

1. Ahead of the Universal Periodic Review of Azerbaijan by the United Nations (UN) Human Rights Council in February 2009, Forum 18 News Service has found tight official control over religious communities and unwritten restrictions on religious activity the government does not like.

2. The Azerbaijani government is fundamentally hostile to the idea of religious freedom, seeking to control faiths it regards as a potential challenge (especially Islam), to co-opt faiths it sees as useful (Judaism, Russian Orthodoxy, Lutheranism and Catholicism) and to restrict as far as it can other faiths that it dislikes (Evangelical Christians, Jehovah's Witnesses). Only faiths with a small following and who function unobtrusively, such as Molokans (an early Russian Protestant group), Georgian Orthodox, Hare Krishna and Baha'is, tend to escape government attention. The state control on religious life echoes similar state control on politics, the economy, media and society.

3. Since 1993, Azerbaijan has been ruled by the Aliev family, first by Heidar Aliev (president from 1993 to 2003), then by his son Ilham Aliev (president since 2003). With new presidential elections scheduled for 15 October 2008, the authorities are doing all they can to ensure a new victory for Ilham Aliev. Despite massive oil wealth and a booming economy in the capital Baku, much of the population has been bypassed and remains in poverty. Corruption is widespread. The long-running dispute over Nagorno-Karabakh, whose local ethnic Armenian majority broke away from rule from Baku in a war that ended in 1994, remains unresolved and a source of continuing tension. Much of Azerbaijan's population of more than 8 million would identify themselves as Muslim by tradition. Although most of these are of Shia background, there is also a large Sunni Muslim minority.

4. In the absence of hard evidence, government harassment of minority religious communities – which violates Azerbaijan's commitments as a member of the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE) - appears to stem from officials' fear of social change they cannot control and dislike of pluralism.

5. Officials like to claim that Azerbaijan is a country of religious tolerance – a view sedulously promoted by government-favoured groups like the Russian Orthodox Church, the Jewish communities (Mountain, Georgian and Ashkenazi Jewish) and the Catholics. Although relations between more visible religious communities are generally good, the government is highly intolerant of some.

6. Under an authoritarian regime, which has continued many of the old communist mechanisms of control but with a highly-developed and corrupt cult of personality around the presidential family, Azerbaijan has yet to introduce an open, democratic society where religious freedom can flourish. Overlaid on the anti-democratic mindset of many officials is a lingering feeling that it is "inappropriate" for ethnic Azeris to "convert" to other faiths.

Unwritten controls

7. Although the 1992 Religion Law (amended in 1996 and 1997) contains some restrictions on religious freedoms, most of the controls on free religious practice are unwritten. Without indications of approval from senior figures in authority, religious communities know they cannot conduct visible religious activity, such as buying or building places of worship, recovering religious property confiscated during the Soviet era, holding large-scale events, running media operations, publishing religious literature or maintaining religious bookshops. Police and National Security Ministry (NSM) secret police officers know they are expected to prevent any religious activity that does not have such "authorisation". A religious community without links to influential figures can be raided, harassed and threatened. It can have its property taken away and individual members beaten and arrested.

8. Jehovah's Witnesses have faced repeated harassment with little legal foundation. Police in the north-western town of Zakatala arrested two Jehovah's Witnesses in July 2008 for talking about their faith to neighbours. Police questioned, threatened, insulted and swore at them, even though they had committed no crime. One was threatened with being dismissed from her job, even though this would be illegal. The other was expelled from Azerbaijan under the Code of Administrative Offences. Four months earlier police had raided the Zakatala home of another Jehovah's Witness and

confiscated religious literature without a court order.

9. Azerbaijani law does not ban religious activity in private homes, although state officials generally believe that it does. Nine Jehovah's Witness men detained at a religious meeting in a private home in Baku in June 2008 were told by police the meeting was "illegal". Officers beat and threatened them with rape. Protestants too – including Baptists and Seventh-day Adventists – have faced repeated raids and fines. Police raided Adventist congregations in December 2007 in Baku and in Gyanja. The pastor in Gyanja was threatened with prison, if he refused to ban children from attending worship services and did not halt worship in two church-owned properties.

10. Baptist communities in the mainly Georgian-speaking village of Aliabad near Zakatala have faced perhaps the greatest pressure. After years of harassment, threats, destruction of property, confiscation of religious literature and denial of state registration, Pastor Zaur Balaev was arrested by police in May 2007. He was accused of physically assaulting five police officers, a charge his congregation insists was fabricated by police. He was sentenced to two years' imprisonment, but freed in March 2008. Yet three months after Balaev's release, his fellow pastor Hamid Shabanov was arrested on charges of possessing a gun illegally. The congregation insists this charge too is equally fabricated. Shabanov's trial has begun, but a judge sent the case back to investigators in July 2008 for further work.

11. Police raided a Protestant church in Sumgait in autumn 2007 and detained some 30 church members. Police pressured them to renounce their faith, calling in the local imam. "The imam held up a copy of the Koran and police tried to force church members to pass underneath it and deny their faith," one Protestant told Forum 18. It is illegal for police to force individuals to renounce their faith.

12. Said Dadashbeyli founded an Islamic group called Nima in Baku in 2005. His family say he promoted a "European style of Islam", mutual respect and unity between Shias and Sunnis, and rejected fundamentalism. He received a 14-year sentence at a closed trial in December 2007. His lawyer and family insist that he and eight of those sentenced with him are innocent of the serious terrorism-related charges levelled against them.

13. Religious communities without strong protectors do not enjoy security of property ownership. In August 2008 a Baku-based Protestant church, Cathedral of Praise, which claims 800 adult members, had its place of worship confiscated. The church bought the land and building legally in 2004 but a court ruled that it had not done so legally. No compensation is being offered. The church was founded in 1994 but only managed to gain registration in 1999. Its Swedish pastor had his visa application denied in 2005 and was given two weeks to leave Azerbaijan. He was subsequently blacklisted from returning. Communities without strong protection cannot regain property confiscated during the Soviet era. Baku's Baptist community has long sought to regain a century-old church in the city centre, Baku's former Ashkenazi synagogue has not been returned, and Baku's Baha'i community would like to regain a building important to the history of their faith. Communities without strong protection cannot invite foreigners for religious work, though this is allowed to Catholics, Jews, Lutherans, Russian Orthodox, one permitted Georgian Orthodox parish and one permitted English-language Protestant congregation.

14. Children given Christian first names by their Baptist parents in Aliabad have been denied birth certificates by officials angry at their choice of name, although officials have no power to withhold such documents. Without a birth certificate a child cannot enter school or be treated in hospital.

15. The prime instrument of control is official registration: without it, individual religious communities cannot act as a body, including owning or renting property, or holding bank accounts. Although the Religion Law does not make registration compulsory, government officials at all levels often act as though it does. Police and local authorities have raided many religious communities that have chosen not to register or have tried to register but have been refused.

Registration obstructions

16. The State Committee for Work with Religious Organisations, which has overseen the registration process since it was established in 2001, has a wide range of techniques for dealing with registration applications it regards as unwelcome: it pressures religious communities to withdraw those applications, ignores them, returns them repeatedly for "corrections" of "errors" or rejects them. Indeed, as registration applications need prior approval from local authorities before they even reach the committee, the scope for unpopular religious communities to be barred from registering is wide. The state notary in Aliabad has for many years refused with no legal basis to notarise the signatures of the ten founders of the local Baptist congregation. The State Committee registration regulations also require a certificate from the employer of each of the ten founders, without specifying why this is needed, what it should contain and what happens for founders who are not in employment. Founders must also provide a certificate from a headquarter body setting out the "need" for such a community, making it technically impossible to found an independent community.

17. Of the 2,000 religious communities that are believed to function, of which 406 had registration with the Ministry of Justice before the State Committee was set up, the State Committee lists only 386 on its website as now being registered. Independent mosques, Baptist communities in Neftechala and in Aliabad, the Adventist community in Nakhichevan, the Greater Grace Protestant church in Ismaili, an independent Lutheran congregation in Baku, as well as a variety of Protestant churches in Sumgait are among those to have been denied registration either at local or national level. The authorities particularly dislike Protestant churches that attract a mainly ethnic Azeri membership. The former head of the State Committee, Rafik Aliev, had Baku's Azeri-language Baptist church closed down by court order in 2002 after alleging that the pastor, Sari Mirzoyev, had insulted Islam. Mirzoyev was "banned" from preaching and subjected to a harsh media campaign.

18. Religious communities denied registration have the possibility of challenging the denial through the courts. However, most prefer not to take that step, fearing that corruption in the court system and the closeness of the judicial system to the government will prevent a fair verdict. When the Baku Baptist community challenged the court-ordered liquidation it failed to have the liquidation order overturned. Communities denied registration also fear that if they make waves they will only attract further "punishment", such as police visits.

19. The denial of registration to religious communities the government does not like also extends to religious-related groups. The local chapter of the International Religious Liberty Association, founded with interfaith backing in 2002, has seen its registration application languish unanswered at the Justice Ministry. The Devamm group, led by Ilgar Ibrahimoglu Allahverdiev and which campaigns for Muslims' rights, failed to gain registration, despite a court ruling in its favour.

Opaque religious policy formulation and enactment

20. Although discussion has long continued over whether the Religion Law needs revision, the State Committee told Forum 18 categorically in May 2008 that there will be no new Law. Many religious believers of a variety of faiths have called for removal of restrictions from it. No public discussion on whether a new Law should or should not be presented to parliament has taken place.

21. The State Committee, like many government agencies, acts mainly behind closed doors, releasing little information about how it reaches decisions. Its website dqd.gov.az does not appear to have been updated since September 2007. Consultation hours for religious communities and members of the public at its headquarters in Baku have been sharply cut back since Hidayat Orujev was appointed to lead it in July 2006. Communities have scant opportunity to challenge how long the committee lingers over applications or how it decides which documents to reject. Symptomatic of this lack of transparency is the State Committee's refusal to respond to questioning by independent groups, including Forum 18, about specific religious freedom violations.

22. The State Committee's untrammelled powers allow it to make public statements through

the media based on questionable legal foundations which can worry religious communities. In late August 2008 – nearly two weeks after a fatal bomb blast at Baku’s Abu-Bekr mosque - the State Committee suddenly banned worshippers from praying in the yards and on the streets nearby when mosques are full. The ban was communicated through the media only after police prevented worshippers from praying outside several Baku mosques. The State Committee claimed the “temporary” ban was to protect worshippers.

23. State Committee officials – both at the national and local level - have repeatedly alleged that Protestant Christians and Jehovah’s Witnesses have violated the law by holding “illegal meetings” and that their communities should be closed down. Such claims create a mindset among officials and the public that such groups are dangerous and a potential threat to society.

State intrusion into religious communities’ affairs

24. Protestant and Jehovah’s Witness communities have been subjected to police raids, beating and harassment of individual members and denial of registration. However, it is the Muslim community that faces the greatest state meddling. The government doubtless fears that it might become a source of opposition, with the power to mobilise large numbers of people. Articles 8 and 9 of the Religion Law require all Muslim communities to be part of the state-sanctioned Caucasian Muslim Board, despite claims that the state does not interfere in the internal activity of religious organisations. Independent mosques which dislike the control imposed by the Caucasian Muslim Board have faced government pressure and interference. Imams the authorities do not like have been removed. In June 2004 police ousted the community led by its imam, Ilgar Ibrahimoglu, from the Juma Mosque in Baku’s Old City. The State Committee takes part in drawing up and enacting "attestation tests" for imams, a clear violation of the autonomy of religious communities. In 2007 it issued a book for imams on Friday sermons, with “recommendations” on what they should cover.

25. The State Committee has always interpreted provisions in Articles 8 and 9 of the Religion Law allowing non-Muslim communities to be governed by a headquarters based abroad as a requirement, refusing to register locally-based religious minority communities. This adds to the popular perception that religious minorities are “foreign”.

Religious censorship

26. Censorship of religious literature – which existed during the Soviet period – was continued in the 1992 Religion Law and its subsequent amended versions. The law requires permission from the State Committee before a religious community or individual can publish, import or distribute any religious literature, in clear violation of Azerbaijan's commitments to freedom of speech. Article 9.2 of the July 2001 regulation covering the duties of the State Committee clearly spells out its censorship tasks: "Take control of the production, import and distribution of religious literature, items, other religious informational materials and give its consent on the bases of the appeals of the religious institutions and relevant state bodies in accordance with the established procedure."

27. Only registered religious centres can apparently establish religious publishing houses – and all literature they produce must be subjected to prior censorship. The State Committee also insists that the number of copies of each work to be imported or printed locally must also be approved. A special Expertise Department of the State Committee oversees this censorship. An official of the department told Forum 18 that the list of religious literature it has banned is not published.

28. Police also confiscate religious literature during raids. Baptist pastor Hamid Shabanov in the northern village of Aliabad had Christian Bibles and books in Georgian and Azeri confiscated in a police raid in June 2008. Religious literature was also confiscated by police in nearby Zakatala three months earlier from Jehovah’s Witness Matanat Gurbanova. In both cases, police said the literature was “illegal”. Numerous Azeri believers of all faiths – including Muslims, Protestants and others –

have seen religious literature confiscated at customs. In their travel advice for their own citizens, some countries – such as Australia and the US - warn visitors to Azerbaijan that “customs authorities may enforce strict regulations” on bringing in religious literature.

Restricted religious freedom for foreigners

29. Although Forum 18 can find no specific legal provision that bans foreign citizens from leading religious organisations, the religion law describes religious communities as "voluntary organisations of adult citizens" and the State Committee insists that foreigners cannot lead them. In defiance of Azerbaijan's international human rights commitments, Article 1 of the country's Religion Law, as well as Article 18 of the 1996 law on the status of foreigners and those without citizenship, bans "religious propaganda" by foreigners. Article 300 of the Code of Administrative Offences punishes offenders with fines of up to 25 times the minimum monthly wage and/or deportation. In August 2008, Imamzade Mamedova, an Azeri holding a Russian passport, became the ninth foreign Jehovah's Witness to be deported under this Article since December 2006.

No alternative civilian service

30. Military service is compulsory for all healthy young men. When Azerbaijan joined the Council of Europe in 2001, it pledged to introduce alternative civilian service by January 2003, but more than five years on it has not done so. Article 76 of Azerbaijan's Constitution provides that "if beliefs of citizens come into conflict with service in the army then in some cases envisaged by legislation alternative service instead of regular army service is permitted". Despite the Constitutional provision and the Council of Europe commitments, officials at Azerbaijan's Human Rights Ombudsman Office told Forum 18 in 2006 that "signing such commitments doesn't mean we have to accept these rights without a corresponding law". A draft Law introducing an alternative service has been prepared but has not been sent to the Milli Mejlis (parliament).

31. Those unable to perform military service are punished under Article 321.1 of the Criminal Code, which prescribes a penalty of up to two years' imprisonment. Jehovah's Witness Samir Huseynov was insulted at the Military Conscription Office when he declared he could not serve in the armed forces because of his faith. He was imprisoned for 10 months in October 2007 under Article 321.1. He was freed in May 2008, even though his appeal failed. He has been left with a criminal record. In July 2006, conscientious objector Mushfiq Mammedov, who was studying to become a Jehovah's Witness, was found guilty of violating Article 321.1. He was given a suspended sentence of six months. In summer 2008, prosecutors sought to prosecute him for a second time on charges of evading military service, although the Constitution and the Criminal Code ban this.

What changes do Azerbaijani citizens want in religious policy?

32. Religious believers of a variety of faiths have told Forum 18 that they most want to see Azerbaijan: end the obstruction to building, buying or opening places of worship; return confiscated religious property; register all religious communities and religious-related organisations that wish to register; cease attacking religious activity, including abolishing all legal and unwritten barriers to peaceful religious activity; stop interfering in the internal affairs of religious communities; end police and secret police raids on religious meetings, whether in private homes or elsewhere; end interrogations and fines of peaceful religious believers; end the imprisonment of religious believers for peacefully practising their faith; compensate people punished by the state for peacefully practising their faith; bring to legal accountability all those responsible for attacking individuals' religious freedom; allow believers to publish and distribute religious literature freely; allow legally resident foreigners full religious freedom; and introduce a civilian alternative to military service. (END)