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AZERBAIJAN 2018 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution stipulates the separation of state and religion and equality of all religions. It also protects the right of individuals to express their religious beliefs and practice religious rituals, provided these do not violate public order or public morality. The law prohibits the government from interfering in religious activities, but it also states the government and citizens have a responsibility to combat “religious extremism” and “radicalism.” The law specifies the government may dissolve religious organizations if they cause racial, national, religious, or social animosity; proselytize in a way that “degrades human dignity”; or hinder secular education. Following a July attack on the then head of the city of Ganja Executive Committee, security forces killed five and arrested more than 60 individuals whom authorities said were part of a Shia “extremist conspiracy” involving at least some members of the Muslim Unity Movement. Local human rights groups and others stated that the government continued to physically abuse, arrest, and imprison religious activists. The government had reportedly imprisoned 68 religious activists at the end of the year, compared with 80 in 2017. Authorities detained, fined, or warned numerous individuals for holding unauthorized religious meetings. According to religious groups, the government continued to deny or delay registration to minority religious groups it considered “nontraditional,” disrupting their religious services and fining participants. Groups previously registered but which authorities required to reregister continued to face obstacles in doing so. Authorities permitted some of these groups to operate freely, but others reported difficulties in trying to practice their faith. The government continued to control the importation, distribution, and sale of religious materials. The courts fined numerous individuals for the unauthorized sale or distribution of religious materials, although some individuals had their fines revoked on appeal. The government sponsored events throughout the country to promote religious tolerance and combat what it considered religious extremism.

Local experts on religious affairs and civil society representatives stated societal tolerance continued for “traditional” minority religious groups (i.e. those historically present in the country), including Jews, Russian Orthodox, and Catholics; however, citizens often viewed with suspicion and mistrust groups that many considered “nontraditional” (i.e., those organized in recent decades).

The U.S. Charge d’Affaires and embassy officers met regularly with officials from the State Committee for Work with Religious Associations (SCWRA) and other

government officials and urged the government to address longstanding issues with the registration process for religious communities and to improve its treatment of religious groups still facing difficulties fulfilling the requirements for reregistration. The Charge d’Affaires and embassy officers engaged government officials to argue against the criminal prosecution for evasion of military service of Jehovah’s Witnesses who sought alternative service as stipulated in the constitution. The Charge d’Affaires and embassy officers also continued discussions on obstacles to registration and the importation of religious materials with religious leaders and representatives of nongovernmental organizations (NGOs). The Charge d’Affaires and embassy spokespersons publicly called for the government and society to uphold religious tolerance and acceptance.

Section I. Religious Demography

The U.S. government estimates the total population at 10 million (July 2018 estimate). According to 2011 data from the SCWRA, 96 percent of the population is Muslim, of which approximately 65 percent is Shia and 35 percent Sunni. Groups that together constitute the remaining 4 percent of the population include the Russian Orthodox Church; Georgian Orthodox Church; Armenian Apostolic Church; Seventh-day Adventists; Molokans; Roman Catholic Church; other Christians, including evangelical Christians and Jehovah’s Witnesses; Jews; and Baha’is. Other groups include the International Society of Krishna Consciousness and those professing no religion.

Christians live mainly in Baku and other urban areas. Approximately 15,000 to 20,000 Jews live in Baku, with smaller communities throughout the country.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution stipulates the separation of state and religion and equality of all religions and all individuals regardless of belief. It protects freedom of religion, including the right of individuals to profess, individually or together with others, any religion, or to profess no religion, and to express and spread religious beliefs. It also provides for the freedom to carry out religious rituals, provided they do not violate public order or public morality. The constitution states no one may be required to profess his or her religious beliefs or be persecuted for them; the law prohibits forced expressions or demonstrations of religious faith.

The law requires religious organizations – termed “associations” in the country’s legal code and encompassing religious groups, communities, and individual congregations of a denomination – to register with the government through the SCWRA. The SCWRA manages the registration process and may appeal to the courts to suspend a religious group’s activities. A religious community’s registration is tied to the physical site where the community is located, as stated in its application. A subsequent move or expansion to other locations requires reregistration. Registration allows a religious organization to hold meetings, maintain a bank account, rent property, act as a legal entity, and receive funds from the government.

To register, a religious organization must submit to the SCWRA a notarized application signed by at least 50 of its members, a charter and founding documents, the names of the organization’s founders, and the organization’s legal address and bank information.

By law, the government must rule on a registration application within 30 days, but there are no specified consequences if the government fails to act by the deadline. Authorities may deny registration of a religious organization if its actions, goals, or religious doctrine contradicts the constitution or other laws. Authorities may also deny registration if an organization’s charter and other establishment documents contradict the law or if the information provided is false. Religious groups may appeal registration denials to the courts.

The Caucasus Muslim Board (CMB) is registered by the SCWRA as a foundation and oversees the activities of registered Islamic organizations, including training and appointing clerics to lead Islamic worship, periodically monitoring sermons, and organizing pilgrimages to Mecca. Muslim communities must receive an approval letter from the CMB before submitting a registration application to the SCWRA.

The law bans activities by unregistered religious groups, which are punishable by fines or imprisonment.

While the law prohibits the government from interfering in the religious activities of any individual or group, there are exceptions for suspected extremist or other illegal activity. The law states government entities and citizens have rights and responsibilities to combat “religious extremism” and “radicalism,” referring to other criminal, administrative, and civil provisions of the law in prescribing punishments. The law defines religious extremism as behavior motivated by

religious hatred, religious radicalism (described as believing in the exceptionalism of one's religious beliefs), or religious fanaticism (described as excluding any criticism of one's religious beliefs). According to the law, this behavior includes forcing a person to belong to any specific religion or to participate in specific religious rituals. It also includes activities seeking to change by force the constitutional structure of the country's government, including its secular nature, or setting up or participating in illegal armed groups or unions, and engaging in terrorist activities. The law penalizes actions that intend to change the constitutional order or violate the territorial integrity of the country on the grounds of religious hatred, radicalism, or fanaticism, with prison terms from 15 years to life.

The law also specifies circumstances under which religious organizations may be dissolved, including if they act contrary to their founding objectives; cause racial, national, religious, or social animosity; or proselytize in a way that degrades human dignity or contradicts recognized principles of humanity, such as "love for mankind, philanthropy, and kindness." Other grounds for dissolution include hindering secular education or inducing members or other individuals to cede their property to the organization.

The law allows foreigners invited by registered religious groups to conduct religious services, but it prohibits citizens who received Islamic education abroad from leading religious ceremonies unless they have received special permission from the CMB. Penalties for violating the law include up to one year's imprisonment or fines from 1,000 manat (\$590) to 5,000 manat (\$2,900). A longstanding agreement between the government and the Holy See allows foreigners to lead Catholic rituals.

The law restricts the use of religious symbols and slogans to inside places of worship.

According to the law, the SCWRA reviews and approves all religious literature for legal importation, sale, and distribution. Punishment for the illegal production, distribution, or importation of religious literature can include fines ranging from 5,000 to 7,000 manat (\$2,900 to \$4,100) or up to two years' imprisonment for first offenses, and fines of 7,000 to 9,000 manat (\$4,100 to \$5,300) or imprisonment of between two and five years for subsequent offenses. There is no separate religious component in the curriculum of public or private elementary or high schools; however, students may obtain after-school religious instruction at registered institutions. Students may take courses in religion at higher educational

institutions, and the CMB sponsors some religious training abroad. Individuals wishing to participate in state-supported religious education outside the country, whether supported by the national or foreign governments, must obtain permission from, or register with, the SCWRA or the Ministry of Education. If religious education abroad is not supported by the national or foreign governments, individuals are not required to obtain advance permission from authorities. Individuals who pursue foreign government-supported or privately funded religious education abroad without permission from the government are not allowed to hold official religious positions, preach, or lead sermons after returning to the country.

Although the constitution allows alternative service “in some cases” when military service conflicts with personal beliefs, there is no legislation permitting alternative service, including on religious grounds, and refusal to perform military service is punishable under the criminal code with imprisonment of up to two years or forced conscription.

The law stipulates the government may revoke the citizenship of individuals who participate in terrorist actions; engage in religious extremist actions; undergo military training abroad under the guise of receiving religious education; propagate religious doctrines in a “hostile” manner, which the law does not further define; or participate in religious conflicts in a foreign country under the guise of performing religious rituals.

According to the constitution, the law may restrict participation of “religious officials” in elections and bars them from election to the legislature. By law, political parties may not engage in religious activity. The law does not define “religious officials.” The law prohibits religious leaders from simultaneously serving in any public office and in positions of religious leadership. It proscribes the use of religious facilities for political purposes.

The constitution prohibits “spreading of propaganda of religions humiliating people’s dignity and contradicting the principles of humanism,” as well as “propaganda” inciting religious animosity. The law also prohibits threats or expressions of contempt for persons based on religious belief.

The law prohibits proselytizing by foreigners but does not prohibit citizens from doing so. In cases of proselytization by foreigners and stateless persons, the law sets a punishment of one to two years in prison.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

In July a resident attacked and wounded the then mayor of the city of Ganja, and subsequently another local assailant stabbed two police officers to death during a related demonstration against local government authorities. In response to these events, security forces conducted operations in the cities of Ganja, Shamkir, Sumgait, and Baku that resulted in the arrest of more than 60 individuals and the deaths of five. The government said the individuals were part of a Shia Muslim “extremist conspiracy” to destabilize the country, and that those killed had resisted arrest. The Muslim Unity Movement and other civil society activists disputed the government’s recounting of the events and stated the five individuals whom security forces killed had not resisted arrest, and that security forces targeted them.

On April 30, family members of imprisoned deputy head of the Muslim Unity Movement Abbas Huseynov said that several days prior, Huseynov had been severely beaten by prison authorities and left chained in an isolation cell for three days. He was subsequently chained to an iron post in the prison yard and exposed to the elements from morning until night on May 10. This followed media and human rights lawyers’ allegations in August 2017 of Huseynov’s torture in the same prison. Authorities denied the allegations.

Authorities continued to arrest and incarcerate individuals with links to Islamic groups, such as the Muslim Unity Movement, that they asserted mix religious and political ideology. Charges against these individuals included drug possession, incitement of religious hatred, terrorism, and attempted coup d’etat. Human rights defenders stated the charges were pretexts, and the incarcerations were meant to prevent political activity by Islamic groups. According to data collected by the Working Group on a Unified List of Political Prisoners in Azerbaijan and other NGOs, the estimated number of religious activists incarcerated at the end of the year was 68, compared with 80 in 2017.

On February 13, the Garadag District Court in Baku added two and one-half months to the 20-year prison term of Muslim Unity Movement leader Taleh Bagirzada for possession of the Quran and religious music on electronic media in his prison cell.

On March 6, the Baku Grave Crimes Court found Muslim Unity Movement activist Ahsan Nuruzade guilty of drug possession and sentenced him to seven

years in prison. On April 8, the Baku Court of Appeal upheld the verdict. Nuruzade and others in civil society stated authorities prosecuted him for criticizing the government and publicly supporting the imprisoned leadership of the Muslim Unity Movement.

On July 14, the Baku Court on Grave Crimes sentenced Muslim Unity Movement members Ebulfez Bunyadov to 15 years' imprisonment and Elkhan Isgandarov to 14 years on charges that included inciting religious hatred and terrorism. The Baku Court of Appeals upheld the verdicts on September 26. Activists stated the court convicted the two for their affiliation with the Muslim Unity Movement at the time of the 2015 police operation in the village of Nardaran against Taleh Bagirzada, Abbas Huseynov, and 16 other members of the Muslim Unity Movement.

On March 1, the Supreme Court rejected the appeals of Muslim Unity Movement leader Taleh Bagirzada as well as Abbas Huseynov and 16 others on charges stemming from the 2015 police raid in Nardaran to disrupt alleged planning for a coup. Human rights defenders said authorities ordered the operation and subsequent sweeping arrests to prevent the spread of Islamic political activism in the country. On April 4, the Baku Court of Appeals upheld the December 2017 conviction of 12 other members of the Muslim Unity Movement in a related case. Human rights defenders stated the government fabricated all charges in the cases to halt the spread of an Islamic political opposition in the country.

On February 13, the Supreme Court upheld the verdicts of the Masalli District Court and the Shirvan Court of Appeal sentencing theologian Sardar Babayev to three years in prison for performing *Namaz* (ritual prayers) after having studied Islam outside the country. He was the only individual ever prosecuted under this law. Following Babayev's arrest, parliament passed legislation allowing the CMB, the same body that had originally appointed him as imam in Masalli and whose members all received religious education outside Azerbaijan, to waive the law's requirements for specific individuals.

On December 20, the Khazar District Court sentenced Telman Shiraliyev to an additional five months and 18 days in prison for alleged possession of a weapon in his prison cell. Prosecutors filed the new charge days before the conclusion of his six-year prison term for protesting against a ban on schoolgirls wearing headscarves. Human rights defenders said the new charge was fabricated by authorities to prevent Shiraliyev's release.

Jehovah's Witnesses reported the government continued to withhold alternative military service to conscientious objectors despite being required to do so by the constitution. On July 6, the Barda District Court convicted Jehovah's Witness Emil Mehdiyev for criminal evasion of military service and sentenced him to one year of probation. On September 6, the Agdam District Court convicted Jehovah's Witness Vahid Abilov on the same charge and also sentenced him to one year of probation.

Jehovah's Witnesses reported that in January, 10 police officers raided a home in Lankaran where several families of Jehovah's Witnesses were gathered. According to the Jehovah's Witnesses, police believed the meeting was religious in nature, but it was actually a social gathering. Police searched the home, seized personal literature, and took statements from those present. Authorities required the men to report to a police station to give their statements while they took statements from the women at their homes.

On April 5, authorities released three individuals – Tarlan Agadadashov, Rovshan Allahverdiyev, and Ilham Hatamov – who participated in a 2012 protest seeking to abolish the ban on wearing the hijab in secondary schools who completed their six-year term of imprisonment. On May 24, authorities pardoned and released Davud Kerimov and Elshad Rzayev for their participation in the same protest.

Unregistered Muslim and non-Muslim religious groups considered nontraditional by the government reported authorities continued to impede their activities and subject them to harassment and fines. Some Protestant leaders reported their continued inability to obtain legal registration prevented them from openly conducting worship services or advertising their locations to bring in new members. Leaders of unregistered home-based churches continued to report they kept their activities discreet to avoid unwanted attention from the authorities.

On January 17, police and SCWRA officials raided the shop of Ruhiyya Mehdiyeva in Baku's Sabunchu District and seized 400 unapproved religious books. On February 1, the Sabunchu District Court found Mehdiyeva guilty of disseminating unauthorized religious materials and fined her 2,000 manat (\$1,200).

On January 28, Ganja police raided the home of Adalat Sariyev during a meeting of 100 members of the unregistered Star in the East Pentecostal Church. Police dispersed those present but did not file charges.

Numerous religious communities continued to report frustration at the requirements for government registration. Many groups, including Baptist communities in Zagatala and Baku, complained the government requirement to have a minimum of 50 members to register was unreasonable.

Some religious community leaders also reported the SCWRA continued its policy of applying pre-2009 registration status for such communities only to the physical structures mentioned in their pre-2009 registration forms. While the SCWRA continued to state the religious activities of these communities in locations not covered under their pre-2009 registration status was prohibited, it occasionally granted exceptions upon request.

The SCWRA reported it continued to provide letters authorizing previously registered communities to operate, based on their pre-2009 registration. Some of the religious communities unable to reregister reported police did not accept SCWRA letters as evidence of prior registration and stated only communities listed on the SCWRA website as currently registered were allowed to operate.

On November 8, the SCWRA reregistered the Baku community of Jehovah's Witnesses.

During the year, the SCWRA registered 90 religious communities, of which 86 were Muslim and four Christian. The total number of registered communities at the end of the year was 909, of which 32 were non-Muslim: 21 Christian, eight Jewish, two Baha'i, and one the International Society of Krishna Consciousness. The SCWRA also reported 2,250 mosques, 14 churches, and seven synagogues were registered.

On March 27, President Ilham Aliyev allocated 6.1 million manat (\$3.59 million) to the newly established Moral Values Promotion Foundation (MVPF), under the purview of the SCWRA. Created in October 2017, the MVPF institutionalizes the payment of salaries for imams and other mosque staff who previously subsisted primarily from local community donations. The tax-free allowance ranged from 200 to 400 manat (\$120-\$240) depending on position, and the MVPF began disbursements in May.

On February 9, President Aliyev issued an executive order to establish the Azerbaijan Institute of Theology under the SCWRA. The institute was intended to gradually replace the Baku Islamic University, which operated under the purview of the CMB since 1991. Experts stated the establishment of the MVPF and the

Institute of Theology signified a diminishment of the authority of the CMB and a tightening of SCWRA control over the Islamic education and practice in the country.

In February the SCWRA prohibited publication of the book *Things Not Existing in Islam* by Muslim theologian Elshad Miri, which enumerated ideas and practices alleged to have no theological basis in Islam, such as the use of magic and child marriage. The SCWRA stated the book could have a negative influence on religious stability in the country and thus was not suitable for publication. Miri submitted a legal challenge to the prohibition, and on September 18, a Baku court ruled in favor of the SCWRA and prohibited publication of the book.

The SCWRA reported that in the first half of the year, it prohibited the importation of 19 books out of 483, and the publication of 22 books out of 104.

On January 31, the Constitutional Court informed Baptist Pastor Hamid Shabanov that it would not consider the appeal of a 1,500 manat (\$880) fine for a 2016 gathering in the village of Aliabad of his unregistered Baptist community. Human rights defenders stated there were multiple violations of law and process in the case, such as the court's failure to provide a Georgian language interpreter and requiring Shabanov to sign documents he could not read.

The SCWRA announced on its website that on April 23 it raided a home mosque in Baku's Qaradag District in a joint operation with the State Security Service and local police. In its statement, the SCWRA noted its concern about youth participation in the unauthorized gathering.

On September 17, regional officials of the State Committee for Work with Religious Organizations, officers of the State Security Service secret police, and officials of unspecified other state agencies raided the home of Vugar Mammadov in Agsu. Officials found Mammadov and two guests, Rauf Majidov and Qanbar Zeynalov, meeting for religious purposes. Officials then charged them for violating legislation on holding religious meetings, marches, and other religious ceremonies. On September 21, Judge Tahir Ismayilov of Agsu District Court found all three individuals guilty. The court fined Zeynalov 2,000 manat (\$1,200) and fined the two guests 1,700 manat (\$1,000) and 1,500 manat (\$880).

On August 6, Sheki District Court fined Samad Alikhanov 2,000 manat (\$1,200) for offering religious literature for sale without state permission. Alikhanov

appealed his fine to Sheki Appeal Court, but Judge Rafail Aliyev rejected the appeal on September 4.

On March 6, Judge Arif Ismayilov of Zaqatala District Court fined Adil Zinkiyev 1,750 manat (\$1,000) for offering 19 religious and historical books and 16 pamphlets for sale outside a mosque in the village of Car on February 16. The Islamic publications were in Avar, Russian, and Arabic; had not undergone the compulsory state censorship; and were not marked with the required State Committee sticker. Zinkiyev appealed the fine, but on May 18, Judge Rafail Aliyev of Sheki Appeal Court rejected the appeal.

On April 12, President Aliyev attended the opening of the new Haji Javad Mosque in Baku that was constructed to replace the mosque of the same name demolished by authorities in July 2017 to construct a new road. Prior to demolition, a group of Muslim practitioners had unsuccessfully attempted to prevent the government's action.

On June 11, President Aliyev signed a decree allocating one million manat (\$588,000) to the CMB for the needs of Muslim communities, and 250,000 manat (\$147,000) each to the Baku Diocese of the Russian Orthodox Church and the religious community of Mountain Jews. The decree also allocated 100,000 manat (\$58,800) each to the European Jewish community, the Albanian-Udi community, and the Catholic Church of Baku.

Abuses by Foreign Forces and Nonstate Actors

The government did not exercise control over the Nagorno-Karabakh region. Some religious groups and NGOs reported continued restrictions on religious activities by the de facto authorities in Nagorno-Karabakh, but information on specific abuses remained unavailable.

Jehovah's Witnesses reported the de facto authorities allowed them to worship in the region without hindrance but denied them registration as a religious group as well as the right to conscientious objection to military service.

Section III. Status of Societal Respect for Religious Freedom

Following the July attack on the then head of the Ganja Executive Committee and subsequent killing of two police officers, government-controlled media outlets published articles supporting the narrative that operations by security forces were

needed to prevent Islamic extremism. The Ganja events and government media campaign spurred debate in social media in which some users questioned the government's recounting of the facts, stating criminals, not religious radicals, perpetrated them. Others stated the threat of religious extremism was real and would fill the vacuum created by the government's clampdown on civil society.

Local experts on religious affairs and civil society representatives stated the country's historical societal tolerance continued with regard to traditional minority religious groups such as Jews, Russian Orthodox, and Catholics, but many persons viewed groups considered nontraditional, such as Baptists and Jehovah's Witnesses, with suspicion and mistrust.

Section IV. U.S. Government Policy and Engagement

The Charge d'Affaires and embassy officers engaged government officials to argue against the criminal prosecution for evasion of military service of Jehovah's Witnesses who sought alternative service as stipulated in the constitution. They also expressed concern over incarcerations and fines of religious practitioners. The Charge d'Affaires and embassy officers met with senior SCWRA, Ministry of Foreign Affairs, and CMB officials and continued to urge the government to address longstanding issues with the registration process for religious groups and the government's treatment of the religious communities continuing to face difficulties in fulfilling registration requirements, including the Jehovah's Witnesses, Baptist communities, and other religious minorities.

The Charge d'Affaires and embassy officers met regularly with leaders of Christian, Muslim, and Jewish groups and civil society representatives to continue discussions on religious freedom and obstacles to registration.

The Charge d'Affaires and embassy spokespersons made several public statements encouraging the government and individuals to live up to the country's history of religious tolerance. In June the Charge d'Affaires hosted an iftar for local women who had benefited from U.S.-sponsored programs in the southern town of Masalli. Representatives of the local government, the SCWRA, the CMB, and others also attended the event. The Charge d'Affaires gave remarks highlighting the important role of women in maintaining and improving religious freedom.