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U.S. Department of State Annual Report on International Religious Freedom for 2003 – Azerbaijan – December 2003

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The Constitution provides that persons of all faiths may choose and practice their religion without restrictions; however, there were some abuses and restrictions.

There was slight improvement in the status of respect for religious freedom during the period covered by this report. While some religious groups reported delays in and denials of registration, several churches have indicated that they either received or expect to receive their registration, they are able to import religious literature, and they meet without government interference. However, local authorities occasionally monitor religious services, and officials at times harassed nontraditional religious groups.

The generally amicable relationship among religions in society contributed to religious freedom; however, there is popular prejudice against Muslims who convert to non-Muslim faiths and hostility towards groups that proselytize, particularly Evangelical Christian and missionary groups.

The U.S. Government discusses religious freedom issues with the Government in the context of its overall dialog and policy of promoting human rights. The Embassy is engaged actively in monitoring religious freedom and maintains contact with the Government and a wide range of religious groups.

Section I. Religious Demography

According to official figures, the country has a total area of 33,774 square miles, and its population is approximately 8 million. There are no reliable statistics on memberships in various faiths; however, according to official figures approximately 96 percent of the population is nominally Muslim. The rest of the population adheres to other faiths or consists of nonbelievers. Among the Muslim majority, religious observance is relatively low and Muslim identity tends to be based more on culture and ethnicity than religion, although imams reported increased attendance at mosque during 2002. The Muslim population is approximately 70 percent Shi'a and 30 percent Sunni; differences traditionally have not been defined sharply.

The vast majority of the country's Christians are Russian Orthodox whose identity, like that of Muslims, tends to be based as much on culture and ethnicity as religion. Christians are concentrated in the urban areas of Baku and Sumgait. Most of the country's Jews belong to one of two groups: The "Mountain Jews" are descendents of Jews who sought refuge in the northern part of the country more than 2,000 years ago, and a smaller group of "Ashkenazi" Jews, descendents of European Jews who migrated to the country during

Russian and Soviet rule.

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, Molokans (Russian Orthodox old-believers), Seventh-day Adventists, and Baha'is in the country for more than 100 years. In the last 10 years, a number of new religious groups that are considered foreign or nontraditional have been established. These include "Wahhabist" Muslims, Pentecostal and Evangelical Christians, Jehovah's Witnesses, and Hare Krishnas.

There are fairly sizeable expatriate Christian and Muslim communities in the capital city of Baku; authorities generally permit these groups to worship freely.

The Government is concerned about Islamic missionary groups (predominately Iranian and Wahhabist) that operate in the country, whose activities have been restricted in recent years. The Government closed several foreign-backed Islamic organizations as a result of reported connections to terrorist activity.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution provides that persons of all faiths may choose and practice their religion without restriction; however, there were some abuses and restrictions. Under the Constitution, each person has the right to choose and change his or her own religious affiliation and belief – including atheism, to join or form the religious group of his choice, and to practice his or her religion. The Law on Religion 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 Religion that religious organizations be registered by the Government. The State Committee for Work with Religious Associations (SCWRA), which replaced the Department of Religious Affairs in June 2001, assumed responsibility for the registration of religious groups from the Ministry of Justice. Government authorities gave SCWRA and its chairman, Rafiq Aliyev, sweeping powers for registration; control over the publication, import, and distribution of religious literature; and the ability to suspend the activities of religious groups violating the law.

Registration enables a religious organization to maintain a bank account, rent property, and generally act as a legal entity. Lack of registration exposes groups to charges that they are illegal and makes it difficult, but not impossible, for a religious group to function. The process is burdensome, and there are frequent, lengthy delays in obtaining registration. Religious groups are permitted to appeal registration denials to the courts.

Unregistered groups were more vulnerable to attacks and closures by local authorities. Following a number of attacks in 1999, President Heydar Aliyev spoke publicly and in detail about the Government's commitment to religious freedom. As a result, a number of groups with long-pending registration applications were registered, including Pentecostal and Baptist churches, as well as Jehovah's Witnesses. In August 2001, religious groups were called upon to reregister with SCWRA, marking the third time that religious groups have been asked to reregister since the country's independence in 1991.

To register, religious groups must complete a seven-step application process that is cumbersome, opaque, arbitrary, and restrictive. One of the primary complaints is the requirement to indicate a "religious center," which requires additional approval by appropriate government authorities if it is located outside the country. Board members also

are required to provide their place of employment. Many groups have reported that SCWRA employees charged with handling registration-related paperwork repeatedly argued over the language in statutes and also instructed some groups on how to organize themselves. SCWRA has taken a particularly strict approach to the registration of minority religious communities outside of Baku and has failed to prevent local authorities from illegally banning such communities.

By the end of the period covered by this report, 199 religious groups were registered successfully, compared with 406 that were registered previously. The majority of the registered groups were Muslim. SCWRA estimates that 2,000 religious groups are in operation; many have not filed for reregistration. Among minority religious communities that have faced re-registration problems was the Baptist denomination. Of its five main churches, three have gained reregistration. In April the Baku International Fellowship church was registered after a multi-year battle. In June SCWRA registered an Adventist Church in Naxchivan after the Ministry of Justice revoked its earlier registration.

The Law on Religious Freedom also prohibits foreigners from proselytizing, which the Government enforces. The law permits the production and dissemination of religious literature with the approval of SCWRA; however, the authorities also appeared to restrict individuals selectively from importing and distributing religious materials. The procedure for obtaining permission to import religious literature remains burdensome, but religious organizations report that it is becoming more regular and that the SCWRA appears to be handling requests more effectively.

Muslim organizations are subordinate to the Spiritual Directorate of All-Caucasus Muslims, a Soviet-era Muftiate, which appoints Muslim clerics to mosques, monitors sermons, and organizes annual pilgrimages to Mecca for the Hajj. Although it remains the first point of control for Muslim groups wishing to register with SCWRA according to the Law on Religious Freedom, it also has been subject to interference by SCWRA, which has attempted to share control with the Spiritual Directorate over the appointment and certification of clerics and internal financial control of the country's mosques. Some Muslim religious leaders object to interference from both the Spiritual Directorate and SCWRA.

Religious instruction is not mandatory in public schools. In 2002 SCWRA continued its campaign to institute a mandatory religion course in all secondary schools. A draft textbook, authored by the SCWRA Chairman, dedicates the majority of the text to Islam but includes a small portion on other traditional faiths and on some non-traditional Christian faiths. Ministry of Education officials have not approved the class, which would conflict with constitutional laws protecting secular education.

The Government has worked actively to bring leaders of various faiths together for discussions. SCWRA convened leaders of various religious communities on several occasions to resolve disputes in private and has provided forums for visiting officials to discuss religious issues with religious figures. In October 2002, SCWRA and the Organization for Security and Cooperation in Europe's Organization for Democratic Institutions and Human Rights (OSCE/ODIHR) jointly sponsored a conference in Baku on religious freedom and combating terrorism. In March the European Jewish community in Baku opened the largest synagogue in the Caucasus in a ceremony that representatives of the Government, leaders of the Muslim and Christian religious communities, and members of the diplomatic corps attended. In May an Udi-Albanian church destroyed by the tsarist Russian regime in 1836 was reopened.

Restrictions on Religious Freedom

The Government restricted some religious freedom during the period covered by this report. SCWRA continued to delay or deny registration to a number of protestant Christian groups, including two Baptist churches. At the end of the period covered by this report, the SCWRA had registered less than half the number of religious communities previously registered. Some groups reported that SCWRA employees tried to interfere in the internal

workings of their organizations during the registration process. Although unregistered religious groups continued to function, some reported official harassment, including break-ups of religious services and police intimidation and beatings of worshippers by police. SCWRA also failed to prevent local authorities from illegally banning minority groups outside of Baku.

At the end of the period covered by this report, the ethnic Azeri "Love" Baptist church continued to conduct services pending another appeal to the Supreme Court after charges were brought against Sari Mirzoyev, the pastor of the church, for insulting Muslim fasting traditions in a sermon during the holy month of Ramadan. Mirzoyev has been prohibited from conducting sermons since December 2001.

The Jehovah's Witnesses have had difficulties in holding large meetings in Baku. In September 2002, they planned a convention for 500 people and obtained official permission. Circumstances required them to change their venue; as a result, they received a letter from the SCWRA saying that they had broken the law by changing their plans without notifying SCWRA and by allowing unaccompanied minors to attend.

Under the law, political parties cannot engage in religious activity, and religious leaders are forbidden from seeking public office. Religious facilities may not be used for political purposes.

Local law enforcement authorities occasionally monitor religious services, and some observant Christians and Muslims are penalized for their religious affiliations. Although there are no legal restrictions to large groups of religious observers gathering publicly, it is discouraged by local authorities. Both Jehovah's Witnesses and the Pentecostal "Cathedral of Praise" church reported that authorities interfered with their ability to rent public halls for religious gatherings.

The Law on Religious Freedom expressly prohibits religious proselytizing by foreigners, and this is enforced strictly. Government authorities have deported several Iranian and other foreign clerics operating independently of the organized Muslim community for alleged violations of the law.

Some religious groups continued to report some restrictions and delays in the import of religious literature by some government ministries, although SCWRA has also facilitated the import of such literature. In December 2002, SCWRA denied a Baku bookstore permission to import 400 religious books on the grounds that the store was not a "religious organization." SCWRA officials told foreign diplomats that they had blocked the import of Islamic literature that did not accord with the country's values. In October 2002, authorities returned 20,000 of the 35,000 books seized in 1996 from the Baku Society of Krishna Consciousness.

No religious identification is required in passports or other identity cards. In 1999 a court decided in favor of a group of Muslim women who sued for the right to wear headscarves in passport photos; however, the Center for Protection of Conscience and Religious Persuasion Freedom (DEVAMM) reports that authorities still prohibit Muslim women from wearing headscarves in passport photos. In spring 2002, students at Baku State University and the Baku Medical Institute reportedly were instructed to refrain from wearing headscarves to classes; however, according to DEVAMM, the issue ceased to be a problem.

During the reporting period, the Government took no action on the return of places of worship seized during the Soviet period, which included the city's European (Ashkenazi) synagogue, the Lutheran church, and a Baptist church.

Press reports indicate that in the breakaway Nagorno-Karabakh region, a predominantly ethnic Armenian area over which the authorities have no control, the Armenian Apostolic Church enjoys a special status. The Armenian Church's status also results in serious

restrictions on the activities of other confessions, primarily Christian groups. The ongoing state of war (which is regulated by a cease-fire) has led to hostility among Armenians living in Nagorno-Karabakh toward Jehovah's Witnesses, whose beliefs prohibit the bearing of arms. Courses in religion are mandatory in Nagorno-Karabakh schools. The largely Muslim ethnic Azeri population in Nagorno-Karabakh, who fled the region during the conflict with Armenia in the 1990s, has not been able to return to the country.

Abuses of Religious Freedom

Sporadic violations of religious freedom by some officials continued. In the northern city of Khachmaz, there were reports that local policemen beat Muslim worshippers, who have denied any wrongdoing and complained to government authorities. Some family members of the accused also were called in for questioning by police. Also during the period covered by this report, some Muslim worshippers in Ganja and Khachmaz reportedly were arrested and beaten as suspected Wahhabis with links to terrorism. In January the Military Court for Grave Crimes began an investigation of the Baku "Abu-Bekr" mosque's activities after 13 persons who reportedly attended it were convicted for their intention to fight for the Chechens in Chechnya. In November 2002, security forces detained Imam Kazim Aliyev of Juma Mosque in Ganja on charges of preparing a coup d'etat.

In many instances, abuses reflected the popular antipathy towards ethnic Azeri converts to Christianity and other nontraditional religions. DEVAMM reported that an Adventist family in Naxchivan was harassed by local authorities, who barred three of their children from attending school, and attempted to deport the family to Baku in spring 2002. In early 2002, authorities arrested a few members of the Pentecostal and Baptist churches in Sumgait and sentenced them to short prison sentences. In April 2002, three employees at a mosque in Ganja were detained for 3 weeks before being released.

Government authorities took various actions to restrict what they claimed were political and terrorist activities by Iranian and other clerics operating independently of the organized Muslim community. The Government outlawed several Islamic humanitarian organizations because of credible reports about connections to terrorist activities. The Government also deported foreign Muslim clerics it suspected of engaging in political activities. In May 2002, government authorities sentenced several members of a religious extremist group Hizb ut-Tahrir to 6-7 years imprisonment for allegedly planning terrorist attacks. There also were reports that the Government harassed Muslim groups due to security concerns. In 2002 authorities closed 22 of the country's 26 madrassahs (Islamic schools) allegedly for violating religious education norms.

There were no reports of religious prisoners or detainees.

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 of the refusal to allow such citizens to be returned to the United States.

Improvements and Positive Developments in Respect for Religious Freedom

Religious groups in the country report improvements in their ability to function freely. Several churches have indicated that they either received or expect to receive their registration, they were able to import religious literature, and they met without government interference.

During the reporting period, the Government has registered 74 more religious groups. Of particular importance, this spring the SCWRA registered the Baku International Fellowship Church after a multi-year battle and an Adventist Church in Naxchivan. The latter's pastor also reported that authorities ceased interfering with its members' right to worship and that

the Chair of the SCWRA gave him a letter guaranteeing the church's right to exist.

Several religious groups have reported fewer restrictions on the import of religious literature during the reporting period. In November 2002, government officials granted permission to the Evangelical Christian Baptist Church in Baku to import 3,000 religious books, after refusing permission for 6 months.

During the reporting period, the Government worked actively to promote inter-faith understanding. SCWRA convened leaders of various religious communities on several occasions to resolve disputes in private and has provided forums for visiting officials to discuss religious issues with religious figures. In October 2002, SCWRA and OSCE/ODIHR jointly sponsored a conference in Baku on religious freedom and combating terrorism.

Section III. Societal Attitudes

The generally amicable relationship among religions in society contributed to religious freedom; however, there is popular prejudice against Muslims who convert to non-Muslim faiths and hostility towards groups that proselytize, particularly Evangelical Christian and missionary groups. This has been accentuated by the unresolved conflict with Armenia over Nagorno-Karabakh. During the reporting period, newspapers and television broadcasts depicted small, vulnerable religious groups as a threat to the identity of the nation, undermining the country's traditions of interfaith harmony, which led to local harassment.

Throughout the reporting period, articles critical of Wahhabism and Christian missionaries appeared in many newspapers in the country.

Religious proselytizing by foreigners is against the law, and there is vocal opposition to it.

Hostility also exists toward foreign (mostly Iranian and Wahhabist) Muslim missionary activity, which partly is viewed as seeking to spread political Islam and therefore as a threat to stability and peace. The media targeted some Muslim communities that the Government claimed were involved in illegal activities.

Prominent members of the Russian Orthodox and Jewish communities report that there are no official or societal restrictions on their freedom to worship.

Hostility between Armenians and Azeris, intensified by the unresolved conflict over Nagorno-Karabakh, remains strong. In those portions of the country controlled by Armenians, all ethnic Azeris have fled and those mosques that have not been destroyed are not functioning. Animosity toward ethnic Armenians elsewhere in the country forced most ethnic Armenians to depart, and all Armenian churches, many of which were damaged in ethnic riots that took place more than a decade ago, remain closed. As a consequence, the estimated 10,000 to 30,000 ethnic Armenians who remain in the country are unable to attend their traditional places of worship.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom issues with the Government in the context of its overall dialog and policy of promoting human rights. During the period covered by this report, the Ambassador repeatedly conveyed U.S. concerns about the registration process to the Chairman of SCWRA and expressed strong concerns about the Government's commitment to religious freedom with others in the Government and publicly in the press. The Embassy also repeatedly expressed objections to the censorship of religious literature. In 2002 visiting U.S. Government officials discussed issues of religious freedom with authorities in the country and met with members of Muslim, Jewish, and Christian faiths to hear their concerns, as well as with members of human rights advocacy groups.

The Ambassador and Embassy officers maintain close contacts with leading Muslim, Russian Orthodox, and Jewish religious officials, and regularly meet with members of non-official religious groups in order to monitor religious freedom.

In November 2002, the Ambassador hosted an Iftar for leaders of the country's major religious communities, and in March the Embassy reiterated its support for religious tolerance by attending the opening of the European Jewish Synagogue in Baku.

