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U.S. Department of State

Annual Report on International Religious Freedom for 1999:

Azerbaijan

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AZERBAIJAN

Section I. Freedom of Religion

The Constitution allows persons of all faiths to practice their religion without restrictions, and the Government respects this provision in practice for Shi'a and Sunni Muslims, Russian Orthodox Christians, and Jews. However, a law on foreigners and stateless persons contains language that prohibits religious "propaganda" by foreigners. This provision was reinforced by a presidential decree in 1997 and the Government uses these and other legal provisions to restrict religious activity by foreign, and to a lesser degree Azerbaijani, members of nontraditional religious groups. The Constitution defines the country as a secular republic, and there is no state religion.

The most common restriction on religious freedom during the period covered by this report resulted from the 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 and then applying for formal registration with the Ministry of Justice. The Government states that so far it has registered approximately 190 Muslim organizations and 50 "other" groups. In practice, however, the process suffers from a lack of transparency, particularly within the Department of Religious Affairs. This office, an independent entity subordinated directly to the Council of Ministers, has become a bottleneck in the registration process. A wide variety of religious groups have been subjected to interminable delays, and a number of them remain unregistered. Registration 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 often continue to operate, but participants are subject to arrest, fines, and--in the cases of foreigners--deportation. Human Rights Watch alleged in February 1998 that officials responsible for registration have taken bribes in order to facilitate registration. Religious groups are permitted to appeal registration denials to the courts, but the only group to do so to date--the Pentecostal "Word of Life" Church--lost its case in May 1998.

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 Muslims, tends to be as much cultural and ethnic as

religious. Most of the country's Jews belong to one of two groups: "Mountain" Jews--the descendents of Jews given religious asylum in northern Azerbaijan--number about 18,000; and "European" Jews--descendents of Jews who migrated to Azerbaijan during its 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, and have full religious freedom in practice.

The Constitution does not distinguish between these traditional groups and other religious groups, and the Government--particularly at senior levels--has publicly committed itself to providing religious liberty without discrimination. However, this public commitment sometimes conflicts with the Government's stated desire to "protect traditional Azerbaijani values and mores," particularly where proselytizing by foreign-based groups is concerned.

The Law on Religious Freedom contains other provisions that allow the Government effectively to restrict religious activity by foreigners and even Azerbaijani members of nontraditional religious groups. These restrictions consist of burdensome registration requirements, limitations on freedom to proselytize, and interference with dissemination of printed materials. Most of the groups affected note that these restrictions have been applied sporadically, and most groups operate freely. Where these restrictions are applied, they are used to harass minority religions rather than eliminate them.

Members of nontraditional religious groups complained credibly of official harassment. Members of unregistered groups are subject to arrest and fines, and foreigners can be deported. For example, in July 1998, police detained approximately 40 persons belonging to Word of Life (a Pentecostal group) after they held a religious meeting in a private apartment. Nine Azerbaijanis and three foreign nationals were found guilty of holding an "illegal religious gathering" and were fined. One of the foreigners was expelled from the country. Meetings of Jehovah's Witnesses were broken up on several occasions throughout 1998 and 1999. In April 1999 alone, several meetings were broken up, and 40 persons were fined. One foreigner was expelled, the fifth to be deported since the beginning of 1998 for reasons related to religious activities.

There was no change in the overall status of respect for religious freedom during the period covered by this report.

Another provision of the Law on Religious Freedom that the authorities used to restrict religious activity is the clause prohibiting religious propaganda (i.e., proselytizing) by foreigners. This clause reportedly has been used by police to intimidate Azerbaijani converts to Christianity in Baku, and by local officials to prevent evangelical Christians from preaching in Ismayili and Gusar. A third type of restriction is based on a clause in the law that permits registered religious groups to produce, import, and disseminate religious literature upon approval of the Department of Religious Affairs. The Government now interprets this provision to mean that only religious groups can engage in such activity and argues that booksellers and other entrepreneurs are forbidden to engage in that activity. For example, the Department of Religious Affairs in October 1998 held up a shipment of books imported by an American for sale at a legally registered bookstore in Baku after it determined that some of the books had religious content. The books were held until June 1999 when the Deputy Prime Minister's office overruled the Religious Affairs Department and ordered the books released to the bookseller.

There was no further action in the 1997 case where an official in the Baku city prosecutor's office struck two Jehovah's Witnesses during questioning. Although the official was dismissed from the case, no action was taken against him.

The law on religion subordinates all Islamic religious organizations to the Azerbaijan-based Spiritual Directorate of Caucasus Muslims.

In June 1999, a court decided in favor of a group of Muslim women who sued for the right to wear Islamic headscarves in passport photos. The judges ruled in favor of the women, who said that there was nothing in the law that prevented them from wearing Islamic headscarves in official photographs.

The Jewish community has freedom to worship and conduct educational activities and, during the period covered by this report, enjoyed the public support of the Government. However, in a few isolated cases, government officials or those allied with the Government have used veiled anti-Semitic comments against perceived opponents for politically motivated reasons. For example, during 1998 government newspapers made a number of references to the ethnic affiliation (Jewish) of the director of the Azerbaijani service of Radio Liberty in the context of criticizing Radio Liberty for unbalanced coverage of events in the country.

Places of worship seized from the Baha'is during the Communist era have not yet been returned to them.

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.

Section II. Societal Attitudes

In recent years evangelical activity on behalf of faiths and religious tendencies new to Azerbaijan have weakened an earlier tradition of religious tolerance that survived many decades of Communist propaganda against all religion. Popular concern about the conversion of ethnic Azerbaijanis to faiths considered alien to Azerbaijani traditions has become apparent. Opposition to proselytizing within the population thus far has been limited to verbal criticism and appears focused against two groups. The first consists of evangelical Christian and nontraditional religious groups. There is some evidence of widespread prejudice against ethnic Azerbaijanis who have converted to Christianity. In 1998 and early 1999, articles periodically appeared in progovernment and independent newspapers crudely depicting Christian missionary groups as a threat to the identity of the nation. The perceived threat from such groups is primarily cultural rather than religious. Often these articles attempt to associate evangelists with Christian Russia and Armenia, which many Azerbaijanis believe historically have sought to undermine or control Muslim Azerbaijan. The second target of societal hostility is Muslim groups, mostly from Iran, that seek to spread political Islam. Newspaper articles appear periodically depicting certain foreign-backed Muslim missionaries as a threat to stability and civil peace, and in some cases, as part of an Iranian strategy to destabilize and ultimately establish control over Azerbaijan.

Reflecting the intense popular hostility toward Armenians that prevails in the country and the forced departure of most of the Armenian population, all Armenian churches, many of them damaged in ethnic riots which took place over a decade ago, remain closed. As a consequence, ethnic Armenians who remain in Azerbaijan, estimated to number between 10,000 and 30,000, are deprived of an opportunity for public worship. A similar situation exists in the Armenian-controlled portions of Azerbaijan, from which all ethnic Azerbaijanis have fled and where those mosques that have not been destroyed are not functioning.

Prominent members of the Jewish community in Azerbaijan report that there are no societal restrictions on their freedom to worship. However, during 1998 there were isolated instances of veiled anti-Semitic comments by government officials (see Section I).

According to press reports, evangelical Christians are not welcome in Nagorno-Karabakh, a part of the country not under government control.

Section III. U.S. Government Policy

The U.S. Embassy addressed the issue of religious freedom on repeated occasions in both private and public forums during the period covered by this report. Embassy actions often involved urging government and religious officials to adhere to their commitments to support religious freedom. The Ambassador did so in February 1999 with the Sheik Hulislam Pashazade, the spiritual leader of the Caucasus Muslims. Embassy officers attended a number of religious and cultural conferences at which the importance of religious tolerance was a major topic. For example, the Embassy's human rights officer attended the installation ceremony for Archbishop Alexander in March 1999 at the Government's invitation and addressed the audience on the significance of the event for religious tolerance in Azerbaijan. The Embassy's human rights officer also has repeatedly addressed the importance of religious liberty and tolerance in a series of well-attended lectures on democratization at local universities and institutes.

The U.S. Embassy maintains regular contact with religious communities. While several religious organizations discussed restrictions on religious liberty with the Embassy, most specifically asked the Embassy not to intervene. In two cases, however, the Embassy was requested to intervene. In the first case, the Catholic Church, which had unsuccessfully been seeking registration since November 1997, approached the Embassy in late 1998. The Embassy's human rights officer discussed the issue with Mustafa Ibrahimov, head of the Department of Religious Affairs under the Cabinet of Ministers, but was unable to obtain a resolution of the issue at that level. Post then approached Hidayet Orujov, presidential advisor for nationality affairs, but similarly was unable to move the process forward. Finally, in February 1999, the Ambassador met with Deputy Prime Minister Elchin Efendiyev, who promised to resolve the issue. As a result of these efforts, on April 2 the Catholic Church was registered officially in Azerbaijan.

The second issue on which the U.S. Embassy was asked to intervene involved the American book-seller whose entire shipment of several hundred books was held up in customs in October 1998 when the Department of Religious Affairs determined that some of the books included religious content (see Section I). The Department of Religious Affairs refused to release the books based on its reading of the Law on Religion. The Embassy human rights officer raised the issue with Ibrahimov, pointing

out that the Government's refusal to allow the importation of the books contradicted its stated commitment to religious freedom and broader human rights in general. When Ibrahimov refused to reverse his denial, the Embassy raised the issue with presidential advisor Orujov. Orujov also was not persuaded to lift the ban on the shipment of books by appeals to the Government's stated commitment to religious freedom. The Ambassador then raised the issue with Deputy Prime Minister Efendiyev on two separate occasions. Efendiyev undertook to resolve the issue, and on June 10 the books were released into the custody of the bookseller.

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