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AZERBAIJAN

USCIRF–RECOMMENDED FOR SPECIAL WATCH LIST

KEY FINDINGS

In 2020, religious freedom conditions in Azerbaijan remained largely static, with the notable exception of recent violations committed amid renewed conflict over Nagorno-Karabakh and surrounding territories. The Azerbaijani government continued to regulate religious activity through its 2009 law On Freedom of Religious Beliefs (religion law), requiring all religious communities to register in order to operate, mandating state approval for religious literature and related materials, and placing limitations on certain other religious activities. In 2020, the Azerbaijani government reportedly registered 14 religious communities, including two Christian communities. It did not, however, provide registration to all unregistered communities—such as some Jehovah’s Witnesses and Lutherans—despite initial impressions that they would finally receive registration within the year. This issue remained a source of significant concern for unregistered religious communities, which the government attempted to alleviate in some cases by suggesting they “affiliate” with registered counterparts, or in one case by providing a letter to a small, unregistered Baptist community permitting their worship within the confines of a weekly two-hour time slot in a pastor’s yard. However, neither suggestion appeared to have any legal basis and therefore offered no guaranteed legal protections.

The government continued to disallow conscientious objection to mandatory military service; while no reported prosecutions took place during the year, the Azerbaijani National Assembly failed to create an alternative civilian service, for which the country’s constitution provides and one Member of Parliament suggested. As in 2019, there were no known incidents of law enforcement raids on religious communities, although some interlocutors reported nevertheless limiting some of their activities for fear of possible repercussions.

The government continued to imprison individuals related to their religious activism. Local nongovernmental organizations (NGOs) that maintain lists of political prisoners in the country estimate that between 43 and 51 current prisoners are religious

activists. In 2020, authorities released at least three religious prisoners, including Shi’a Muslim imam Sardar Babayev, who had served his full sentence, and two others released in consideration of the COVID-19 threat. Members of the Muslim Unity Movement (MUM) announced that the government subjected them to increased pressure during the year through summonses, detentions, and arrests on questionable or politically motivated grounds. In one instance, authorities reportedly detained and then arrested alleged MUM member Elvin Muradov for poems and songs he had written about imprisoned MUM leader Taleh Bagirzade. Throughout the year, Rahim Akhundov pursued a lawsuit alleging that he was discriminated against and forcibly dismissed from his position as a staffer at the National Assembly due to his identity as a Christian and role as pastor of a house church. In January, a judge ruled his case inadmissible in a decision that the Baku Court of Appeal and the Supreme Court upheld in June and September, respectively.

The reemergence of active fighting over Nagorno-Karabakh and surrounding territories in late September prompted serious concerns about the preservation and protection of Armenian places of worship and other religious sites in those areas. In October, Azerbaijani forces reportedly targeted and shelled the Ghazanchetsots Cathedral in the city of Shusha two times, resulting in extensive damage to that building and possibly constituting a war crime. Azerbaijan claimed that during the fighting, Armenian forces damaged various religious and cultural sites as a result of shelling as well. Following the November 10 ceasefire and the cession of some territories to Azerbaijan, media outlets documented the apparently recent vandalization and destruction of Armenian cemeteries and gravestones. That same month, Azerbaijani President Ilham Aliyev pledged to protect Christian churches and specified that “Christians of Azerbaijan” would be given access to those places of worship.

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Include Azerbaijan on the U.S. Department of State’s Special Watch List for engaging in or tolerating severe violations of religious freedom pursuant to the International Religious Freedom Act (IRFA);
- Work with the government of Azerbaijan to revise the 2009 religion law to comply with international human rights standards and to bring it into conformity with recommendations made in 2012 by the Council of Europe’s Venice Commission and the

Organization for Security and Cooperation in Europe (OSCE);

- Assist the Azerbaijani government, in collaboration with international partners, to develop an alternative civilian service and permit conscientious objection pursuant to its commitment to the Council of Europe, obligations under international human rights law, and the Azerbaijani constitution; and
- Allocate funding to the U.S. Agency for International Development (USAID) and

U.S. Embassy in Baku to restore, preserve, and protect places of worship and other religious or cultural sites in Nagorno-Karabakh and surrounding territories.

The U.S. Congress should:

- Hold public hearings to investigate Azerbaijan’s religious freedom and broader human rights abuses, including its treatment of the MUM; raise related concerns directly with the Azerbaijani Embassy and other government officials; and advocate for the release of all prisoners of conscience.

Background

Approximately 96 percent of Azerbaijan's [estimated](#) population of 10.2 million people are Muslim; the Azerbaijani government [estimates](#) that around 65 percent identify as Shi'a Muslim, while the other 35 percent identify as Sunni Muslim. The remaining 4 percent of the population consists of atheists, Armenian Apostolics, Baha'is, Catholics, Georgian Orthodox, members of the International Society for Krishna Consciousness, Jehovah's Witnesses, Jews, Molokans, Protestants, and Russian Orthodox.

Azerbaijan is a secular state that [stipulates](#) the separation of state and religion in its constitution. Although the constitution protects the freedom of conscience and provides for the right to "profess individually or together with others any religion or to profess no religion, and to express and disseminate...beliefs concerning...religion," the government has in practice limited such rights through the 2009 law On Freedom of Religious Beliefs, the administrative code, and the criminal code.

Government Control of Religious Practice and Literature

The Azerbaijani government wields extensive control over religious practice throughout the country, including that of majority Shi'a Muslims, Sunni Muslims, and non-Muslim minorities. The government actively [differentiates](#) between what it views as "traditional" and "non-traditional" religions, favoring those communities it places in the former category and interfering in the affairs of the latter—such as Jehovah's Witnesses, Protestants, and others. In particular, the government [perceives](#) independent Muslims as potential threats to its authority or national security, and it regularly enacts policies "to counter and limit the influence of [those] unwanted religious groups." To this end, the government oversees and strictly regulates Islamic practices through both the official State Committee for Work with Religious Associations (SCWRA) and the Caucasus Muslim Board (CMB).

Although many non-Muslim religious communities have reported improved overall conditions for religious freedom in recent years, their practices remain subject to state approval. Religious minority communities frequently experience difficulty obtaining registration, as each community must first have at least 50 adult founding members in order to qualify, and at times officials have subjectively [applied](#) other discretionary guidelines to impede their registration. In addition to mandatory registration, other provisions of the law—such as those that limit a religious community's activities to its legal, registered address; prohibit foreign citizens from engaging in "religious propaganda" or missionary activity; and require that the SCWRA approve all religious literature and related materials—also serve to inhibit the ability of these communities to practice their religion or belief freely.

Nagorno-Karabakh Conflict

In September 2020, armed conflict broke out between Armenia and Azerbaijan in connection with the [long-running dispute](#) over Nagorno-Karabakh and the surrounding territories. Although the conflict is predominantly territorial and ethnic in nature, some people involved in or directly affected by the conflict have [characterized](#) it as partially driven or exacerbated by religious differences. On two separate occasions in October, Azerbaijani forces reportedly shelled with precision-guided missiles the Ghazanchetsots Cathedral in Shusha, resulting in significant damage to some parts of the structure, including the roof. Human Rights Watch [determined](#) the attacks were likely deliberate and would therefore constitute a war crime that should be investigated and prosecuted.

Over the course of the fighting and in the immediate aftermath of the November ceasefire, numerous local and international observers [raised](#) concerns about safeguarding religious and other cultural sites, specifically underscoring the need to protect the various Armenian churches, monasteries, and cemeteries lost or subsequently ceded to Azerbaijani control. By the end of the reporting period, there was evidence that some of these sites—such as the cemetery of an Armenian church in Hadrut—had already been [vandalized](#). At the end of the year, the Azerbaijani government announced that at least two Azerbaijani soldiers, Arzu Hüseynov and Umid Ağayev, [faced charges](#) for destroying Armenian gravestones in a village in the district of Xocavend.

Key U.S. Policy

In their bilateral relationship, the United States and Azerbaijan continued to [prioritize](#) European energy security, trade and investment, and joint efforts to combat terrorism and transnational threats. The United States also remained engaged in seeking a peaceful solution to the Nagorno-Karabakh conflict as a cochair—alongside France and Russia—in the OSCE [Minsk Group](#). Following the outbreak of conflict in late September, the United States [condemned](#) the use of force and urged the sides to bring an end to hostilities. In October, then Secretary of State Michael R. Pompeo met separately with the Armenian and Azerbaijani foreign ministers to urge both sides to cease fighting and resume negotiations. Although the United States [brokered](#) a ceasefire that commenced within days of that meeting, it was reportedly [violated](#) just minutes after coming into effect.

The State Department raised a number of religious freedom issues in Azerbaijan throughout the year. In June, then Ambassador-at-Large for International Religious Freedom Samuel D. Brownback [expressed concern](#) about the reported dismissal from Parliament of Rahim Akhundov due to his religious identity, [pressed](#) Azerbaijan to release all religious prisoners, and [called](#) for the country to protect religious sites in Nagorno-Karabakh.

KEY USCIRF RESOURCES & ACTIVITIES

- **Country Update:** [Stalled Progress in Azerbaijan](#)
- **Issue Update:** [The Global Persecution of Jehovah's Witnesses](#)
- **Interview:** [Need to Release Prisoners of Conscience Is "More Urgent than Ever"](#) (in *Turan*)
- **Commissioner Delegation Visit:** Baku and Quba in February 2020

Individual Views of Commissioner Johnnie Moore

Azerbaijan should not be on USCIRF's list. Despite its legitimate security concerns, Azerbaijan is one of the only countries in the world where Sunni and Shi'a clerics pray together, where all Christian sects enjoy a reputation for cooperation, and where a thriving Jewish community has long reported freedom and security in an almost entirely Islamic country. Azerbaijan is a Shi'a-majority neighbor of Iran whose still-warm peace with the state of Israel was established almost 30 years ago! The country has also made important strides toward increasing religious freedom despite a post-Soviet legal framework, certainly more so than its neighbors.

I am afraid the Commission's view on Azerbaijan may be interpreted by some as inserting itself into the politics of war between Armenia and Azerbaijan. The conflict between the two countries—which is *political* and *geographic*, not religious—is often oversimplified as it cannot actually be understood in isolation from the interests of other countries like Iran, Turkey, and Russia.

Finding a path to enduring peace between Azerbaijan and Armenia is a better use for religion. Religion should be the meeting place rather than a rhetorical weapon or a causality of war. This can begin with an assessment of any holy sites—Christian or Muslim—that were damaged during the recent war or the years of conflict that preceded it, and a joint effort should be undertaken to restore what has been damaged or desecrated, whether unintentionally or otherwise.