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Azerbaijan

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

International Religious Freedom Report 2010

November 17, 2010

The constitution and law provide for freedom of religion with certain restrictions. Constitutional amendments and other legislation passed in 2009 increased restrictions on religious conduct and added new registration requirements for religious groups. Constitutional amendments passed in 2009 limited proselytizing by foreigners, and subsequent legislation required leaders of Islamic rituals to be citizens educated in the country. Additional legislation passed by the Milli Majlis (parliament) in 2009 required all religious communities to re-register in January 2010, and this led to registration problems for many religious communities.

There was no overall change in the status of respect for religious freedom by the government during the reporting period. The government continued to restrict religious freedom in some cases. The government imposed restrictions on the activities of some unregistered Muslim and Christian groups, and there were reports of local officials abusing the rights of some members and congregations. Most religious groups met without government interference; however, local authorities reportedly monitored some religious services, and officials harassed and detained members of Islamic and "nontraditional" religious groups. Central and local authorities conducted several raids on Jehovah's Witnesses and evangelical Protestant groups. There were reports of monitoring by federal and local officials, as well as harassment and detention of both Islamic and Christian groups authorities considered "nontraditional." There were also allegations of discrimination against worshippers based on their religious beliefs, reportedly conducted by local authorities who detained and questioned worshippers without any legal basis and confiscated religious material.

There were sporadic reports of societal discrimination based on religious affiliation, belief, or practice. There were reports of some prejudice against Muslims who converted to other faiths, and there was occasional hostility toward groups that proselytized, particularly Jehovah's Witnesses, evangelical Christians, and other missionary groups.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote and defend human rights. During the reporting period, U.S. embassy officers engaged with the government to convey concerns about the implementation of the registration process and official treatment of "nontraditional" religious groups, and to express objections to the censorship of religious literature.

Section I. Religious Demography

The country has an area of 33,774 square miles and a population of nine million. There were no reliable statistics on membership in specific religious groups; however, according to official figures, approximately 96 percent of the population is Muslim. The remainder of the population consists mostly of Russian Orthodox, Armenian Orthodox, followers of other Christian groups, Jews, and nonbelievers.

Among the Muslim majority, religious observance is relatively low, and Muslim identity tends to be based more on culture and ethnicity than religion; however, there has been a gradual growth in the number of observant Muslims. According to the State Committee on Work with Religious Structures (SCWRS), the Muslim population is approximately 65 percent Shi'a and 35 percent Sunni; traditionally, differences are not sharply defined in the country.

The majority of Christians are Russian Orthodox, whose identity, like that of Muslims, tends to be based more on culture and ethnicity than on religion. Christians are concentrated in Baku and several other urban areas.

The great majority of the Jewish population, numbering approximately 20,000, lives in Baku. Much smaller communities exist in the Guba region and elsewhere.

Shi'a, Sunni, Russian Orthodox, and Jews are considered to be the country's "traditional" religious groups. Small congregations of Lutherans, Roman Catholics, Baptists, Molokans (Russian Orthodox Old Believers), Seventh-day Adventists, and Baha'is have been present for more than 100 years.

Since independence in 1991, a number of religious groups considered by the Government as foreign or "nontraditional" have established a presence, including "Wahhabi" and Salafist Muslims, Pentecostal and other evangelical Christians, Jehovah's Witnesses, and Hare Krishnas. There are significant foreign resident Christian communities in Baku.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution provides that persons of all faiths may choose and practice their religions without restriction. The law protects this right against abuse, either by governmental or private actors. Amendments to the constitution and accompanying changes to the Law on Religious Freedom passed in 2009 prohibit "spreading of and propagandizing religion (religious movements), humiliating people's dignity and contradicting the principles of humanism." Another section states that "no one shall be forced to express (to demonstrate) his or her religious faith and belief."

The changes to the law also prompted the SCWRS to announce that all religious groups must re-register with the SCWRS no later than January 2010 and to impose additional requirements for registration. While numerous traditional Islamic and several non-Islamic groups have been registered, many groups have been either refused registration or continue to wait for adjudication of their registration requests. Although the law requires the government to act on registration applications within 30 days of receipt, vague, cumbersome, and nontransparent registration procedures continued to be observed.

On 30 June 2009, the Milli Majlis approved amendments to the Law on Religious Freedom, which the President subsequently signed into law. Article 21 states that "Islamic religious rituals and ceremonies shall only be conducted by citizens of the Republic of Azerbaijan who received education in the Republic of Azerbaijan."

Under the constitution, persons have the right to choose and change religious affiliation and beliefs (including atheism), to join or establish the religious group of their choice, and to practice religion, unless that practice requires sharing one's faith with other individuals. The law on religious freedom 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 religious freedom that religious organizations, including individual congregations of a denomination, be registered by the government. Registration enables a religious organization to maintain a bank account, rent property, and generally act as a legal entity. In practice, some groups were vulnerable to government raids for worshiping without registration.

The SCWRS and its chairman have broad powers over registration, control the publication, import, and distribution of religious literature, and have the power to suspend the activities of groups violating the law. The SCWRS may also appeal to the court for the suspension of activities of a religious group.

Religious groups are permitted to appeal registration denials to the courts. The groups also reserve the right to pursue legal consideration of their case at the European Court of Human Rights (ECHR). In such an instance, a group would have to exhaust its chances for consideration at every court level in the country before applying to the ECHR, which often takes several years.

Registered Muslim organizations are subordinate to the Caucasian Muslim Board (CMB), a Soviet-era muftiate that appoints Muslim clerics to mosques, administers Islamic education institutions, periodically monitors sermons, and organizes annual pilgrimages to Mecca. Muslim religious groups must receive a letter of approval from the CMB before they can be registered by the SCWRS. An amendment to the Law on Religious Freedom approved by the Milli Majlis and signed by the President into law on June 30, 2009, conferred on the CMB the authority to appoint "religious clerics leading Islamic worship" institutions, "while informing the relevant executive power."

Under the Law on Religious Freedom, political parties cannot engage in religious activity. Religious leaders may not simultaneously serve in public office and in positions of religious leadership, although this stipulation does not limit the right of a public official to worship. Religious facilities may not be used for political purposes.

Religious instruction is not mandatory, and there is no religious curriculum at privately funded or public elementary and high schools. Students can pursue religious courses at higher educational institutions. The CMB sponsors some religious training abroad. Those wishing to participate in state-supported training abroad for religious studies must obtain permission from, or register with, the SCWRS or the Ministry of Education. Otherwise, education abroad does not require preliminary permission of authorities.

The government observes the following religious holidays as national holidays: Gurban Bayram and Ramadan.

Restrictions on Religious Freedom

The government generally enforced legal restrictions on religious freedom. Additional restrictions were seen in cumbersome registration procedures, limits on unregistered religious activity, property disputes and alleged bans on the call to prayer in some areas. Local officials hold considerable power in the enforcement and interpretation of laws, and many of the reported restrictions were from areas outside the capital city. Some mosques were prevented from allowing prayer outside their buildings when the mosque was full.

The requirement for re-registration in 2010 of all religious groups, regardless of the previous status of their registration, was easily fulfilled by some groups. However, other groups were denied registration, and many left waiting in limbo. As of mid-May 2010, 335 groups had been granted registration out of approximately 800 that had applied. Ten communities had been denied registration, including some communities of Jehovah's Witnesses, Baptists, Seventh-day Adventists, the Fatima Zahra mosque, and the Baku International Fellowship, a largely foreign resident non-denominational Protestant community. The Baptist Church in Aliabad had been registered for the preceding 15 years before being denied this year. The SCWRS ultimately denied the Cathedral of Praise (a Sweden-based evangelical church) registration and cited a host

of technical mistakes that the community allegedly made in their registration packet. At the end of the reporting period, the Catholic Church was still awaiting the adjudication of their registration application.

The imam of the Sunni mosque in Mushfiqabad in Garadag District near Baku reported to Forum 18, an NGO which advocates for religious freedom, in May 2010 that police had threatened his mosque with closure for lacking registration. Forum 18 also reported that police ordered the mosque in Mekhtiabad to close on May 21, 2010 for a similar lack of registration.

The SCWRS granted temporary status to religious groups who were awaiting final disposition of their applications. However, this temporary status prevented at least one community from the ability to secure visas and rent property on behalf of community religious leaders. For example, while the Baku International Fellowship was permitted to congregate pending a decision on their registration, customs officials would not support the visa application for a community pastor in the absence of a registration certificate. Local authorities would not permit religious leaders of the community to rent property in the absence of the certificate.

As noted in previous reports, the registration process appears to serve as a point of leverage for the government to use against religious groups it deems undesirable. The groups most susceptible to government scrutiny are typically nontraditional groups, some of which are Islamic. Some of the affected groups practice proselytizing.

Organizations that choose to practice without official registration are vulnerable to being declared illegal and closed or subjected to selective harassment by local authorities. As a result, they found it difficult, or in some cases impossible, to function.

The Baptist community reported that police told a pastor in a northern city outside Baku who was gathering worshipers at his home to cease activity, and thereafter summoned him to the police station. The pastor was previously arrested in 2007 under charges that he accosted policemen. He was released in March 2008.

Forum 18 reported on April 7, 2010, that the Baptist community in Baku, after having been denied registration, was visited by authorities on four occasions in March 2010 and accused of worshipping illegally.

On February 19, 2010, the Azeri Press Agency (APA), an independent news agency, reported that the head of Mashedi Dadash mosque claimed to have received a phone call from the SCWRS, warning the community that the conduct of prayer on the street outside the mosque was prohibited.

A ban on the call to prayer using loudspeakers from mosques was allegedly instituted in Sheki in August of 2009 and in Ganja in early November 2009. The SCWRS denied that there was any ban on the call to prayer.

The law permits the production and dissemination of religious literature with the approval of the SCWRS; however, authorities appeared to selectively restrict the importation and distribution of religious materials. Obtaining permission to import religious literature remained burdensome, and Islamic and Christian groups complained of the lengthy process. During the reporting period, there were multiple episodes of police confiscating allegedly radical literature of both Islamic and non-Islamic religious groups in several areas of the country. The SCWRS has previously noted that all imported religious literature must pass the SCWRS's expert review to be allowed to enter the country as religious material, and that this process can be time-consuming given the volume of materials. On March 11, 2010, Trend News in the country reported that 2,332 pieces of religious literature were sent to the SCWRS in 2009 for its expert review of content, and 380 pieces were found "harmful" and were banned from import or export.

Controls on a variety of Islamic activity, including religious television broadcasts and sale of religious literature at metro stations, remained in effect.

In the rest of the country, consistent with past reporting periods, authorities prevented Muslims from wearing headscarves in passport photos and other official identity documents.

Abuses of Religious Freedom

There were sporadic reports of abuses of religious freedom, which included the destruction or closure of mosques, raids on religious communities, confiscation of literature, and detentions. Jehovah's Witnesses and unsanctioned Islamic organizations were often targets.

On May 20, 2010, Forum 18 reported that one follower of the Muslim theologian Said Nursi was arrested at the airport in Nakhchivan when religious literature was found in his belongings. Five more worshippers were later reportedly detained at their homes, and while some were quickly released, others were held in a cellar for three days.

Trend News reported in May, 2010 that the home of a man in Lankaran was raided and books were seized because the man was operating an illegal religious school in his home.

Forum 18 reported that the pastor of an unregistered Baptist house church in Aliabad in the region of Zakatala was warned on April 30, 2010 that he would have "unpleasantness with the law" if his congregation continued to meet.

According to APA on April 29, 2010, the Ministry of National Security and local police officers detained four Turkish citizens for allegedly promoting the religious sect "Suleymanchilar" without proper registration.

Jehovah's Witnesses reported detention and fines for distributing religious literature in public on several occasions. These incidents reportedly took place in Sumgayit on May 5, 2010, and on April 27, 2010 in Agstafa. In both cases the church members were reportedly released after a few hours and fined \$250 (200 AZN) for distributing religious literature.

Jehovah's Witnesses reported that on April 25, 2010, a large group of church members returning from a religious meeting in Georgia were stopped overnight and had their literature seized at the border in Gazakh.

On March 12, 2010, Forum 18 reported that two Jehovah's Witnesses had their Bibles confiscated and received a fine equivalent to three weeks' salary for distributing religious literature without state permission and for talking with neighbors about their religious beliefs.

On February 16, 2010, embassy officials learned that two Jehovah's Witnesses were proselytizing door to door when someone called the police. The worshippers were taken to the police station but refused to sign statements. The police reportedly recorded some personal information on the worshippers before releasing them several hours later.

On February 13, 2010, approximately 100 people gathered in the Nizami district of Baku with the intent to march to the Alley of the Martyrs on the anniversary of Prophet Muhammad's death. Approximately 10 people were detained, and several people were reportedly injured during the event. Accounts differed as to whether the violence originated with the marchers or the police who confronted them.

On January 26, 2010, authorities arrested 80 followers of the minority Muslim Nurcu movement who had gathered in a home in Sumgayit. Police allegedly seized 148 banned books from the apartment.

On December 28, 2009, authorities arrested 10 people in the village of Bananiyar for observing the Islamic holiday of Ashura in the province of Nakhchivan. Reports vary as to the number arrested, but there were several allegations of beatings and interrogations in various news outlets. Further reports indicated that up to 200 people were arrested on January 5, 2010, and those who resisted arrest were beaten.

On November 29, 2009, police detained and beat an 81-year-old member of Jehovah's Witnesses in Zagatala as she left a religious meeting. A police officer detained her at a bus stop and brought her to a public cafe, where he confiscated her bag containing her religious books and beat her. Forum 18 reported that she was accused of being a prostitute and stripped naked in a drug search. Other police officers then took her to the police station, where she was forced to sign a confession she could not read. She filed a complaint with the Prosecutor's Office, but the official medical examiner refused to see her, despite having pictures showing her injuries.

APA reported that on August 12, 2009, an unknown number of Jehovah's Witnesses were detained by local police in the town of Gakh for propagating religious faith. Approximately 60 leaflets and seven books were alleged to have been seized. Those detained were later released.

The law expressly prohibits religious proselytizing by foreigners, and officials strictly enforced the prohibition. In September 2009 law enforcement authorities fined and deported a man from the northern town of Yalama for hosting religious events in his home. The man, who belonged to a Baptist church, held a Russian passport. Jehovah's Witnesses also reported that two members of Georgian citizenship were arrested and deported in July 2009.

A number of mosques that authorities closed during the previous reporting period remained closed.

On May 1, 2010, the Supreme Court upheld the lower courts' decisions to allow the destruction of the partially erected Fatima Zahra Shi'a mosque in the Yeni Guneshli settlement of the Surakhani District of Baku. However, on May 14, 2010, the president reportedly intervened in the case and transferred authority of the mosque to the CMB, presumably saving it from destruction. The SCWRS had previously refused the registration request from the community, and, as of the end of the reporting period, the community's status was not known.

Several mosques were closed or destroyed in 2009 for various reasons. The Turkish embassy had reported that Shahidlyar Mosque, built with Turkish support, was closed for repairs and currently remains closed. Authorities closed a mosque located on an offshore drilling settlement, the Oily Rocks, for alleged safety reasons. On April 26, 2009, police destroyed the Prophet Muhammad Mosque of the Yasamal District Religious Community.

The Cathedral of Praise community continues to be mired in a property dispute with government interests, in which approximately one-third of its land, including that on which its church was built, was confiscated. The temporary tent erected by the community burned completely on January 10, 2010; the cause of the fire remains unknown. On March 4, 2010, the community petitioned to rebuild their tent, and the Baku city government denied the request. However, the community later reported that it had been offered land in a different location as compensation.

On October 19, 2009, Qaynar.info reported that the local executive authority closed the Mehdiabad mosque for the purpose of conducting renovations. In September 2009 authorities closed the Sunni Juma mosque in Ganja, known locally as the "Albanian temple" (the reference is to an ancient people of the Caucasus, not to present-day Albania), for failing to follow registration requirements.

On September 18, 2009, the Azadliq news outlet reported that authorities closed four mosques in the city of Ganja and confiscated religious materials.

The Abu Bakr mosque in Baku remained closed by the government, in spite of the community's repeated calls for the mosque to be reopened and repeated court challenges. On August 17, 2008, an explosion at the Abu Bakr mosque killed two and wounded 11 people, including the head of the religious community, who has since recovered. Immediately after the incident, government authorities closed the mosque, which served an average Friday attendance of 7,000 worshipers, pending an investigation into the event, and enforced a nationwide ban on worshipers meeting outside mosques.

Authorities later announced the attack was conducted by the radical group of so-called Forest Brothers, whose leader, Ilgar Mollachiyev, was reportedly killed in Dagestan, Russia, by Russian federal authorities in September 2008. Despite several lawsuits and court appeals, the mosque remained closed during what the government called an ongoing investigation. The SCWRS deferred to the government's security services for responses to the Abu Bakr mosque closure, but it also declared that the community was never properly registered. Additionally, the SCWRS said worshippers of the Abu Bakr mosque were free to worship at other registered communities in the country.

In the rest of the country, local law enforcement officials occasionally monitored religious services and reportedly singled out some observant Christians and Muslims for searches. Local observers claimed local authorities routinely monitored certain mosques.

Domestic human rights monitors criticized the government's failure to develop a civilian alternative military service option, and Jehovah's Witnesses argued that the country, as a signatory of the European Convention on Human Rights, was obliged to develop a civilian alternative military service option. Government officials reportedly criticized the group's position on military service as "defeatist" and "contradicting public morality" because of the unresolved conflict over Nagorno-Karabakh.

On December 15, 2009, Forum 18 reported that a member of Jehovah's Witnesses had failed in his appeal to overturn his criminal conviction for conscientious objection to military service.

The government did not exercise control over the Nagorno-Karabakh region. Some restrictions and abuses were reported by non-governmental organizations.

Jehovah's Witnesses in Nagorno-Karabakh reported that their application for registration was denied in August 2009. They reported subsequent raids on meetings and arrests in March and April 2010.

On April 27, 2010, Forum 18 reported that four people in the province of Nagorno-Karabakh had been fined for religious worship in the absence of registration which had been denied to them. Forum 18 also reported that Protestant communities in Nagorno-Karabakh were raided eight times between February and April 2010.

Forced Religious Conversion

There were no reports of forced religious conversion.

Improvements and Positive Developments in Respect for Religious Freedom

In July 2009, the new Teza Pir mosque, which houses the headquarters for the CMB, formally opened. This is one of the largest mosques in the country and affords many people the opportunity to worship and provides space for funerals and other religious rites.

The Fifth Islamic Conference of Cultural Ministers held in Tripoli in November 2007 proclaimed Baku the Islamic Cultural Capital for 2009. The government bolstered renovation of a number of mosques throughout the city and Absheron Peninsula during the year.

In April 2010, the country hosted an international religious conference, which the head of the Armenian Catholicos attended, a significant development due to the long-term state of conflict, which continues to exist between Azerbaijan and Armenia.

Section III. Status of Societal Respect for Religious Freedom

There were some reports of societal discrimination based on religious affiliation, belief, or practice. There was popular prejudice against Muslim citizens who converted to other faiths and hostility toward groups that proselytized, particularly evangelical Christian and other missionary groups.

On March 12, 2010, Forum 18 reported that, as a result of an article from an opposition newspaper alleging, among other things, that Baptists are spies for other countries, police visited a church to check documents and interview the pastor.

During the reporting period, articles critical of Salafism and of Christian missionaries appeared in newspapers. In general, society was negatively predisposed to foreign (mostly Iranian and Salafist) Muslim missionary activity, which many viewed as an attempt to spread political Islam and therefore a threat to stability and peace. The media targeted some Muslim communities the government claimed were involved in illegal activities.

In contrast with reports prior to 2008, there were no reported cases of anti-Semitic incidents.

Section IV. U.S. Government Policy

U.S. embassy officials maintained close contact with Muslim, Christian, and Jewish religious leaders and regularly met with members of both registered and unregistered religious groups to monitor religious freedom. Embassy officers also maintained close contact with nongovernmental organizations that addressed matters of religious freedom.

During the reporting period, U.S. embassy officers conveyed concerns about the registration process and official treatment of "nontraditional" religious groups to the SCWRS, as well as concerns about harassment of observant Muslims. The embassy also expressed concern regarding the degree of official commitment to religious freedom in discussions with the government and in the press.

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