culture for 2009 (see F18News 22 December 2009 http://www.forum18.org/Archive.php?article_id=1390).

Fr Konstantin of the Russian Orthodox Diocese told Forum 18 proudly on 16 December that it had been the second community to be re-registered after the Muslim Board. He said the Diocese's statute allows it to function across the whole of Azerbaijan, adding that State Committee officials had not instructed it what to include in or exclude from its statute. "They accepted the statute we had before," he told Forum 18.

Arbitrary statute restrictions

A variety of religious communities have complained to Forum 18 that the State Committee has imposed on them a model statute – the text of which has been seen by Forum 18 – which reinforces restrictions included in the new 2009 Religion Law, as well as unclear formulations which may be used against peaceful religious activity. The "model statute for non-Muslim religious communities (organisations)" appears to have been imposed on a number of non-Muslim, non-Russian Orthodox and non-Jewish organisations.

Most controversial are the territorial restrictions imposed via the model statute, which reinforce provisions in the Religion Law (see F18News 3 June 2009 http://www.forum18.org/Archive.php?article_id=1305). Article 1.1 of the "model statute" states that the community is founded for religious activity "on its own property", while Article 1.11 includes the bald statement: "The territory of activity: The community can only function on the territory of its own legal address."

One religious minority representative told Forum 18 that when they asked why such territorial restrictions are being imposed, State Committee officials refused to say. "They told us they are not here to give explanations and that only the Constitutional Court has the right to interpret laws."

Although the new Religion Law requires permission from the State Committee for religious communities to import or produce religious literature or other religious items, religious communities question the need for the statute to specify that they will seek such permission. Likewise, the model statute specifies that the community will inform the State Committee when it gives religious education to its young people and adults.

The model statute also imposes rules on how religious communities make internal decisions, Article 3.1 specifying that the ruling body of a community is a general meeting of the 10 founders required by the Religion Law. This must take place at least once a month.

Undefined wording

Also imposed is an unclear formulation specifying that "the community formulates its relations with other religious confessions on the basis of religious toleration (tolerance), respect and the avoidance of conflict" and that the community cannot use violence or the threat of violence in promoting its faith.

Some are concerned by the lack of definitions of these terms, which they fear the state will use against peaceful religious activity. State Committee officials have justified the country's severe censorship regulations – which are used against a wide variety of religious believers – on the grounds that banned literature was "propagating religious intolerance and discrimination" (see F18News 24 February 2009 http://www.forum18.org/Archive.php?article_id=1259).

Article 1 of the Religion Law amended in 2009 bans the undefined "spreading propaganda of religions with violence or by threatening violence, as well as with the purpose of creating racial, national, religious, social hostility and enmity. It is prohibited to spread and propagate religions (religious movements) against the principles of humanity and human dignity." The Law offers officials a wide range of possibilities to ban religious groups they dislike (see F18News 3 June 2009 http://www.forum18.org/Archive.php?article_id=1305).

"This presumes we are guilty unless we state otherwise"

Several Protestant Churches have told Forum 18 that they object to the model statute. "It appears we have to make clear we are not going to break the Law," one complained. "This presumes we are guilty unless we state otherwise."

One community which refused to accept the model statute was the Baha'i community, which has a national centre and a community each in Baku and Sumgait. "They told us to change our current statute to conform to the new Law and we complied," one Baha'i told Forum 18 from Baku on 21 December. "Whatever you write in the statute is meaningless anyway, because the Religion Law takes precedence."

Not all non-Muslim communities were given the model statute. Fr Vladimir Fekete, the head of the Catholic Church in Baku, said that State Committee officials have told them that their statute "must conform to the new Religion Law". "Our lawyer is now working on this," he told Forum 18 from Baku on 16 December. He said the Church lodged its application in early December, but has had to correct one document.

Jehovah's Witnesses – who are waiting for a response to their re-registration application for their Baku community – told Forum 18 on 21 December that State Committee officials merely gave them the amendments to the Religion Law and told to ensure that their new statute conformed to them. "What we put in our statute is up to us."

Several Protestant Churches complained that State Committee officials objected to provisions in their proposed charters over inviting foreign fellow-believers to visit communities for religious purposes and over including children in religious activity. "Officials refused to allow us to include these, but we are going to try to fight for them," one told Forum 18.

No response to Georgian Orthodox

Although relations between the leadership of the Georgian Orthodox Church and Azerbaijani state leaders seem to be improving, the Church is still waiting for an official response to a letter from Georgian Patriarch Ilya to Hidayat Orujev, head of the State Committee, and President Ilham Aliyev. Ilya met the president on a visit to Baku in November and met Orujev the same month when he visited the Georgian capital Tbilisi.

"Our Patriarch wrote to the President and Hidayat Orujev asking them to register a Georgian Orthodox Diocese in Azerbaijan," a Patriarchate representative told Forum 18 from Tbilisi on 21 December. "We also asked Sheikh-ul-Islam Pashazade of the Muslim Board to help facilitate our registration. So far there has been no response. We hope they'll agree to do this. If they don't, they'll have to write giving their reasons why not."

The representative told Forum 18 that the one registered Georgian Orthodox parish in Gakh in north-western Azerbaijan, which has a sizeable ethnic Georgian population, has not lodged re-registration documents as they are hoping to register the diocese first. The representative admitted that problems over access by Georgian Orthodox to other historical churches has still not been resolved (see F18News 29 January 2009 http://www.forum18.org/Archive.php?article_id=1246).

Asked about reports that Orujev and the Patriarch had agreed over plans to build a Georgian Orthodox church in Baku, the representative warned that it was still early days. "This will have to wait until the Georgian Embassy in Baku can acquire a plot of land." Asked why the community cannot itself acquire its own land and apply for registration, the representative said it is not clear if this would be possible.

Religion Law forces re-registration

The compulsory re-registration of all religious organisations – the fourth since Azerbaijan gained independence with the collapse of the Soviet Union in 1991 – was mandated by the repressive amendments to the Religion Law which came into force in May 2009.

The amendments also increased the range of information communities must give when lodging registration applications, required State Committee approval to build or rebuild any place of worship wherever it is located in Azerbaijan, banned the sale of religious literature in venues that have not been approved, banned religious activity outside registered addresses of religious communities, and imposed new penalties in the Criminal Code and Code of Administrative Offences for violations of these new restrictions (see F18News 3 June 2009 http://www.forum18.org/Archive.php?article_id=1305).

A second set of amendments to the Religion Law – this time targeting only Muslims – were signed by President Aliyev and made public in July, without saying when they came into force. These amendments ban non-citizens and citizens who have gained their religious education abroad from leading Muslim rituals (see F18News 22 July 2009 http://www.forum18.org/Archive.php?article_id=1330).

The Nakhichevan exception

However, an assistant in the Department for Work with Religious Organisations in Nakhichevan - an exclave wedged between

Armenia, Iran and Turkey which is an autonomous republic of Azerbaijan – insisted that no re-registration requirement exists there. "We're not doing re-registration here," Faik Farajov told Forum 18 from Nakhichevan on 21 December. "We're subject not to the State Committee in Baku but to the government of the Autonomous Republic."

Authority over the Nakhichevan Autonomous Republic Department for Work with Religious Organisations was transferred from the State Committee in Baku to the Nakhichevan government under an Azerbaijani Cabinet of Ministers decree of 25 February.

Farajov insisted that the ban on unregistered religious activity prescribed in the new Religion Law will not apply in Nakhichevan. "No one here said anything about religious activity without registration being illegal. There's no such ban here." He pointed out that of the 250 or so mosques, only eight have state registration. "They registered with us here in Nakhichevan and were re-registered in 2004 and 2005. They all had a certificate from the Caucasian Muslim Board."

The Nakhichevan authorities have cracked down hard on small communities of Seventh-day Adventists and Baha'is in Nakhichevan. Farajov of the Department for Work with Religious Organisations told Forum 18 that no non-Muslim communities exist. "The Adventists and Baha'is have all left," he claimed, insisting that "of course" they would be allowed to function (see F18News 6 February 2008 http://www.forum18.org/Archive.php?article_id=1082).

Ibrahimoglu of the Devamm Muslim rights group points out that control by the authorities in Nakhichevan is even tighter than in the rest of Azerbaijan. No independent monitoring of religious freedom or other human rights can take place there. "It is not safe to do so," he told Forum 18.

Struggles for registration

Registration is especially tightly controlled in Azerbaijan. Each time the Religion Law has been substantially amended in the 18 years since independence, all religious communities have been obliged to re-register, with time-consuming meetings, paperwork and negotiation with the State Committee. Each time some disfavoured religious communities have found that ever fewer have been able to do so, Forum 18 notes. The last re-registration drive in the wake of the 2001 Religion Law amendments saw many unable to gain registration.

Believed to hold the record for the religious community denied registration for the longest time is the Baptist congregation in the town of Aliabad in Zakatala District. It first applied for registration in the mid-1990s and is still waiting (see eg. F18News 12 February 2009 http://www.forum18.org/Archive.php?article_id=1254).

Pastor Zaur Balaev told Forum 18 from the town on 13 December that church members again went to Zakatala notary Najiba Mamedova on 11 December for her to notarise the signatures of the 20 founders on the application, but both she and her colleague refused to do so once again. "Until we get an order from the State Committee in Baku we won't do so," Balaev quoted them as saying. The church has prepared a complaint to Orujev, the head of the State Committee in Baku.

In 2008, the State Committee registered 102 communities, all but one of them Muslim. The only non-Muslim community it registered was a Jewish community in the city of Sumgait. In 2009 it refused to register any new communities until the new Religion Law had come into force.

Of the 534 religious communities which managed to gain registration under the old Religion Law, Forum 18 believes that 502 were Muslim while only 32 were of other faiths. The Russian Orthodox diocese (which has six parishes in Azerbaijan) chose to register as one organisation. Eight of the communities were Jewish (Ashkenazi, Mountain or Georgian Jews), three were Molokan, three Baptist, three Baha'i, two Adventist, one Hare Krishna, one Jehovah's Witness, one Georgian Orthodox (the parish in Gakh), one Catholic, one Albanian Udin, and six other Protestant congregations. (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 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.

A personal commentary on the European Court of Human Rights and conscientious objection to military service is at http://www.forum18.org/Archive.php?article_id=1377.

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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