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2009 Report on International Religious Freedom - Azerbaijan

[Covers the period from July 1, 2008, to June 30, 2009]

The Constitution provides for freedom of religion. On March 18, 2009, however, a national referendum approved a series of amendments to the Constitution; two amendments limit the spreading of and propagandizing of religion. Additionally, on May 8, 2009, the Milli Majlis (Parliament) passed an amended Law on Freedom of Religion, signed by the President on May 29, 2009, which could result in additional restrictions to the system of registration for religious groups. In spite of these developments, the Government continued to respect the religious freedom of the majority of citizens, with some notable exceptions for members of religions considered nontraditional.

There was some deterioration in the status of respect for religious freedom by the Government during the reporting period. There were changes to the Constitution that undermined religious freedom. There were mosque closures, and state- and locally-sponsored raids on evangelical Protestant religious groups. There were reports of monitoring by federal and local officials as well as harassment and detention of both Islamic and nontraditional Christian groups. There were reports of discrimination against worshippers based on their religious beliefs, largely conducted by local authorities who detained and questioned worshippers without any legal basis and confiscated religious material.

There were sporadic reports of societal abuses or discrimination based on religious affiliation, belief, or practice. There was some prejudice against Muslims who converted to other faiths, and there was occasional hostility toward groups that proselytized, particularly evangelical Christians, and other missionary groups.

The U.S. government discusses religious freedom with the Government as part of its overall policy to promote human rights. U.S. embassy officers conveyed concerns about the registration process and official attitudes toward "nontraditional" religious groups and expressed objections to the censorship of religious literature.

Section I. Religious Demography

The country has an area of 33,774 square miles and a population of 8.2 million. There were no reliable statistics on membership in specific religious groups; however, according to official figures approximately 96 percent of the population is Muslim. The remainder of the population consists mostly of Russian Orthodox, Armenian Orthodox, followers of other Christian groups, Jews, and nonbelievers.

Among the Muslim majority, religious observance is relatively low, and Muslim identity tends to be based more on culture and ethnicity than religion; however, there has been

a gradual growth in the number of observant Muslims. According to the State Committee on Work with Religious Structures (SCWRS), the Muslim population is approximately 65 percent Shi'a and 35 percent Sunni; traditionally, differences are not defined sharply.

The majority of Christians are Russian Orthodox whose identity, like that of Muslims, tends to be based as much on culture and ethnicity as on religion. Christians are concentrated in Baku and several other urban areas.

The great majority of the Jewish population, numbering approximately 20,000, lives in Baku. Much smaller communities exist in Guba and elsewhere.

Shi'a, Sunni, Russian Orthodox, and Jews are considered to be the country's "traditional" religious groups. Small congregations of Lutherans, Roman Catholics, Baptists, Molokans (Russian Orthodox Old Believers), Seventh-day Adventists, and Baha'is have been present for more than 100 years.

Since independence in 1991, a number of religious groups considered by the Government as foreign or "nontraditional" have established a presence, including "Wahhabi" and Salafist Muslims, Pentecostal and other evangelical Christians, including Jehovah's Witnesses, and Hare Krishnas. There are significant expatriate Christian communities in Baku.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The Constitution provides that persons of all faiths may choose and practice their religions without restriction. The law protects this right against abuse, either by governmental or private actors. However, based on a stated desire to limit the influence of extremist recruiters from foreign countries, the country approved by referendum on March 18, 2009 two amendments to the Constitution, which will have a direct impact on religion in the country. Article 18 Part 2 of the Constitution was changed to read: "Spreading of and propagandizing religion (religious movements), humiliating people's dignity, and contradicting the principles of humanism are prohibited." A new section was added to Article 48, which is called Part 5 and reads, "No one shall be forced to express (to demonstrate) his or her religious faith and belief, to execute religious rituals and participate in religious ceremonies." Further to these amendments, on May 8, 2009, the Milli Majlis passed an amended Law on Religious Freedom, which, according to one Parliamentarian, was necessary to bring the law in compliance with the amendments to the Constitution; the President implemented the bill into law on May 29, 2009.

Even prior to the passing of the amended Law on Religious Freedom, there were numerous complaints of burdensome registration requirements, and selective harassment marred application of the law. The amended law has prompted the SCWRS to announce that all religious groups must reregister no later than January 2011 and that there will be additional requirements for registration. For its part, the SCWRS noted the refusal of an application is attributable to the religious community's failure to submit the legally required documents.

Under the Constitution, persons have the right to choose and change religious affiliation and beliefs (including atheism), join or establish the religious group of their choice, and practice religion, unless that practice requires sharing one's faith with other individuals. The law on religious freedom expressly prohibits the Government from interfering in the religious activities of any individual or group; however, there are exceptions, including cases where the activity of a religious group "threatens public order and stability."

A number of legal provisions enable the Government to regulate religious groups, including a requirement in the law on religious freedom that religious organizations, including individual congregations of a denomination, be registered by the Government.

Registration enables a religious organization to maintain a bank account, rent property, and generally act as a legal entity. In practice, some groups were vulnerable to government raids for worshiping without registration. Religious groups must register with the SCWRS. The SCWRS has broad powers over registration and the publication, import, and distribution of religious literature. The SCWRS, for its part, however, maintains that it must first apply to the court system in order to suspend the activities of religious groups that it claims are violating the law. Religious groups are permitted to appeal registration denials to the courts. The groups also reserve the right to pursue legal consideration of their case at the European Court of Human Rights (ECHR). In such an instance, a group would have to exhaust its chances for consideration at every court level in the country before applying to the ECHR, which often takes several years.

According to the SCWRS, in 2008 it registered 103 religious communities, of which 101 were Islamic. According to the SCWRS, no religious community was denied registration. The total number of religious communities was 534 in 2008, including 502 Islamic and 32 non-Islamic. The SCWRS claimed to have discovered 160 nonregistered religious communities.

Registered Muslim organizations are subordinate to the Caucasian Muslim Board (CMB), a Soviet-era muftiate that appoints Muslim clerics to mosques, administers Islamic education institutions, periodically monitors sermons, and organizes annual pilgrimages to Mecca. Muslim religious groups must receive a letter of approval from the CMB before they can be registered by the SCWRS.

Under the law on religious freedom, political parties cannot engage in religious activity. Religious leaders may not simultaneously serve in public office and in positions of religious leadership, although this stipulation would not limit the right of a public official to worship. Religious facilities may not be used for political purposes.

Religious instruction is not mandatory, and there is no religious curriculum at privately funded or public elementary and high schools. Students can pursue religious courses at higher educational institutions. Those wishing to participate in state-supported training abroad for religious studies must obtain permission from, or register with, the SCWRS or the Ministry of Education. Otherwise, education abroad does not require preliminary permission of authorities.

Forum 18, a Norwegian NGO that reports on religious freedom, reported on January 5, 2009 and May 4, 2009 about the new "Religion Law" enacted by the de facto authorities in Azerbaijan's breakaway region of Nagorno-Karabakh (N-K), which has historically had a large Armenian majority. The Government of Azerbaijan has no ability to administer its authority in N-K. The "law" came into effect on January 9, 2009. Apparent restrictions include the requirement of 100 members for registration, banning of unregistered religious activity, the requirement for the de facto authorities to approve all religious literature, and proselytizing open only to the Armenian Apostolic Church, which the de facto authorities claim as the "official" church. On March 19, the Armenian Catholic Church became the first and only church registered thus far under the new "law." (The Armenian Apostolic Church does not have to register.) The U.S. embassy in Baku cannot confirm these reports, and neither can the Government.

Restrictions on Religious Freedom

There was some deterioration in the status of respect for religious freedom by the Government during the reporting period.

Restriction was seen in the form of property disputes, limitations on beards and hijabs, and an alleged ban on call to prayer in some areas.

The registration process consists of two steps: compilation of necessary documents and submission to the SCWRS. Numerous persons described this process as cumbersome, inefficient, and bureaucratic. Even functioning Islamic groups, operating with the approval of the CMB, were not properly registered; however, their standing with the

CMB helped to mitigate scrutiny by the SCWRS in the absence of official registration. During the reporting period, several groups asserted that the SCWRS sometimes failed to rule on registration applications in a timely manner. In general, the registration process appears to serve as a point of leverage for the Government to use against religious groups it deems undesirable. Consequently, unregistered organizations, which choose to practice in the absence of official registration, are vulnerable to being declared illegal and closed or subject to selective harassment by local authorities; as a result, they found it difficult, or in some cases impossible, to function. From its perspective, the SCWRS claimed some religious communities failed to submit properly filed/developed registration documents, which served as the basis for declining registration.

According to a variety of Christian representatives, local or SCWRS officials selectively made the registration process difficult or impossible. Some Christian groups contended that when they appealed SCWRS denials of registration, local judges often were biased against Christian churches and were unlikely to rule in a just manner.

Authorities generally permitted expatriate members of Christian groups in Baku to worship freely, but some Christian communities encountered difficulties: For example, the Baptist churches in Neftchala and Aliabad (the latter has sought registration for approximately 15 years) were not able to obtain registration, with local notaries in Aliabad refusing to certify the Aliabad congregation's registration applications. The church in Neftchala failed to receive technical documentation from local authorities for the venue proposed as their church. According to the SCWRS, the church in Aliabad did not submit any appeal to the SCWRS. Regarding the church in Neftchala, the SCWRS maintained that the church failed to submit documents in accordance with legislation; the registration appeal was declined with the SCWRS decree #79, dated February 26, 2002. The Cathedral of Praise Church had difficulties obtaining registration for its congregations in Ganja and Sumgayit due to the alleged lack of documents and technical mistakes in the application. The Assemblies of God community in Baku also had long-standing difficulties obtaining registration for its congregation. On April 9, 2009, Jehovah's Witnesses, although registered in Baku, filed a new legal entity with the SCWRS for registration of a nationwide entity to allow them to be legally registered everywhere in the country.

A variety of unregistered religious groups continued to function, including Muslim groups, Jehovah's Witnesses, and some evangelical Christians. However, some unregistered groups were subject to periodic and selective police harassment in the form of disruption of religious services and intimidation.

Forum 18 reported on May 4, 2009 that Revival Fire Evangelical Church in the breakaway region of N-K was denied registration, the first denial under the N-K de facto authorities' new "Religion Law." According to the "law," citizens are not free to share their faith, and in practice proselytizing was often discouraged. The "law" expressly prohibits religious proselytizing by foreigners, and the de facto authorities strictly enforced this. There was an allegation that foreigners were detained while participating in religious services of various denominations and accused of proselytizing. The detention did not result in prosecution. The de facto authorities were concerned about Islamic missionary groups (predominantly Iranian and Sunni Salafi) operating in the region and continued to restrict their activities.

In the rest of the country, local law enforcement officials occasionally monitored religious services and reportedly singled out some observant Christians and Muslims for searches. Local observers claimed local authorities routinely monitored certain mosques.

Forum 18 reported that the government-supported television station, ANS, showed film footage of the January 18, 2009 government raid on the Jehovah's Witnesses during a program on January 20, 2009.

In July 2008, there was a televised accusation against the Baptist leader, Ilya Zenchenko, accusing him of being an Armenian spy.

The ban on the call to prayer using loudspeakers from mosques continued to be enforced in Zagatala, according to reports, despite the May 2007 nationwide government reversal of a ban. The local ban was initiated in December 2007.

Controls on a variety of Islamic activity, including religious television broadcasts and sales of religious literature at metro stations, remained in effect, although the SCWRS contended that no such ban was in place.

The law permits the production and dissemination of religious literature with the approval of the SCWRS; however, authorities appeared to selectively restrict the import and distribution of religious materials. Obtaining permission to import religious literature remained burdensome, and Islamic and Christian groups complained of the lengthy process. During the reporting period, there were multiple episodes of police confiscating allegedly radical literature of both Islamic and non-Islamic religions in several areas of the country. The SCWRS noted all imported religious literature must pass the SCWRS's expert review to be allowed to enter the country as religious material, and that this process can be time-consuming given the volume of materials.

Jehovah's Witnesses in N-K also reported problems with literature confiscation. On August 7, 2008, a visiting Jehovah's Witness was engaged in public ministry when the de facto authorities arrested him, detained him for eight hours without offering food, and confiscated literature and personal belongings, some of which they refused to return. On July 20, 2008, 120 Jehovah's Witnesses, including children, the elderly, and the disabled, were returning to Stepanakert/Xankendi when N-K de facto authorities stopped them, searched for seven hours through all their possessions, and confiscated all literature except Bibles.

In the rest of the country, consistent with reports from previous periods, authorities prevented Muslims from wearing headscarves in passport photos and other official identity documents. Individuals are not forbidden from wearing headscarves in educational facilities or at state facilities, according to the law. However, in practice the Government did little to restrain university administrators or employers from selectively pressuring some women not to wear headscarves.

Abuses of Religious Freedom

There were sporadic violations of religious freedom, which included the destruction or closure of three mosques. In many instances, authorities directed abuse toward those Muslims who adopted Salafist Islamic practices or toward those Christians who had converted, reflecting the popular prejudice toward ethnic Azeris who convert to "nontraditional" religious groups such as evangelical Christian denominations. The SCWRS claimed that it only intervenes in cases of forced religious activities, and that the Government does not exert pressure on Islamic communities.

The NGO Eurasianet.org asserted on May 27, 2009 that a number of mosques had been closed in several Baku neighborhoods during the past month; however, the mosque at Baku State University, Ilahiyyat, was open at the end of the reporting period. The Turkish Embassy reported that Shahidlyar Mosque, built with Turkish support, was closed for repairs. On May 11, 2009, authorities closed down a mosque located on an offshore drilling settlement, the Oily Rocks, for alleged safety reasons.

On April 26, 2009, police destroyed the Prophet Muhammad Mosque of the Yasamal District Religious Community. The Yasamal District Religious Community (a Muslim organization) started construction of a community mosque in the summer of 2005, having acquired necessary administrative permissions from the district authorities as well as from the SCWRS and the CMB. In October 2008, the district executive authority responsible for administration of the Yasamal region claimed the construction of the mosque was illegal and ordered a halt to construction; by this time, the main building of the mosque had already been completed. In addition, local authorities filed a lawsuit against the owner of the property, which the local court upheld. The community filed a countersuit and submitted it to the Court of Appeals. Nonetheless, authorities arrived at

the mosque on March 30, 2009 and destroyed some of the ornaments on the mosque as well as the fence between the construction zone and the street. Finally, on April 26 and 27, 2009, the Yasamal District authorities destroyed the mosque. The motivations of the authorities who destroyed the mosque were unclear, and the Baku mayor's office referred the Embassy to the district executive authority. However, some local observers believe that the motivation behind the destruction was acquisition of the land for commercial use; there was no indication the mosque was targeted for ideological purposes. For its part, the SCWRS claimed the community was not acting in accordance with decisions of relevant authorities.

In April 2009, the Court of Appeals of Baku dismissed the case of the Cathedral of Praise (Word of Life) Protestant Community, which was mired in a property dispute that limited the capacity for worshipers to congregate freely. In spite of an apparently legal purchase of land, on which a church was being erected, the land was confiscated as a result of a suit filed by an oil refinery, Azerneftiyag. Although the community purchased the land in a legal manner from a businessman who had acquired it from the refinery in the 1990s, the refinery claimed the businessman's acquisition of the land was illegal, thereby negating the community's purchase of the land. The refinery raised the case with the Khatai District Court, whose verdict allowed for the confiscation of 492 square feet (150 square meters) of property from the church. The community demanded fair compensation for the confiscated land, as it had already constructed a church building and conducted renovation and furnishing. The community's countersuit was refused on the first attempt. In September 2008, the district court confiscated an additional 492 square feet (150 square meters) of property.

Particularly in regions outside of Baku, members of the Cathedral of Praise community reported incidents of harassment by local authorities, to include illegal entries into private homes by authorities, detention and questioning without cause, and confiscation of religious materials.

In March 2009, authorities released the Baptist pastor from Aliabad, Hamid Shabanov, who was arrested in June 2008 for allegedly possessing an illegal weapon. Shabanov was released to house arrest in November 2008. Local Baptists claimed local authorities planted the weapon in Shabanov's residence. The community filed a lawsuit for full rehabilitation of Shabanov and submitted it to the Court of Appeals.

In March 2009, the Agdash District police and the Agdash District Ministry of National Security, a television crew, and a representative from the SCRWS, raided a Baptist gathering of 12 children – present with their parents' permission to hear Bible stories – and several adults in the town of Agdash in central Azerbaijan. The police removed the children to a separate room, and the police, a member of SCRWS, and a teacher took their names and questioned them without their lawyers or parents present. The authorities took the adults to the police station and fined them \$12 (10 manat) for illegally teaching children to spread Christianity. The adults complained they were forced to pay in cash because the banks were closed because of the Navruz holiday and they were not given any receipt. The raid was widely shown on television stations, and the names and addresses of the adults detained were provided. For its part, the SCWRS claimed the event was disrupted because of illegal conduct while having foreigners and underage children present.

The community of Jehovah's Witnesses reported a number of raids and disruptions of their gatherings during the reporting period. On April 9, 2009, the Memorial of the Death of Jesus Christ, the most important religious event of the year for Jehovah's Witnesses, authorities again raided a Jehovah's Witnesses' religious service in Ganja, ending the service and preventing the second service from taking place. Authorities took some members of the group to the police station and kept them for five hours, accusing the group of violating Article 299 of the Administrative Violations Code of the Republic of Azerbaijan on "Establishment and violation of regulations of religious organizations (structures)." The police hit one person in the group, according to eyewitnesses. Disruptions and police raids also took place while the community members gathered in the Baku area in January and February 2009 as well as in November 2008. The official explanation was again violation of Article 299 of the Administrative Code.

On January 18, 2009, during a disruption of a gathering in Ganja, police detained nine persons and declared the gathering illegal due to absence of registration of the community for gatherings outside Baku city, citing Article 299.

On September 6, 2008, in Mingachevir, Jehovah's Witnesses reported that police from the Ministry of National Security disrupted a meeting of 21 members and without warrants searched the apartment, insulted and videotaped those present, threatened to show the videotape on television, and took away their literature. Police detained four women, the homeowner, and a couple with a child, questioned them, and pressured them to accept Islam. Then police took them to a judicial hall, fined them \$13 (manat 10), and requested they transfer money into a police account. When authorities denied them access to their lawyers or written documentation, the Jehovah's Witnesses refused to testify and refused to sign papers, calling the hearing illegal. The police released them but confiscated their literature.

The SCWRS claimed gatherings of Jehovah's Witnesses were disrupted only in the case of violations of the law. The SCWRS claimed the community repeatedly attempted to hold religious gatherings outside of registered locations in spite of numerous warnings that went unheeded.

Domestic human rights monitors criticized the government's failure to develop a civilian alternative military service option, and members of Jehovah's Witnesses argued that the country, as a signatory of the European Convention on Human Rights, was obliged to develop a civilian alternative military service option. Government officials reportedly criticized the group's position on military service as "defeatist" and "contradicting public morality" because of the unresolved conflict over N-K.

Forum 18 reported that Georgian Orthodox churches in ethnic Georgian villages near the Georgia border in Kurmukh in the Kakh District were open for only two services twice a year. Authorities say they are historical monuments and closed them in 2007, despite the reported willingness of the congregations to restore them.

At the end of the reporting period, the 19 madrassahs or Qur'anic courses, which authorities closed to review curriculum in late 2007, remained closed.

During the reporting period, there were multiple reports of authorities detaining alleged Islamic radicals, shaving their beards, seizing weapons, and banning Islamic literature. Local commentators reported Salafists were particularly active in the northern regions of Zaqatala, Guba, and Kachmaz, but they criticized the Government for often failing to distinguish between extremists and observant Muslims.

The Abu Bakr Mosque remained closed by the Government, in spite of the community's repeated calls for the mosque to be reopened and repeated court challenges. On August 17, 2008, an explosion at Baku's Abu Bakr Mosque killed two and wounded 11 people, including the head of the religious community, who has since recovered. Immediately after the incident, government authorities closed the mosque, which served an average Friday attendance of 7,000 worshipers, pending an investigation into the event, and enforced a nationwide ban on worshipers meeting outside mosques. Authorities later announced the attack was conducted by the radical group of so-called Forest Brothers, whose leader, Ilgar Mollachiyev, was reportedly killed in Dagestan, Russia by Russian federal authorities in September 2008. Despite several lawsuits and court appeals, the mosque remained closed during what the Government called an ongoing investigation. For its part, the SCWRS deferred to the security organs of the Government for responses to the Abu Bakr Mosque closure, but it also declared that the community was never properly registered. Additionally, the SCWRS said worshippers of the Abu Bakr mosque were free to worship at other registered communities in Azerbaijan.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States or who had not been

allowed to be returned to the United States.

Improvements and Positive Developments in Respect for Religious Freedom

The Government actively promoted religious tolerance. The SCWRS convened leaders of various religious communities on several occasions. During the year, the SCWRS organized several seminars, conferences, and regional meetings on religious freedom and tolerance.

The Fifth Islamic Conference of Cultural Ministers held in Tripoli in November 2007 proclaimed Baku the Islamic Cultural Capital for 2009. This bolstered renovation of a number of mosques throughout the city and Absheron Peninsula.

The Juma Mosque was reopened; however, the CMB assigned it a new akhund, Haji Surkhay Mammadov.

Section III. Status of Societal Respect for Religious Freedom

There were some reports of societal abuses or discrimination based on religious affiliation, belief, or practice. There was popular prejudice against Muslim citizens who converted to other faiths and hostility toward groups that proselytized, particularly evangelical Christian, and other missionary groups. This was accentuated by the unresolved conflict over N-K.

Hostility between Armenians and Azerbaijanis, intensified by the N-K conflict, remained strong. In those areas of the country controlled by ethnic Armenian separatists, all ethnic Azeris have fled, and the mosques that were not destroyed remained inactive. Animosity toward ethnic Armenians elsewhere in the country forced most of them to depart between 1988 and 1990, and all Armenian churches, many of which were damaged in ethnic riots that took place more than a decade ago, remained closed. As a consequence, the estimated 10,000 to 30,000 ethnic Armenians who remained were unable to attend services in their traditional places of worship.

As in previous reporting periods, newspapers and television broadcasts depicted "nontraditional" religious groups as threats to the identity of the country and as undermining the country's traditions of interfaith harmony, which led to local harassment. For example, on March 25, 2009, Forum 18 reported that television crews along with authorities raided a Baptist meeting in Agdash.

During the reporting period, articles critical of Salafism and of Christian missionaries appeared in newspapers. In general, society was negatively predisposed to foreign (mostly Iranian and Salafist) Muslim missionary activity, which many viewed as an attempt to spread political Islam and therefore a threat to stability and peace. The media targeted some Muslim communities the Government claimed were involved in illegal activities.

In contrast with reports prior to 2008, there were no reported cases of anti-Semitic incidents.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with the Government as part of its overall policy to promote human rights. During the reporting period, U.S. embassy officers conveyed concerns about the registration process and official attitudes toward "nontraditional" religious groups to the SCWRS, as well as concerns about harassment of observant Muslims. The embassy also expressed concern regarding the degree of official commitment to religious freedom in discussions with the Government and in the press.

In addition, on November 21-22, 2008, the U.S. Special Envoy to the Organization of

Islamic Countries visited the country and met with government and religious leaders about the role of Islam in Azerbaijan and Azerbaijan's role in the greater Islamic community.

The U.S. ambassador and other embassy officers maintained close contact with Muslim, Christian, and Jewish religious leaders and regularly met with members of unregistered religious groups to monitor religious freedom. Embassy officers also maintained close contact with nongovernmental organizations that addressed matters of religious freedom.
