AZERBAIJAN

TIER 2

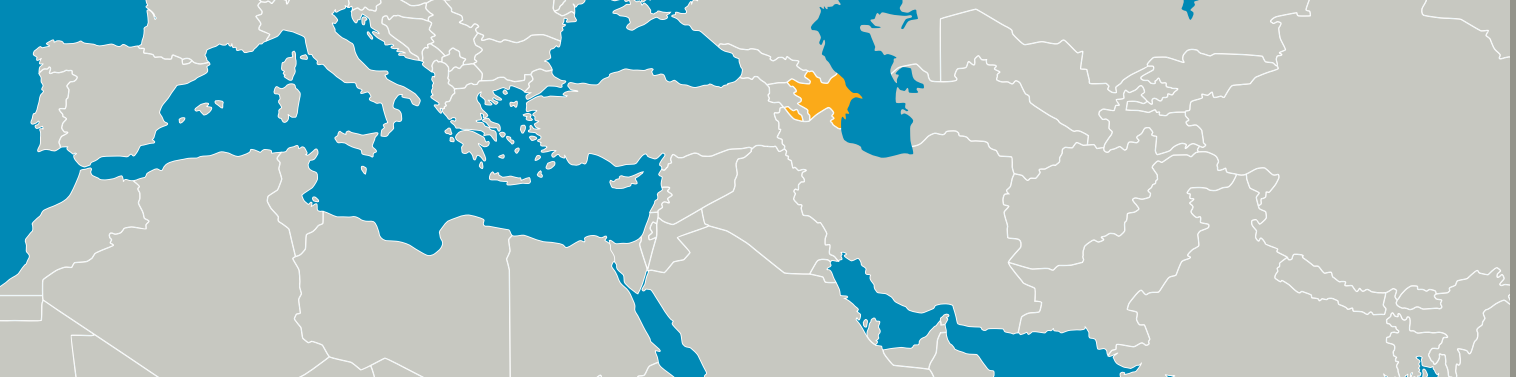
KEY FINDINGS

In 2018, although the Azerbaijani government made a number of positive overtures to engage in and discuss matters of freedom of religion or belief with the United States and the international community, religious freedom conditions did not measurably improve. The government continued to control religious activities through the 2009 Law on Freedom of Religion and related amendments of the administrative and criminal codes, which require religious communities to register with the government and criminalize all unregistered religious activity. In a positive development, four non-Muslim religious communities received registration from the government. However, throughout the year, local police forces continued to harass, raid, detain, and fine religious communities that did not comply with registration requirements and various restrictions on the production, possession, and dissemination of religious literature, although one community did report a lessening in police harassment. During the year, Protestants, Jehovah's Witnesses, and some Muslim groups were targeted, with some members of the Muslim community being forced to endure an additional layer of scrutiny by authorities who suspect and seek to limit Iranian-government influence or subversive activity in the country. In July 2018, the government held "religious radicals" responsible for an assassination attempt that month on the mayor of Ganja and the deaths of two police officers. While it is difficult to ascertain the veracity of what transpired in Ganja, human rights activists accused the government of using the events as a pretext to clamp down on political dissent and inflame fears of Islamist terrorism. Nongovernmental organizations (NGOs) contended that approximately 68 prisoners of conscience—many of whom are members of the Muslim Unity Movement (MUM)—remained imprisoned in Azerbaijan on religious grounds. Throughout 2018, claims of "systemic and endemic" torture persisted, particularly against members of the MUM.

Based on these conditions, in 2019 USCIRF again places Azerbaijan on Tier 2 for engaging in or tolerating religious freedom violations that meet at least one of the elements of the "systematic, ongoing, egregious" standard for designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA).

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Urge the Azerbaijani government to:
  - Reform the 2009 law on religious organizations to bring it into conformity with recommendations by the Council of Europe's Venice Commission and the Organization for Security and Cooperation in Europe (OSCE) in 2012;
  - Permit all religious communities—particularly those located outside of Baku and those belonging to non-traditional communities—to operate freely regardless of their registration status; and
  - Release prisoners of conscience—particularly those imprisoned for their faith—and ensure detainee access to family, human rights monitors, adequate medical care, legal counsel, and religious accommodations;
- Specify freedom of religion or belief as a grant category and area of activity for the U.S. Agency for International Development and U.S. Embassy in Azerbaijan, and encourage the National Endowment for Democracy to make grants for civil society programs on tolerance and freedom of religion or belief; and
- Ensure continued U.S. funding for Radio Azadliq, the Azerbaijani Service of Radio Free Europe/Radio Liberty (RFE/RL), and the Azerbaijani Service of the Voice of America, so that uncensored information about events inside Azerbaijan, including incidents related to religious freedom, continues to be disseminated.



COUNTRY FACTS

FULL NAME
Republic of Azerbaijan

GOVERNMENT
Presidential Republic

POPULATION
10,046,516

GOVERNMENT-RECOGNIZED RELIGIONS/FAITHS
Islam (Shi'a and Sunni), Christianity, and Judaism

RELIGIOUS DEMOGRAPHY*
96% Muslim (65% Shi'a Muslim and 35% Sunni Muslim)
4% Other (including Baha'is, Hare Krishnas, Jehovah's Witnesses, Jews, Protestants, Roman Catholics, Russian Orthodox, and others)

*Estimates compiled from the U.S. Department of State

BACKGROUND

Azerbaijan's constitution affirms the equality of all religions before the law, provides for the freedom of religion and belief, and prohibits discrimination on religious grounds. Theoretically, the right to profess belief in a religion individually or together with others, or to profess no religion, and the right to disseminate religious ideas are protected. However, the constitution also prohibits "the spread or propaganda of religions which humiliate human dignity" and limits religious activities that disturb public order or are "contrary" to public morals. Azerbaijan's 2009 law on religious organizations tightly controls religious activity: it sets complex registration procedures; limits religious activity to a group's registered address; restricts the content, production, import, export, distribution, and sale of religious texts; and requires state approval of religious education for religious leaders. Failure to comply with the law may result in significant fines. In 2014, the European Court of Human Rights (ECtHR) noted that the law gives officials "unlimited discretionary power" to define and prosecute "illegal" religious activity. Under 2015 religion law amendments, religious groups must file official reports documenting their activities and limit religious expression—such as displaying banners or slogans—to places of worship. The State Committee for Work with Religious Associations (SCWRA) is the government agency responsible for regulating and overseeing religious activities. The Caucasus Muslim Board (CMB) is the administrative body that manages the practice of Shi'a and Sunni Islam.

Approximately 96 percent of Azerbaijan's population identifies as Muslim, the majority of whom—an estimated 65 percent—identify as Shi'a Muslim. The remaining 35 percent adhere to Sunni Islam. Azerbaijan's non-Muslim religious minorities make up approximately four percent of the population, and include members of the Armenian Apostolic, Baha'i, Georgian Orthodox, Hare Krishna, Jehovah's Witness, Jewish, Protestant, Roman Catholic, Russian Orthodox, and other faith communities. According to the constitution, the state is secular, with no state religion.

In 2018, the Azerbaijani government continued to grapple with the legacy of Soviet-era laws and policies that negatively impact human rights in the country. In addition, Azerbaijan's proximity between Russia and Iran contributed to the government's ongoing challenges to address legitimate security concerns while also balancing its commitments to improve its human rights and religious freedom record. In part due to this, throughout 2018, the government of Azerbaijan continued to suppress political dissent and crack down on civil society, with little improvement in the overall human rights situation. In April 2018, President Ilham Aliyev, in power since 2003, was reelected to his fourth consecutive term in a snap presidential election that was

boycotted by opposition parties and characterized as "restrictive" by international observers.

In 2018, Azerbaijan underwent its Universal Periodic Review at the United Nations (UN). Several countries expressed concerns about religious freedom conditions in Azerbaijan—such as mandatory registration requirements; restrictions on nontraditional religious communities and the ability, generally, of religious groups to practice in private and in public; and individuals imprisoned and tortured for their beliefs. In addition, civil society organizations submitted similar information and recommendations about religious freedom concerns in Azerbaijan.

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RELIGIOUS FREEDOM CONDITIONS 2018

Government Control through Registration

The 2009 law requires religious groups to register with the government in order to conduct religious activities, though the government claims that lack of registration does not preclude private worship. Religious groups that are denied registration or refuse to register on theological grounds are considered "illegal" and may face police raids, detainment, arrests, or fines. According to the SCWRA, 877 Muslim religious associations and 32 non-Muslim religious associations have been registered, with 2,250 mosques, 14 churches, and seven synagogues legally functioning throughout the country. Religious minority groups in Azerbaijan, however, including some Baptist and Jehovah's Witness communities, continue to be unable to register with the SCWRA. Some government officials have acknowledged that the state is not fully equipped to deal with smaller religious minorities. In some cases, instead of denying outright applications for registration, the SCWRA indefinitely delays the process by finding "technical flaws" in applications that require resubmittal, or by failing to take action on a submitted application. For example, Jehovah's Witnesses have sought registration in the city of Ganja since 2010 and have yet to receive a response on their most recently submitted application from May 2016. Baptists in the village of Aliabad outside of Zaqatala have similarly sought registration since 1994 and been denied. They have reportedly been informed that they cannot even meet to celebrate Christmas together. In 2018, four non-Muslim religious communities—the New Apostle, Vineyard Azerbaijan, Jehovah's Witnesses in Baku, and the Seventh-day Adventists in Ganja—were granted registration.

Repression of Independent Muslims

Muslim communities face additional legal restrictions that do not apply to non-Muslim religious groups in Azerbaijan. In order to apply for registration with the SCWRA, Muslim communities and applications to build mosques must first be approved by the CMB. The CMB is also responsible for appointing all imams. Government officials generally attribute the more stringent policies regarding Muslims to the need to combat Iranian-government supported religious extremism and alleged terrorist activity in the country. By the end of 2018, Sardar Babayev, an Iranian-educated Shi'a Muslim imam, remained imprisoned for violating a law that prohibited individuals with foreign religious education from performing religious ceremonies. Although the law was amended in May 2017 just before Babayev's July 2017 conviction—allowing the CMB to grant exemptions to approved foreign-educated citizens in order for them to lead religious ceremonies—the Supreme Court rejected his appeal in February 2018.

According to Forum 18, the state also mandated that all Muslims follow a Shi'a Muslim calendar, which Sunni Muslims reject due to differences in prayer times and dates for religious observances such as Ramadan. In September 2018, leading up to the Shi'a Muslim commemoration of Ashura, government officials reportedly warned participants against engaging in self-flagellation, allowing children to participate in ceremonies, or permitting any observances to take place outside of mosques. According to news outlets, participation in the commemorations had decreased from the previous year due to government pressure,

and mosques saw an increased police presence during the holiday. In addition, members of the Muslim Unity Movement (MUM) continued to serve lengthy prison sentences of between 10 and 20 years on numerous dubious charges, including terrorism. International human rights organizations continued to report serious allegations of torture, particularly against MUM members, and reports released by the Council of Europe in 2018 described a "generalized culture of violence" in prisons. In February 2018, MUM leader and Shi'a Muslim theologian Taleh Bagirov (also known by the surname Bagirzade) received an additional five-month sentence for allegedly possessing micro-discs containing the text and audio recordings of the Qur'an.

Religious Prisoners

In 2018, three NGOs—the Center for the Protection of Political Prisoners in Azerbaijan, the Working Group on a Unified List of Political Prisoners in Azerbaijan, and the Union for the Freedom of Political Prisoners of Azerbaijan—continued to maintain lists of political prisoners. The lists for the second half of 2018 indicate that of the estimated 130 to 150 political prisoners, a reported 68 are imprisoned for their religious beliefs. While this marked an improvement in the total number of religious prisoners from the previous year, many prisoners were released following the completion of their sentences. A few prisoners reportedly received a presidential pardon.

In December 2018, Telman Shiraliyev, a Shi'a Muslim man originally sentenced to six years in prison for participating in an October 2012 protest against a ban on headscarves in schools, was sentenced to an additional six months in prison. Azerbaijani authorities claimed that Shiraliyev hid a knife in his prison cell, an accusation that human rights activists have rejected. In a move that has become routine for soon-to-be released political prisoners in Azerbaijan, the new charge was introduced just days before Shiraliyev's expected release following the completion of his initial six-year sentence. After the reporting period, Shiraliyev was reportedly released from prison.

Closure of Places of Worship

In 2018, mosques that the government purportedly had closed for repairs remained shut down years after their closure and with no official timeline for the completion of the renovations or the mosques' reopening. Critics of the closures believe it is part of a government effort to target Muslims who are considered "radical." The Ashur Mosque, also known as the Lezgi Mosque, located in the Old City of Baku, was closed in July 2016 despite protests from the local Muslim community, which expressed concern that the repairs were an excuse and part of an attempt by the government to disperse the community. At the end of the reporting period, the mosque remained closed. During the year, numerous other "nontraditional" home mosques throughout Baku and other regions, including one that was apparently connected to the Naqshbandi Sufi community, continued to face raids and closure by SCWRA and police officials.

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In April 2018, the new building of the Haji Javad Mosque in the Yasamal District of Baku was completed. The original mosque had been destroyed amid protests in July 2017. Although the opening of the mosque was a positive development, some have complained that the new mosque is far from the community, as it was relocated to a site approximately four to five kilometers away from the location of the original mosque.

Status of Non-Muslim Religious Minorities

Jewish groups have long lived in Azerbaijan and generally have not faced any discrimination or persecution. The Azerbaijani government publicly stresses the absence of anti-Semitism in the country and its good relations with Israel, although officials have also expressed concerns about anti-Semitism and anti-Muslim sentiment. Other "nontraditional" religious communities, however, often face persecution from authority figures. In January 2018, local police raided

the religious services of the Star in the East Pentecostal Church, which were being conducted in the home of a church member in the city of Ganja. The church member who owned the home was detained by police, who cited the church's lack of registration and reportedly took down the names and personal information of all those present, including children.

In 2018, Jehovah's Witnesses continued to face detention and police harassment. During the year, a number of Witnesses were detained in the course of sharing their beliefs publicly and privately. While Jehovah's Witnesses are no longer being arrested or fined, as was the case in previous years, local authorities have continued to raid Witnesses' homes in an attempt to catch them holding "illegal" religious meetings. For example, in January 2018, police raided the Lankaran home of a Witness hosting several families for a social gathering. In February 2018, officials in Gakh similarly accused another Witness of holding religious meetings in her home, and threatened to search her home if they received another complaint. In July 2018, police interrupted a religious meeting that was being conducted in a home in Sumgayit.

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Jehovah's Witnesses were also routinely denied the right to conscientious objection—despite a provision in the constitution that allows for alternative service—and faced prosecution for evading military service. In 2018, two conscientious objectors, Emil Mehdiyev and Vahid Abilov, received criminal convictions in July and September, respectively, and each received one-year suspended prison sentences. During the year, local authorities referred at least three additional cases for prosecution; by the end of the reporting period, these cases were ongoing.

Government Control of Religious Materials

The government requires that all religious literature and materials receive the prior approval of the SCWRA in order to be produced in or imported into the country. Similarly, the sale and distribution of religious literature can only be carried out at preapproved stores or sites. The SCWRA reportedly prepares an expert opinion on all religious literature, including printed material and electronic media, in order to determine its potential impact on society and whether it will incite religious hatred or hostility. No official list of banned literature or materials exists or is publicly available, but materials from Jehovah's Witnesses and the followers of Said Nursi—a Kurdish Sunni Muslim theologian from Turkey—have been confiscated in the past. In February 2018, the State Committee banned Muslim theologian Elshad Miri's book, *Things Not Found in Islam*, for fear that it would "have a negative influence on religious stability." However, the author contended that the book was banned due to officials' theological objections.

Throughout 2018, authorities continued to raid shops across the country for selling unauthorized religious literature or selling approved religious literature without state permission. In March 2018, the State Committee reportedly raided numerous shops in the small city of Masalli, seizing literature and fining one shop owner the equivalent of four months' average wages for selling religious literature without state permission. In April 2018, a court dismissed a Baku shop owner's appeal to overturn a similar fine for selling unauthorized religious literature. Throughout 2018, government raids, seizures of religious literature, and fines were also carried out and imposed in the cities of Sheki, Shirvan, and Zaqatala.

U.S. POLICY

The United States and Azerbaijan cooperate primarily on issues of regional stability, including combating terrorism and countering transnational threats, expanding bilateral economic relations, and promoting European energy security. The United States continues to seek the peaceful resolution of the Nagorno-Karabakh conflict through negotiations in the framework of the Organization for Security and Cooperation in Europe (OSCE) Minsk Group, which is cochaired by the United States, France, and Russia. The United States provides assistance

to Azerbaijan to build capacity against security threats, support economic development, and promote independent institutions and civil society. U.S. companies also cooperate with Azerbaijan in offshore oil development.

On the occasion of President Aliyev's reelection in April 2018, the U.S. Mission to the OSCE made a statement concurring with the OSCE's findings that the presidential election was conducted in a restrictive political environment, and that it included limits on fundamental freedoms, a lack of genuine competition, and other irregularities such as ballot box stuffing. In October 2018, U.S. National Security Advisor John R. Bolton visited Azerbaijan and met with President Aliyev and Minister of Foreign Affairs Elmar Mammadyarov to discuss bilateral relations and regional issues, including Iran. Publicly available information about the visit indicated that Bolton discussed human rights issues with President Aliyev.

At Azerbaijan's 2018 Universal Periodic Review, the United States recommended that the country "immediately and unconditionally release all individuals in custody for exercising their fundamental freedoms, including the rights to freedom of expression, association, assembly and religion." Also, during the year the U.S. Embassy in Baku continued to meet regularly with Azerbaijani government authorities to press them regarding registration requirements and literature restrictions. Embassy officials also regularly met with representatives of religious communities to monitor the government's treatment of their religious observance.

INDIVIDUAL VIEWS OF COMMISSIONER JOHNNIE MOORE

In my estimation, Azerbaijan no longer meets the threshold necessary to be included as a Tier 2 country on this list. For the vast majority of its citizens, it is actually a country increasingly noted *precisely for* its religious tolerance. It is a country where Sunni and Shi'a clerics pray together, where Evangelical and Russian Orthodox Christians serve together, and where a thriving local Jewish community enjoys freedom and total security in their almost entirely Islamic country. It is a Muslim majority country which has hosted prominent Hindu leaders and it is a Shi'a-majority neighbor of Iran whose commitment to peace led it long ago to forge a vibrant and public relationship with the state of Israel. Where legitimate concerns remain in Azerbaijan, and there are certain concerns as it relates to law and policy, I have found the government to be making progress, impressively responsive to requests from members of the religious freedom community. Also, considering its geographic location, the religious freedom community would be wise to not discount too arbitrarily the government's concerns about violent religious extremism and national security. Finally, and most importantly, I join with religious leaders throughout the world in calling upon the governments of Azerbaijan and Armenia to continue to pursue peace for the sake of their children, to work seriously to address the grievances and injustices between them. It's possible for those swords to be turned into ploughshares, and it's time.