

Religious freedom situation in Azerbaijan

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General Background

Azerbaijan is the largest country in the Caucasus region on the western shore of the Caspian sea. The country is bordering Russia to the north, Georgia to the northwest, Armenia to the West and Iran to the south. Azerbaijan was established in 1918 and in 1920 it was incorporated into the Soviet Union. After the fall of the Soviet Union Azerbaijan regained its independence in 1991. Shortly after this a war broke out between Armenia and Azerbaijan because of the conflict around the Nagorno Karabakh area occupied by Armenia. This conflict is not yet settled and formally the war has never ended. Many refugees from this area still lives in different parts of Azerbaijan often in very bad conditions. 3 million Azerbaijanis live outside Azerbaijan as guest workers, most of them in Russia. Azerbaijan has 800 000 internally displaced people most of them from the conflict zone of Nagorno Karabach.

Religious and ethnic composition

Azerbaijan is a secular country but with a Muslim identity. The country is multiethnic and multi-religious but the identity of the people is related to secular Shia Islam. The country have 9 million inhabitants, 87% belonging to Turkic (86% Azeri, 0.3% Tatar, Turk 0.2%, Lazgi according to Operation World). More than 15 million Azeris live in northern part of Iran. 95% of the population are Muslims 85% of them Shia and 15% Sunny (Wikipedia). 2,7% Christian - Orthodox 228 000, Protestant 10 000, Independent 6 000, Marginal 1 000, Catholic <500 (Operation world).

Religioius Freedom situation

According to the constitution Azerbaijan is a secular state with religious freedom, but in practice religious minorities of all kinds have experienced discrimination and harassment. The State insist that religious groups need registration in order to have the right to exist and to operate. From time to time it has been difficult to get registration. For example, until 2009 some Russian Baptist congregations had got registration but none of the Azeri speaking congregations. 2009 new amendments to the Religion law were introduced limiting the religious life very much. These amendments entered into force in 2010. All religious groups have to reregister. It is compulsory to be registered in order to be able to meet legally for prayer, worship, teaching and celebration. Religious groups are only permitted to have meeting within the registered Church building, which means that house Churches and meetings in homes or other venues are unlawful. Theological schools or Bible Schools must get permission from the State and the number of lessons per week is limited and the maximum time allowed for these courses is two years. These amendments of the Religion

law contradict the Constitution. In practice threats and harassments towards religious minorities were frequent even before the amendments of the Religion law, but now this can take place even more on a legal basis. These are problems faced not only by Christians but by Jehovah's witness, Bahai, Muslim groups not accepting the leaders appointed by the Caucasian Muslim Board and other religious groups.

One reason for these limitations is the fear of losing control of the population and in the fear by the ruling party to lose its power. When I met the Ambassador of Azerbaijan at one OSCE meeting in Vienna he said: *"Azerbaijan is a young country with different ethnic group and different religions. We have neighbors that want to destabilize our country. Persons and powers in these countries want to cause problems in our country by promoting unrest through related ethnic groups and religions."*

The International Crisis Group (ICG) wrote a report the 3rd of September 2010 entitled "Azerbaijan: Vulnerable Stability" in which they analyzed the Government policy among other things, towards Islamic groups. One conclusion is that the Government uses the concept of terrorist threats in some minor groups as an argument to crack down on all groups not accepting the authority of the Government controlled Caucasus Board of Muslims. In their conclusion they write: *"The further consolidation of authoritarianism and continuation of corrupt practices threaten the long-term stability of the Azerbaijani state. For the time being, the leadership benefits from the political status quo and lacks obvious incentives to undertake substantial reforms... If such change is to come, however, the start will likely have to originate from within the regime ... Probably the only – slim – chance for meaningful reform of the system in the near to medium term is through promotion of an understanding within the ruling elites that gradual liberalisation is in their own best interests. Opening up the system while it is still in solid financial shape is, after all, a better option than experiencing a slow but steady descent into a systemic crisis that would be dangerous for the nation and the elites alike."*

The **cases of violation of religious freedom** reported by Forum 18 this year 2011:

Friday 7 January 2011

AZERBAIJAN: "MASSIVE" INCREASED FINES FOR EXERCISING FREEDOM OF RELIGION OR BELIEF

Just before Azerbaijan increased penalties for exercising the internationally-recognised right to freedom of religion or belief were increased, six Jehovah's Witnesses were punished in Gyanja for exercising their human rights. Under the Code of Administrative Offences, three were fined, one was warned and two - both Georgians - were deported, Jehovah's Witnesses told Forum 18 News Service. Had they been fined ten days later, they would have faced far higher penalties. Amendments to increase fines under two Articles of the Administrative Code that create offences for exercising freedom of religion or belief - Article 299 and Article 300 - were signed into law by President Ilham Aliiev on 29 December 2010. "These Articles punish what can be considered as normal religious activity," Eldar Zeynalov, head of the Human Rights Centre of Azerbaijan, told Forum 18. He said that the increased fines are "massive", and those fined, especially those without access to higher-paid work, will struggle to pay them. Zeynalov also warned that finding defence lawyers for those accused could be difficult.

Monday 24 January 2011

AZERBAIJAN: PRESSURE AND PUNISHMENTS FOR WORSHIP WITHOUT STATE PERMISSION INCREASING?

Azerbaijan appears to be increasing raids on and threats to religious communities for worshipping without state permission, Forum 18 News Service notes. An imam near the capital Baku, Mubariz Gachaev, received threats in late December 2010 that he would be imprisoned if his mosque continues to hold unregistered worship. A Protestant in northern Azerbaijan, Ilham Balabeyov, was in mid-January 2011 fined three weeks' average local wages for leading unregistered worship. Police also summoned him to a police station and detained him there for all of the day his church marks Christmas. Members of a forcibly closed Sunni mosque in Gyanja have told Forum 18 that the only religious activity they are now allowed to conduct is to meet in small groups, under police surveillance, to pray in private homes. As of today (24 January) only 510 religious communities are registered. It seems that many applications are either being denied or left without answer. No legal challenges to re-registration denials have yet succeeded. All unregistered religious activity is illegal, against international human rights law.

Wednesday 26 January 2011

AZERBAIJAN: "THERE IS NO DISCRIMINATION" ?

After Azerbaijan's deportation of a former leader of the Seventh-day Adventist Church, Russian citizen Ivan Uzun, and the denial of re-entry to Moldovan citizen Gheorghiy Sobor, Adventists have told Forum 18 News Service they are trying to resolve problems with the government through dialogue. Sobor lives in the capital Baku with his Azerbaijani wife and their three young children. He thinks he may have been denied re-entry as he helped Adventists gain state permission to import books. His wife Aida told Forum 18 that: "Without any court decision and without the possibility for him to respond, they have separated Gheorgiy from his family and children. Such an action contradicts basic human rights and international law at the same time as Azerbaijan considers itself a democratic country".

Yusif Askerov of the State Committee for Work with Religious Organisations claimed that "there is no discrimination". Adventists stress that they have been present in the country for more than a century. An Adventist told Forum 18 that: "We're working to build bridges with the government".

Wednesday 16 February 2011

AZERBAIJAN: SCHOOLBOY PRAYER BAN LEADS TO TWO-DAY PRISON SENTENCE

Boys of school age were prevented from attending Friday prayers at the Juma Mosque in the central town of Yevlakh on 21 January, local Muslims complained to Forum 18 News Service. Barring entry was a town administration official and the head teacher of a local school, but both refused to explain to Forum 18 why they had done so. A young man, Elvin Mamedov, was given a two-day prison sentence for failing to abide by police orders after he protested against the local police officer forcing entry into the home of a father who had defied the ban and taken his son to pray.

Meanwhile, Seventh-day Adventist Gheorghiy Sobor was allowed to return to his family and home after being barred for eight weeks from returning to Azerbaijan. A Moldovan citizen, he and his wife have been required to pledge in writing that he will not conduct

religious activity. "Of course we are not happy about this," Aida Sobor told Forum 18. "It's like living without an arm or a leg."

Monday 21 February 2011

AZERBAIJAN: WHY A FINE WITH NO NOTICE OF A TRIAL?

In the second such case known to Forum 18 News Service so far in 2011, Azerbaijan has imposed a fine for religious activity without state permission - without informing the victim she was being tried for this "offence". Jehovah's Witness Rasmiyya Karimova was warned by police in Gakh in north-western Azerbaijan not to conduct religious activity after a raid on her home in November 2010. However, although she was verbally told by a police officer that she would be fined 100 Manats, or three week's average wages, the first time she knew of a trial was when she received a court document informing her that she had been found guilty under Article 299.0.2 of the Code of Administrative Offences ("Infringement of the regulations on organising religious meetings or events"). The court document said that if she failed to pay the fine within the next ten days, bailiffs would seize property from her home to meet the fine. She has appealed, but has yet to receive an answer. The first such victim of a "trial" without notification was a Protestant fined for leading unregistered worship.

Tuesday 22 February 2011

AZERBAIJAN: CONTINUED DEFIANCE OF UN AND COUNCIL OF EUROPE

Azerbaijan marked the tenth anniversary of its accession to the Council of Europe by rejecting a prisoner of conscience's appeal against his conviction. On 25 January Jehovah's Witness conscientious objector Farid Mammedov's appeal against his nine month jail term was rejected by the Supreme Court. He is now preparing a case at the European Court of Human Rights (ECtHR) in Strasbourg, Jehovah's Witnesses told Forum 18 News Service. Continued conviction of conscientious objectors breaks Azerbaijan's international - including Council of Europe - human rights obligations. Less than a month beforehand, the Supreme Court also rejected the final appeal against a fine imposed for conscientious objection from fellow Jehovah's Witness Mushfiq Mammedov (no relation of Farid). He and a former Jehovah's Witness prisoner of conscience, conscientious objector Samir Huseynov, lodged a joint application (No. 14604/08) on 7 March 2008 to the European Court of Human Rights. "This application is pending before the Court and no date has yet been fixed for its examination," a Court spokesperson told Forum 18.

Tuesday 5 April 2011

AZERBAIJAN: "TRUE BELIEVERS AREN'T CONCERNED"

As yet a further mosque is reported closed, parliamentarian Fazil Gazanfaroglu Mustafaev complained to Forum 18 News Service of the continued enforced closure of places of worship. He cited the Turkish mosque near parliament where he regularly prayed, whose 2009 closure he termed "unfounded". Local Muslims told Forum 18 officials in Qobustan closed and sealed their mosque on 4 March with no explanation. They said denials to Forum 18 from Administration and local police officials were lies. Members of the only Sunni mosque in Azerbaijan's second city Gyanja are continuing their campaign to have it reopened, though the city's Administration chief told them it

was not his business. Baku's Baptists are renewing their campaign for the return of their church ceremonially opened exactly a century ago but confiscated during Soviet rule. Rabiyyat Aslanova of Parliament's Human Rights Committee admitted mosques have been closed, but told Forum 18 that "true believers aren't concerned about this".

Thursday 7 April 2011

AZERBAIJAN: GAINING LEGAL STATUS "A TORTUROUS PROCESS"

Many of Azerbaijan's religious communities have told Forum 18 News Service that procedures to gain or re-gain legal status are "a torturous process". At least 300 communities are waiting for renewed legal status, and unregistered activity is banned. Typically over 15 separate documents are required, and many complain that State Committee for Work with Religious Organisations officials arbitrarily and repeatedly question information supplied, the grammar of applications, and the completeness of documentation. Yusif Askerov of the State Committee told Forum 18 that "we're trying to help religious communities with the re-registration process". But communities state that complaints about slowness and hostility in processing applications are dismissed with comments such as "If you're not happy you can take us to court". Many communities are afraid to speak out publicly, for fear of official reprisals. But some are prepared to take their cases to the European Court of Human Rights in Strasbourg, noting the precedents set by Moldova losing such cases.

Tuesday 12 April 2011

AZERBAIJAN: "SWORD OF DAMOCLES" HANGS OVER RELIGIOUS BOOKSELLERS

Bookshops selling religious literature in Azerbaijan are facing unspecified measures because they do not have the compulsory state licence to sell religious literature, Forum 18 News Service notes. Ilgar Ibrahimoglu Allaverdiev, head of the Devamm Muslim religious freedom organisation, told Forum 18 that "only very few can get such licences, while fines for selling religious books without a licence hang over traders like a sword of Damocles." However, he added that traders were reluctant to make official complaints in writing, fearing state reprisals, and preferred to complain verbally. Some local people noted to Forum 18 that traders are vulnerable to officials seeking bribes to turn a blind eye to evasion of the regulations. However, the harsh censorship regime on all religious literature is still being rigorously applied. And a ban is being imposed on local branches of foreign non-governmental organisations if, among other things, they engage in "political or religious propaganda".

Friday 13 May 2011

AZERBAIJAN: ANOTHER SUNNI MOSQUE DISAPPEARS

After Turkish imam Ahmet left the Azerbaijani exclave of Nakhichevan in February, the Sunni Juma Mosque was taken over by the Shia community, leaving local Sunni Muslims nowhere to pray in the way they wish, Forum 18 News Service has learnt. Forum 18 has been unable to establish whether the imam was forced to leave by the Nakhichevan authorities, or whether he left on completion of his term. Turkish diplomats refused to say. "No new appointment [of a Turkish imam] has yet been made, and we don't know when that will be," one told Forum 18. Meanwhile, two Jehovah's Witnesses face possible heavy fines for religious activity after religious literature was seized from their homes. Police and secret police joined the local Religious Affairs

official to raid one. A Nursi reader had a Koran seized and faced police questioning in Mingechaur.

Wednesday 18 May 2011

AZERBAIJAN: POLICE "DID WELL" IN SUMGAI RAIDS

Defending the raids in mid-May on three Protestant churches in Sumgait within three days was the press office of Azerbaijan's Interior Ministry.

The police "did well", an official there told Forum 18 News Service. After a raid by up to 15 police officers on the Sunday worship service of one of the congregations, held in a local restaurant, two church members were today (18 May) each fined about two weeks' average local wages. On 17 May, some 20 police officers raided a private flat where members of another local church were meeting, seizing about 60 books. "You can't meet for religious purposes in a restaurant - there are mosques and synagogues for that," the Interior Ministry official insisted. He refused to give his name, telling Forum 18: "I don't know who you are. You might be a terrorist or Azerbaijan's enemy No. 1."

Wednesday 27 July 2011

AZERBAIJAN: WARNED FOR MEETING WITHOUT STATE PERMISSION, LEGAL STATUS APPLICATIONS STILL DELAYED

After a police raid in Azerbaijan's port city of Sumgait in mid-June, a judge gave the leader of a Baptist church, Pavel Byakov, a verbal warning not to meet for worship without state permission. The judge also warned that for a second "offence" Byakov will be fined, church members who asked not to be named for fear of state reprisals told Forum 18 News Service. A large quantity of literature confiscated in the raid has been given to the State Committee for Work with Religious Organisations, to decide whether the material is legal. Prolonged delays in dealing with applications for legal status still continue, over one and half years after the deadline for processing applications. In defiance of Azerbaijan's international human rights commitments unregistered religious activity is illegal. Two religious communities - Cathedral of Praise Protestant Church and Baku's Jehovah's Witness community - have challenged the State Committee's failure to re-register them through the courts, and Cathedral of Praise today (27

July) gained a court ruling that they should be re-registered. But it still remains unclear when or if this will happen.

Tuesday 1 November 2011

AZERBAIJAN: UP TO FIVE YEARS' IMPRISONMENT FOR UNCENSORED RELIGIOUS LITERATURE?

Prison terms of up to five years or maximum fines of nearly nine years' official minimum wage are set to be adopted by Parliament in mid-November for groups of people who produce or distribute religious literature without going through Azerbaijan's compulsory prior state censorship of all religious literature. Also due are new punishments for those who lead Muslim worship if they have gained their religious education abroad, Forum

18 News Service has learnt. The punishments are included in proposed amendments to the Criminal and Administrative Codes prepared by the powerful Presidential

Administration, and approved by two parliamentary committees on 28 October. Parliamentary officials told Forum 18 they are set to be adopted in one reading, probably on 15 November. "Insanity is only increasing," one member of a religious community who asked not to be identified told Forum 18.

In January 2009 I took part in a delegation trip to Azerbaijan with representatives from the Baptist World Alliance and the European Baptist Federation. We met with leaders from the Baptist Union and local Churches, The Evangelical Alliance, the Russian Orthodox Church, The Jewish Community, The Caucasus Board of Muslims and the Chairman of the State Committee for Religious Affairs and the head of the OSCE office in Baku and the Embassies of Great Britain, the US and Norway. Below you find the official report to the President of the Republic, HE Mr Ilham Aliyev. We met the Chairman both before and after we wrote the report:

Your Excellency,

Our Monitoring Group, representing both the European Baptist Federation (EBF) and the Baptist World Alliance (BWA), has spent several days in your country meeting representatives of government, faith communities and our Baptist churches.

We want to say how very well we have been received by every organisation we have met in Azerbaijan. Several religious groups have told us that Azerbaijan practises good tolerance among the different faith groups. 100 million Baptists worldwide are also strong supporters of religious freedom for all and are encouraged to be good citizens, working for the peace and common good of their countries. Azerbaijani Baptists are no different; in their worship they regularly express their support and prayer for the President, government and all people of Azerbaijan.

As an international monitoring group we have been working with the State Committee for the Work with Religious Associations (SCWRA) and we respectfully submit our initial Report to you, Mr President, in the hope that this good process of cooperation will continue.

However, in contrast to the good experience of some other traditional religious groups we met, during the course of our investigations before and during our visit to Azerbaijan we discovered serious instances of intolerance and discrimination towards Baptist Christians and churches. We have documentary support for much of what follows and this is attached to our Report. Other Reports of international human rights groups have also drawn attention to these matters.

1. Harassment of Baptist Believers

Several Baptist leaders have described in detail to us instances of harassment and intimidation from the police and public media because they are Baptists. These have included hostile interrogation, threats against themselves and their families, and even imprisonment.

The cases of the two pastors imprisoned in Aliabad have become well known internationally. It is widely considered that Zaur Balayev and Hamid Shabanov were convicted on false charges and had been targeted because they are Baptist pastors of

unregistered churches. We have received a report from an OSCE representative present in court that the legal procedures followed in the case of Pastor Shabanov were not acceptable. We are thankful for the gracious Decree of the State President to release Pastor Balayev, and we hope that the reluctance of the judge to sentence Pastor Shabanov, and hold him under house arrest, will lead to his release also.

2. Obstacles to Registration of Baptist Churches

It is quite clear to us that serious obstacles are placed in the way of Baptist churches seeking official registration as religious communities, and therefore seeking as good citizens to be within the law. It is possible to lay the blame at national or regional/local government bodies but our conviction is that if there is a political will to register the Baptist churches these can easily be overcome.

We offer two examples:

The Aliabad Baptist Church led by Pastor Zaur Balayev has been attempting to register itself for 15 years. The local State Notary, Najiba Mamedova, has repeatedly refused to notarise the ten signatures required for the Founding Document, thus making this application impossible to proceed.

The Neftcala Baptist Church needs one more document to complete its registration: the building passport for the building it has occupied since 1966. This document was submitted with an earlier group of papers and not returned to the church. Now the church has letters stating that no body, nationally or locally will issue a new Building Passport so the Registration cannot be completed.

We note from the Regulations of the SCWRA, especially Articles 7:4 and 8:5 that the Committee on request shall provide assistance in reaching agreements with State bodies in this matter of Registration. We would respectfully request such assistance in these two cases we have cited.

3. Discrimination against Baptist Christians in their Employment

We have met several cases of Baptists being asked to leave their employment when it is known that they are Baptist Christians, and this continues right up to the present time. One example of this is the case of the General Secretary of the Baptist Union, Elnur Jabiyev, who was forced to leave his employment as a Baku Police Officer in 2001. We would ask the help of SCWRA in finding ways for them to appeal against this violation of their human rights and religious freedom. We intend to monitor and report on such violations in the future.

4. Soviet-era Building not returned to the Baptists

From our visits to other faith groups, especially the Muslims and the Orthodox Church, we learned that, despite Azerbaijan having no Law of Restitution, many buildings confiscated by the Soviet authorities have been returned to their original owners. In 1931 a major church building (constructed by the Baptists in 1911) in Azadliq Avenue 47, Baku, was confiscated, and this building exists today as a Cinema-Theatre. The Baptists regard this as a desecration of one of their holy places and have a document

requesting its return dated 1989. Therefore we request that the same policy be followed with the Baptists as other faith groups, and this building be restored to them.

We have highlighted these issues in the expectation that with goodwill they can be overcome and the Baptists enjoy their full religious freedom in Azerbaijani society. We offer ourselves to work with SCWRA and other appropriate bodies to ensure that the commitment to religious tolerance which we see in Azerbaijan towards some faith groups will apply to all.

We will send a fuller Report to the SCWRA and other international organisations such as OSCE in due course.

Baku the 15th of January 2009

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