

AZERBAIJAN 2015 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Note: This report was updated 8/16/16; see Appendix H: Errata for more information.

Executive Summary

The constitution protects the right of individuals to express their religious beliefs. Several laws and policies limit the free exercise of religion, especially for members of religious groups the government considered “nontraditional.” Authorities restricted the fundamental freedoms of assembly and expression and narrowed the operating space for civil society, including religious groups. The government detained several religious activists. Although reliable figures were unavailable, some local observers estimated the number of religious activists they considered to be political prisoners totaled 46, compared to 52 in 2014. Authorities raided gatherings of minority religious groups, including Jehovah’s Witnesses, Salafis, readers of texts by Islamic theologian Said Nursi, and suspected followers of the Islamic cleric and theologian Fethullah Gulen. Some religious organizations experienced difficulty registering with the government, and unregistered communities could not openly meet. The government imposed limits on the import, distribution, and sale of religious materials. The government sponsored workshops and seminars to promote religious tolerance, hosting the international Inter-Religious Dialogue on Religious Tolerance series, and supporting activities by the Jewish community.

There were no reports of significant societal actions affecting religious freedom.

U.S. embassy and visiting Department of State officials discussed religious freedom issues, including the government’s arrests of Jehovah’s Witnesses and treatment of minority religious groups, with government representatives. The embassy urged the government to address registration difficulties of religious groups and obstacles to the importation of religious literature and met with leaders of religious groups and nongovernmental organizations (NGOs) to discuss specific concerns related to religious freedom. The Ambassador and other embassy representatives encouraged the government, civil society, and religious groups to build on existing religious tolerance.

Section I. Religious Demography

AZERBAIJAN

The U.S. government estimates the total population at 9.8 million (July 2015 estimate). According to 2011 data from the State Committee on Work with Religious Associations (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 members of the Russian Orthodox, Georgian Orthodox, and Armenian Apostolic Churches, Seventh-day Adventists, Molokans, other Christians, Jews, Bahais, and those professing no religion. Since independence in 1991, a number of religious groups have established a presence, including Pentecostal and other evangelical Christians, Jehovah's Witnesses, and members of the International Society of Krishna Consciousness (Hare Krishnas).

Christians mainly live 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 guarantees 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 such, and the law prohibits forced expressions or demonstrations of religious faith.

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 cannot 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 and propaganda of religions humiliating people's dignity and contradicting the principles of humanism," as well as "propaganda" inciting religious animosity. The law on hate speech also prohibits threats or expressions of contempt for persons based on religious belief.

AZERBAIJAN

On December 4, the parliament adopted a law on fighting religious extremism. The 15-provision law cites religious extremism and radicalism and the rights and obligations of state entities and citizens in combating them, referring to other criminal, administrative, and civil laws in prescribing punishments. At the same time, a new amendment to the criminal code was introduced stipulating harsher punishments for individuals who lead Islamic religious ceremonies in violation of restrictions against citizens receiving unauthorized religious education abroad. The new penalties are up to one year's imprisonment or fines from 1,000 manat (AZN) (\$617) up to 5,000 AZN (\$3,086). In cases of "religious propaganda" by foreigners and stateless persons, the new punishment is set at one to two years in prison.

On December 5, the president signed into law new amendments to the law on religious freedom which expand restrictions on the use of religious symbols and slogans, specifying they may only be used inside of places of worship.

At the same time, a new amendment introduced to the law on citizenship specifies new grounds for losing citizenship, including participating in terrorist actions, participating in religious extremist actions or military training abroad under the guise of receiving religious education, proselytizing religious doctrines in a hostile manner (the law does not further define this), or participating in religious conflicts in a foreign country under the guise of religious rituals.

The law requires religious organizations, which are termed "associations" in the country's legal code and encompass religious groups, communities, and individual congregations of a denomination, to register with the government through the SCWRA, which controls the registration process and can appeal to the courts to suspend a religious group's activities. Registration of religious communities is tied to the physical site where they are located as stated in their application. A subsequent move or expansion to other locations requires reregistration. Registration allows a religious organization to maintain a bank account, rent property, and act as a legal entity. A religious organization failing to register may be outlawed and its activities declared illegal.

The Caucasus Muslim Board (CMB) oversees the activities of registered Islamic organizations, including appointing clerics to lead Islamic worship, periodically monitoring sermons, and organizing pilgrimages to Mecca. Muslim communities

AZERBAIJAN

must receive an approval letter from the CMB before submitting a registration application to the SCWRA.

To obtain registration, 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.

According to the law, the government must rule on a registration application within 30 days, but it does not specify any 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 contradict 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 are permitted to appeal registration denials to the courts.

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. It also specifies cases in 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.

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 AZN (\$3,086 to \$4,321) or up to two years' imprisonment for first offenses, and fines of 7,000 to 9,000 AZN (\$4,321 to \$5,556) or imprisonment for between two and five years for subsequent offenses.

In October parliament adopted amendments to the law on mass media requiring prior permission before printing religious publications. The amendment requires the SCWRA to review the leadership of the religious group in order to approve the creation of religious publications.

AZERBAIJAN

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

There is no separate religious component in the curriculum at public or private elementary or high schools. 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 abroad, 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. However, 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.

According to the law, religious rituals and ceremonies may only be led by citizens who are educated within the country or whose religious education abroad is approved by the government. A longstanding agreement between the government and the Holy See allows foreigners to lead Catholic rituals.

The law prohibits proselytizing by foreigners but does not prohibit citizens from doing so.

Government Practices

The government detained a number of religious activists. The number of religious activists local human rights groups deemed to be political prisoners totaled 46, compared to 52 in 2014. These figures were estimates; there were no reliable figures on the number of religious activists detained or released during the year. The government also placed religious activists into custody for short periods after raiding religious gatherings, including those of unregistered groups, such as readers of texts by Islamic theologian Said Nursi. The registration process restricted the activities of religious groups the government considered nontraditional, including Jehovah’s Witnesses and some Islamic religious organizations. The government also imposed limits on the importation,

AZERBAIJAN

distribution, and sale of religious materials. The government took some steps to promote religious tolerance.

On November 3, according to press reports, Yasamal police severely beat Imam Taleh Bagirzade (also known as Taleh Bagirov), a leader of the independent Muslim Unity Movement (MUM). As reported in the press, Bagirzade was held for longer than the legally prescribed 24 hours, was not permitted access to his lawyer, and appeared to have been beaten again before his December 2 court date. Press reports also said Bagirzade appeared to have been tortured. On November 26, the Ministry of Internal Affairs' (MIA) regular and civil disorder police entered the village of Nardaran and arrested 14 people on charges of extremism, including Bagirzade. Five alleged extremists and two police were killed as a result of the initial raid. Over the next four days, MIA forces restricted land and sea access to the village and made house-to-house searches. According to media reports, the MIA detained approximately 38 additional people, most of whom were later released without being charged. Government statements said the actions were taken in response to national security threats from MUM; however, some democracy/human rights advocates stated the charges were fabricated. Local media also reported multiple arrests in Lankaran and Ganja of people the government charged with association with MUM.

Authorities had released Bagirzade on July 31, after he had served his full prison sentence for a conviction on drug and police-resistance charges. Local observers connected his arrest and conviction to a controversial 2013 sermon in which he criticized the government and the president. After his release, Bagirzade had announced he would continue his religious activities.

On February 17, authorities detained and later imprisoned two Jehovah's Witnesses, Valida Jabrayilova and Irina Zakharchenko, charging them with illegal distribution of religious literature. In December the two were moved to the Ministry of Justice pretrial detention facility at Kurdakhani, and the prosecutor completed his investigation, charging the pair with illegal distribution of religious material. The prosecutor justified the charge by stating that, although the religious material in question had been authorized for import, it was not authorized for distribution.

On March 10, Shia Muslim theologian and translator Jeyhun Jafarov was arrested by the secret police on charges of treason. He had led pilgrimage groups to Mecca,

AZERBAIJAN

conducted a series of television programs on religion, and translated two books by an Iranian ayatollah. At the end of the year, he remained in pretrial detention.

Originally arrested in 2014, religious scholar Elshan Mustafayev, a former department head at the CMB, remained in detention at the Ministry of National Security facility and charged with treason. At year's end, his case had not been brought to trial.

After a trial that began in January, on February 18, Sumgait City Court sentenced Zohrab Shikhaliyev to a six-month prison sentence for having an illegal Sunni Muslim prayer room in his home. He had already spent three months in pretrial detention.

In July a court sentenced four of five Sunni Muslims arrested in 2014 on charges of selling illegal religious literature to six- to 15-month prison terms. One of them was the Imam of Baku's Ashur (formerly Lezghi) Mosque, Mubariz Garayev, who received a one-year sentence.

According to press and government reports, the government detained representatives of nontraditional religious groups, including Salafis, in various parts of the country, confiscated religious materials, and replaced community leaders and imams in mosques suspected of being Salafi gathering places. Although Salafis could attend these mosques, they were prohibited from holding positions of leadership, leading prayers, or delivering sermons. According to local media reports, authorities detained an unspecified number of Salafi members of the Lezghi, Garacukhur, and Mehdiabad community mosques on March 17, and they seized Salafi religious materials in a raid in Sumgayit on February 18.

Throughout the year, police conducted raids on suspected followers of Turkish Islamic cleric and theologian Fethullah Gulen and confiscated religious materials. Authorities deported Turkish nationals and arrested Azerbaijani citizens on suspicion of affiliation with Gulen. In October a court in Baku sentenced several citizens to two to five years in jail following charges of involvement in Nursist activities (based on the teachings of Gulen).

In June police raided the home of Sabuhi Mammadov, who was hosting a group of Muslims meeting to study the works of Muslim theologian Said Nursi. According to police, they confiscated books because "he [Mammadov] had not gathered people correctly." A court fined Mammadov and 13 other Muslims present at the

AZERBAIJAN

meeting. The court did not disclose the size of the fines. In a letter to Mammadov, Gunduz Ismayilov, a deputy chair of the SCWRA, wrote that distribution of works by Nursi was “not appropriate.”

On several occasions, police raided gatherings of Jehovah’s Witnesses and confiscated religious materials, but charges were either not filed or dismissed in court. For example, in July police raided a religious meeting of Jehovah’s Witnesses in a member’s home. While they were not fined, the court gave the group an official warning and deported one member, a Georgian citizen. On February 2, following their detention by the police, a judge from Barda District Court warned two Jehovah’s Witnesses, Rza Babayev and Ilham Hasanov, against violating legislation on holding religious meetings, other religious ceremonies, and marches. In January a court fined a Jehovah’s Witness an undisclosed amount for discussing his faith on the street.

Members of unregistered nontraditional religious groups, both Muslim and non-Muslim, said their groups continued to have difficulties functioning and on occasion were fined by the government for administrative violations. A number of Protestant leaders cited registration problems that prevented them from openly worshiping, conducting sacraments, or advertising their locations to bring in new members. Some home church leaders stated registration attempts would bring unwanted attention.

Many religious communities said the government continued to act slowly on registration applications and returned some applications because of what the government said were technical or administrative problems with the information provided. Religious groups whose registration applications remained pending included some Islamic groups, Jehovah’s Witnesses outside of Baku, Baptists, Seventh-day Adventists, and the Baku International Fellowship, a nondenominational Protestant church. Several of these communities were registered prior to a 2009 law requiring all previously registered religious communities to reregister and reported the SCWRA either rejected or did not adjudicate reregistration applications. Almost all religious groups awaiting registration, whether registered prior to the 2009 law or not, submitted their original registration applications by the January 2010 deadline.

According to the SCWRA, previously registered communities whose new registration applications were pending could still operate under their previous registration, and the SCWRA provided the communities with letters authorizing

AZERBAIJAN

them to operate. Some religious communities who were unable to reregister, however, reported confusion within the Ministry of Justice (MOJ) about the validity of their preexisting registration. These communities said police did not accept SCWRA letters authorizing them to continue operations with their pre-2009 documents; police had instructed them that only communities listed on the SCWRA website as currently registered were allowed to operate.

Additionally, pre-2009 registration specifically applied to only the physical structures mentioned in the registration form. The SCWRA considered that any communities that expanded into additional facilities or relocated were not covered under their pre-2009 registration status. The SCWRA reported it had not denied any new registration applications from religious communities during the year; however, the SCWRA reportedly returned registration applications to communities as incomplete or failed to take action on some applications.

According to government officials, as of July 8, the total number of registered religious groups was 632, of which 21 were non-Muslim, including 12 Christian, six Jewish, two Bahai, and one Hare Krishna groups. The SCWRA also reported 2,000 registered mosques. The SCWRA did not provide specific information on how many religious communities registered or applied to register during the year or were awaiting a decision on registration applications from previous years.

In January, according to the news service of the Norwegian-based religious freedom NGO Forum 18, the SCWRA warned the leaders of a Sunni mosque in Gobustan near Baku that, if the leadership did not resign, hand back documents for the mosque, and allow its leadership to be replaced, the SCWRA would go to court to enforce its dissolution. Forum 18 reported the mosque leadership complied reluctantly and a new Shia-led leadership was installed. Police raided the mosque and confiscated religious literature after the enforced transfer.

Head coverings were allowed in most public places but not in official photographs. The government took no steps to implement an unofficial directive issued by the previous minister of education prohibiting girls from wearing the hijab in primary and secondary schools; the majority of school administrators throughout the country also did not implement it.

Many independent local religious experts reported local executive authorities continued to close mosques they said were in need of renovation or had safety issues. These experts attributed the closures to heavy-handed attempts by the

AZERBAIJAN

government to counter extremism, especially in the Baku area. A number of the mosques, including some closed as far back as 2010, remained closed.

Government officials said the Da'esh (Islamic State in Iraq and the Levant) threat in particular remained a serious concern.

In April the SCWRA temporarily closed the Ashur Mosque, in advance of the European Games, for what it said was part of a renovation project encompassing five mosques in the Old City in Baku. The news service of Forum 18 reported the SCWRA told Ashur Mosque leaders the mosque was too crowded, and that the sight of “bearded men” in such a location would frighten participants in the games. According to SCWRA, during the renovations worshippers could easily attend services at other mosques. The Ashur and other mosques reopened later in the year.

According to local media reports, in mid-April in Gobustan, SCWRA officials and police in the Garadagh District of Baku raided the Ashiq Rza Mosque, which the authorities described as an “illegal,” unregistered mosque, and placed its founder and leader under investigation. Although authorities closed the mosque, the founder was apparently not arrested or charged.

Government controls on activities by Islamic groups, including religious television broadcasts, the sale of religious literature, and confiscation of banned books, remained in effect, according to local religious experts.

In July the Supreme Court rejected the appeal of Kamran Abdiyev, whom a court found guilty of distributing religious literature without prior government approval. In 2014 the government had fined Abdiyev 6,000 manat (\$3,704) and confiscated hundreds of books from him because he did not have a SCWRA license to sell religious literature.

Several Muslim and Christian groups, including Jehovah's Witnesses, complained of censorship and of a lengthy and burdensome process to obtain permission to import religious literature. According to the Jehovah's Witnesses, between January 2014 and August 2015, the SCWRA denied the importation of 31 Jehovah's Witness publications and approved only nine.

Domestic human rights monitors criticized the government for not offering any form of alternative service to conscientious objectors to military service. The Supreme Court denied Jehovah's Witnesses' appeals on the lack of alternatives. A

AZERBAIJAN

Jehovah's Witness conscientious objector lodged an appeal with the European Court of Human Rights on August 21. Government officials continued to argue that the conflict with Armenia precluded alternatives to compulsory service. According to the Jehovah's Witnesses, conscientious objector Kamran Shikhaliyev, who was forcibly conscripted in Baku in October 2013 and then transferred to a military unit, and whose case had been ongoing in the courts, left the Jehovah's Witnesses; the group was no longer following the case.

Prime Minister Artur Rasizada signed an amendment to a cabinet of ministers decree in April, which established a new requirement for organizers of religious tours abroad to obtain a license from the SCWRA.

In late June the government denied a Georgian Orthodox priest, a Georgian citizen, reentry to the country on grounds that the law only permits citizens to lead religious ceremonies. Subsequently, the local Georgian Orthodox community was unable to celebrate the liturgy or receive other sacraments. By the end of July, the government and the Georgian Orthodox Church resolved the issue and Georgian priests were again allowed to return to the country and lead religious ceremonies. As a longer term solution, the government said it had begun the process of granting citizenship to the Georgian clerics, an approach it previously adopted with foreign clerics of several other non-Muslim religious communities registered with the government.

The government allocated 3,385,000 AZN (\$2.09 million) to Muslim communities, including three million AZN (\$1.85 million) to the Caucasus Muslim Board, and 400,000 AZN (\$247,000) to non-Muslim communities, both traditional and nontraditional, to use at their discretion. According to SCWRA officials, 2.5 million AZN (\$1.54 million) was allocated to their budget for religious education programs.

At the beginning of the year, authorities inaugurated the newly constructed, government-funded grand mosque in the Binagadi District of Baku. Authorities also renovated 15 mosques, three churches, and one synagogue.

The SCWRA continued to hold conferences and public events on religion and state affairs. The SCWRA, together with the Eurasian Regional Center of Islamic Conference Youth Forum, an intergovernmental entity, sponsored regional training and seminars that brought together representatives of different faiths to discuss religious issues. In addition, the government established the Baku International

AZERBAIJAN

Multicultural Center and the National Tolerance Center, both of which conducted seminars and training promoting religious tolerance.

Abuses by Foreign Forces and Non-State Actors

The government did not exercise control over the Nagorno-Karabakh region. Religious groups, including Jehovah's Witnesses, and NGOs, including Forum 18, reported restrictions and abuses in Nagorno-Karabakh. Information on specific abuses was unavailable.

Section III. Status of Societal Respect for Religious Freedom

There were no reports of significant societal actions affecting religious freedom.

Section IV. U.S. Government Policy

U.S. Department of State officials from the Bureau of Democracy, Human Rights, and Labor visited in October to discuss religious freedom issues with the SCWRA, the Caucasus Muslim Board, and the Ministry of Foreign Affairs (MFA), including the arrests of Jehovah's Witnesses, and to meet with different religious groups and visit their houses of worship to ask about their status and inquire about any issues pertaining to registration and the free practice of their faith. Embassy representatives held additional meetings with the SCWRA, the Caucasus Muslim Board, and the MFA to address the government's treatment of the Jehovah's Witnesses and other religious minorities.

The Ambassador and embassy officials urged government representatives, including senior SCWRA officials, to address religious registration issues as well as obstacles to the importation and publication of religious literature. The Ambassador and embassy officials also met regularly with leaders of Christian, Muslim, and Jewish groups and NGO representatives to discuss obstacles to registration and the importation of religious materials. Embassy representatives also observed the trial of Jehovah's Witnesses, Valida Jabrayilova and Irina Zakharchenko, who were charged with distributing unauthorized religious materials.

The Ambassador and embassy officials regularly stated in public that the country had a history of tolerance and needed to perpetuate it for future generations. In July the embassy hosted an iftar for government officials, Muslim and non-Muslim

AZERBAIJAN

religious leaders, and NGO representatives, and discussed the history of mutual tolerance and respect among the country's many religious communities and the shared goal of religious freedom. In March the embassy hosted a Muslim chaplain from a U.S. Jesuit university, who met with government and local religious leaders and spoke about the importance of religious tolerance, women's empowerment in the context of religion, and the universal need to combat violent religious extremism.