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AZERBAIJAN

The Constitution provides that persons of all faiths may choose and practice their religion without restrictions, and the Government generally respected these rights for most citizens throughout the period covered by this report; however, until late in 1999, the Government frequently used clauses in the Law on Religious Freedom and other laws to restrict religious activity by foreigners and nontraditional religious groups, particularly in the fall of 1999, when police and security officials disrupted a number of services, detained ministers, and ordered foreigners deported. Although the national Government generally respects legal provisions for religious freedom in practice, the acting Chairman of the Religious Affairs Department and some other mid- and lower-level and local government officials continued to restrict religious activity by some foreign and local nontraditional groups. There were some reports that indicated that in Nagorno-Karabakh, a region occupied by Armenian forces and forces of the self-styled "Republic of Nagorno-Karabakh" (which is not recognized by any government but over which the Azerbaijani central Government does not exercise control) the Armenian Apostolic Church enjoys at least quasi-official status and that the practice of some other religious faiths is discouraged.

There was a marked improvement in the Government's respect for religious freedom following President Heydar Aliyev's November 1999 public announcement of his commitment to religious freedom. The national Government subsequently redressed a number of outstanding grievances and generally respected religious freedom during the remainder of the period covered by this report. Following President Aliyev's November 1999 announcement, a number of groups with long-pending registration applications were registered. However the Religious Affairs Department, the government office charged with implementing the country's laws on religion, continued to delay selectively the registration of a few groups and to intervene selectively in the importation of religious literature.

Societal attitudes toward religion generally continued to be marked by tolerance for different religious groups; however, some groups continued to voice suspicion of non-traditional faiths, and there is widespread popular hostility towards groups that proselytize (largely evangelical Christians, but also Muslim missionary groups), and towards Muslims who convert to other faiths. Ethnic and territorial conflict between Azerbaijanis and Armenians over the Nagorno-Karabakh region limits the religious freedom of each in the territory controlled by the other.

The U.S. Government actively encouraged the authorities to address violations of religious freedom, particularly after the fall 1999 crackdown. Embassy officials met with several ministerial level officials in an effort to call the Government's attention to violations of constitutional standards. A U.S. State Department official from the Office of International Religious Freedom visited Baku to discuss the problems with religious groups and government officials. In November the Ambassador met with President Aliyev to raise the problems and deliver letters of concern from U.S. Congressmen. President Aliyev responded by ordering his Government to adhere to constitutional standards and redress the problems. Following President Aliyev's public commitment to observe constitutional standards in November 1999, most of the reported problems were addressed. After November, the Embassy continued to work with officials to address violations of religious freedom, particularly those committed by the Religious Affairs Department.

Section I. Government Policies on Freedom of Religion

Legal/Policy Framework

The Constitution provides that persons of all faiths may choose and practice their religion without restrictions, and the Government generally respected these rights for most citizens throughout the period covered by this report; however, until late in 1999, the Government frequently used clauses in the Law on Religious Freedom and other laws to restrict religious activity by foreigners and nontraditional religious groups, particularly in the fall of 1999, when police and security officials disrupted a number of services, detained and imprisoned ministers, and ordered foreigners deported. Although the national Government generally respects legal provisions for religious freedom in practice, the acting Chairman of the Religious Affairs Department and some other mid- and lower-level and local government officials continued to restrict religious activity by some foreign and nontraditional groups. Under the Law on Religious Freedom, each person has the right to choose and change his or her own religious affiliation, including atheism, to join or form the religious group of his choice, and to practice his or her religion. The State is expressly forbidden 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." There were some reports that indicated that the Armenian Apostolic Church enjoys at least quasi-official status in Nagorno-Karabakh, and that the practice of some other religious faiths is discouraged.

There are a number of legal provisions that enable the Government to regulate religious activity, including a requirement in the Law on Religion that all religious organizations be registered by the Government in order to function legally. This is in principle done by obtaining approval from the Department of Religious Affairs, which is subordinated directly to the Council of Ministers, and then applying for formal registration with the Ministry of Justice. Registration, which is

regarded by many groups as burdensome, enables a religious organization to maintain a bank account, legally rent property, and generally to act as a legal entity. Lack of registration makes it harder, but not impossible, for a religious group to function. Unregistered groups continued to operate. Since President Aliyev expressed his commitment to religious freedom in November 1999, there has been no repetition of earlier reports that participants in unregistered groups were subject to arrest, fines, and--in the cases of foreigners--deportation. In contrast to the previous situation, there were no reports of allegations during the period covered by this report that officials responsible for registration took bribes in order to facilitate registration. Religious groups are permitted to appeal registration denials to the courts. The Law on Religious Freedom also subordinates all Islamic religious organizations to the Azerbaijan-based Spiritual Directorate of Caucasus Muslims.

Press reports indicate that in the breakaway Nagorno-Karabakh region, a predominantly ethnic Armenian area over which the authorities of the Republic of Azerbaijan have no effective control, the Armenian Apostolic Church enjoys a special status. Courses in religion are mandatory in Karabakh schools and local officials frequently underline their commitment to supporting the oldest Armenian national institution. This status also means serious restrictions on the activities of other confessions, mostly various Christian sects. The highly charged military atmosphere surrounding the region reportedly has given rise in particular to hostility toward Jehovah's Witnesses, whose beliefs prohibit the bearing of arms.

Religious Demography

The population is approximately 90 percent Muslim, 3 percent Christian, and less than 1 percent Jewish. The rest of the population adheres to other faiths or consists of nonbelievers. Among the Muslim majority, religious observance is minimal, and Muslim identity tends to be more cultural and ethnic than religious. The Muslim population is approximately 70 percent Shi'a and 30 percent Sunni, but differences do not appear to be sharply defined, and those Shi'a and Sunni Muslims who are observant freely intermingle on religious occasions. The vast majority of the country's Christians are Russian Orthodox, whose identity, like that of the Muslims, tends to be as much cultural and ethnic as religious. They are concentrated in the urban areas of Baku and Sumgait. Most of the country's Jews belong to one of two groups: "Mountain" Jews--descendants of Jews given religious asylum in the northern part of the country more than 2,000 years ago--number about 18,000; and "European" Jews--descendants of Jews who migrated to Baku during Azerbaijan's time as a Russian and Soviet colony--number about 3,000. These four groups (Shi'a, Sunni, Russian Orthodox, and Jewish) are considered "traditional" religious groups. There also have been small congregations of Evangelical Lutherans, Roman Catholics, Baptists, and Baha'is in Baku for over 100 years.

In the last 10 years, a number of new religious groups that are considered "foreign" or "nontraditional" have begun activity throughout

the country. These include "Wahhabist" Muslims, Pentecostals, evangelical Christians, Jehovah's Witnesses, and Hare Krishnas. Most observers agree that membership in these groups, while growing, is still small and currently estimate the total number of adherents for all these groups at fewer than 5,000.

Governmental Restrictions on Religious Freedom

Despite the general prohibition on state interference in the religious activities of individuals or groups, there are exceptions. These include areas such as registration of religious groups and oversight of the import and production of religious literature. The Law on Religious Freedom permits the production and dissemination of religious literature only with the approval of the Department of Religious Affairs and with the agreement of local government authorities. Although some mid- and low-level officials express views about the need to "protect traditional Azerbaijani values and mores," particularly where proselytizing by foreign-based groups is concerned, these views contradict President Aliyev's commitment to religious freedom.

In most cases the Government adheres to constitutional provisions for religious freedom, however, officials of the Religious Affairs Department, the government office charged with implementing the country's laws on religion, and local officials acted in some instances to restrict religious activity by foreign and nontraditional religious groups. A number of religious groups complained that the Religious Affairs Department's Acting Chairman, Mustafa Ibrahimov, delayed their registration and refused to release religious literature they had imported. After long delays and intervention by the President's office, several groups, including Jehovah's Witnesses, the Nehemiah, the Cathedral of Praise, and the Azerbaijani Baptists, were registered. However, several other groups continued to report that they had not been registered, despite intervention by the President's office. As of mid-2000, Living Stones, New Life, and Baptist congregations from the towns of Aliabad, Sumgait, and Neftchala were not registered. In addition, a citizen reported that Ibrahimov refused to release religious videos that she had imported in February 2000. In March 2000, 132 pounds of books were confiscated from a Baptist returning home from Russia; however, they subsequently were released for entry. Other groups, including Baha'i and Jewish groups, reported no problems importing religious literature.

Prior to November 1999, the Department for Religious Affairs used the provision of the Law on Foreigners and Stateless Persons that prohibits religious "propaganda" (i.e., proselytizing) by foreigners, to harass foreign missionaries and religious figures. In September 1999, nine foreigners were arrested and sentenced to deportation under this provision. However, in November 1999, the Supreme Court overturned these sentences, ruling that they violated constitutional provisions for religious freedom.

Press reports indicated that three religious groups in Baku were seeking the return of places of worship seized during the Soviet period. These were the city's European (Ashkenazi) synagogue, the Lutheran church

and a Baptist church. They report that government authorities are resisting their return. The Baha'is reportedly are no longer seeking the return of their center, now used as a kindergarten.

There were instances in early 2000 in which groups were harassed for disseminating religious materials. Since their registration in December 1999, Jehovah's Witnesses have been able to hold large gatherings for the first time in 3 years. However, on April 1, 2000, in what they regard as an isolated incident, a meeting of Jehovah's Witnesses was dispersed by police who claimed that they lacked permission from the mayor's office. The manager of the venue has since declined to permit them to use it again.

There were no repetitions during the period covered by this report of earlier instances in which government officials or those allied with the Government had used veiled anti-Semitic comments against perceived opponents for politically motivated reasons.

Governmental Abuses of Religious Freedom

Government officials committed a number of abuses prior to November 1999. In some instances, these abuses appeared to reflect the strong popular prejudice against ethnic Azerbaijanis who have converted to Christianity and other religions. For example, an ethnic Azerbaijani was subjected to administrative fines by local officials in Baku in July 1999 for possessing Christian literature, and another ethnic Azerbaijani reported that he was arrested, beaten, and imprisoned in August 1999 for changing his religious affiliation and becoming a member of Jehovah's Witnesses. In August and September, police and security officials disrupted services at Baku Baptist, Lutheran, and Pentecostal churches on the grounds that these groups (the first two of whom were registered legally) were engaged in illegal activity. Several congregants were detained and two Azerbaijani pastors Sari Mirzoyev and Yahya Mamedov, pastors in the Baku Baptist church, were imprisoned for 2 weeks. Nine foreigners were tried and ordered deported for engaging in "religious propaganda."

In September 1999, at the instigation of a local security official, management at a state factory near Baku subjected six employees to public humiliation and then fired them because they had become members of Jehovah's Witnesses. Following President Aliyev's November reaffirmation of religious freedom, the employees were reinstated with back pay and the deportation orders against the foreigners were overturned. There have been no further reported problems involving harassment of religious groups by police or security officials.

Forced Religious Conversion of Minor U.S. Citizens

There were no reports of the forced religious conversion of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the Government's refusal to allow such citizens to be returned to the United States.

Improvements in Respect for Religious Freedom

President Aliyev's public commitment to religious freedom in November 1999 led to a significant improvement in the Government's respect for religious freedom. Outstanding complaints resulting from police harassment of religious services, legal action against Christian clerics and foreigners attending religious services, and quasi-governmental harassment of persons who convert to "nontraditional" religions were resolved. There were no further reports of such abuses.

Intervention by the President's office resolved the problems in a number of instances, and groups such as Jehovah's Witnesses, the Nehemiah, and the Cathedral of Praise were registered, as was the Love Baptist Community, whose Pastors Sari Mirzoey and Yahya Mamdeov were imprisoned earlier. Nevertheless, the Religious Affairs Department continues to delay registration of some new religious groups.

Section II. Societal Attitudes

In recent years, evangelical activity on behalf of religious faiths new to the country has weakened the country's earlier tradition of religious tolerance that survived many decades of Communist propaganda against all religion. This change is particularly apparent in the popular concern about conversion of ethnic Azerbaijanis that convert to non-Muslim faiths considered alien to Azerbaijani tradition.

Opposition to proselytizing within the population thus far has been limited to verbal criticism, which also occasionally is reflected in the media and the speeches of some political figures. For example, Islamic Party of Azerbaijan Supreme Council member Muzaffar Jebrailzade called on the President in January 2000 to ban foreign missionary proselytizing, and Yusuf Cunaydin, the Deputy Chairman of the progovernment Motherland Party, on February 16 reportedly said that various minority religious groups are carrying out "sabotage against Azerbaijan," and urged that the Government create a special ministry for national relations and religions. Other speakers at a February 1999 conference on religious confessions joined in this recommendation. Opposition to proselytizing is focused largely against evangelical Christian and other "western" or nontraditional religious groups, although there is also hostility toward "foreign" (mostly Iranian and "Wahhabist") Muslim missionary activity, which in part is viewed as seeking to spread political Islam and thus a threat to stability and civil peace. There are regular reports of prejudice against ethnic Azerbaijanis who convert to Christianity. Such persons routinely face accusations that they are betraying their ethnic identity.

Popular hostility between Armenians and Azeris, intensified by the unresolved conflict over Nagorno-Karabakh, remains intense. In those portions of Azerbaijan controlled by ethnic Armenians, all ethnic Azerbaijanis have fled and those mosques that have not been destroyed are not functioning. Animosity toward the Armenian population elsewhere in Azerbaijan forced most Armenians to depart, and all

Armenian churches, many of which were damaged in ethnic riots that took place over a decade ago, remain closed. As a consequence, the estimated 10,000 to 30,000 Armenians who remain in Azerbaijan are unable to attend their traditional places of worship.

Prominent members of the Jewish community report that there are no societal restrictions on their freedom to worship.

Section III. U.S. Government Policy

The U.S. Government worked closely with the Government to encourage respect for religious freedom throughout the period covered by this report. The U.S. Embassy maintained regular contact with a wide variety of religious groups. Embassy involvement was particularly heavy in the fall, in response to a crackdown on religious activity by government officials. When police broke up a Baku Baptist service and detained 60 congregants on September 5, embassy officials were called by local worshippers to meet with detainees, police, and security officials at the police station. Throughout the ensuing week, embassy officers attended court hearings for two Azerbaijani pastors and eight foreigners arrested during the police raid. Other religious groups quickly came forward to report similar incidents of harassment, and the Embassy carefully followed up each report with those groups and with the Government. Over the ensuing months, the Ambassador met with the Ministers of Interior, Justice, and National Security, as well as the Prosecutor General, to express concerns over this pattern of incidents, characterizing them as violations of Organization for Security and Cooperation in Europe (OSCE) standards of religious freedom as well as of the Constitution.

Throughout fall 1999, the Embassy maintained regular contact with responsible government officials and local religious groups to monitor the situation and promote a resolution consistent with the Constitution's standards of religious freedom. The U.S. State Department sent an official from the International Office of Religious Freedom in October to express U.S. concern to the Government and to the local groups affected. On November 3, 1999, the Ambassador personally delivered a letter from several congressmen to President Aliyev expressing concern over the incidents. On November 8, President Aliyev publicly reiterated his country's full commitment to constitutional and OSCE standards of religious freedom, and ordered his government to resolve immediately all reported problems. The problems raised by the Embassy were addressed fully (see Section I).

The U.S. Government also worked on a regular basis with religious groups and the President's office to resolve problems caused by the Religious Affairs Department in the areas of registration of religious groups and importation of religious literature (see Section I). That cooperation continued throughout the period covered by this report. In mid-2000, the Embassy was continuing to work on the delayed registrations and the problem of imported religious literature (see Section I).

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