

AZERBAIJAN

International Religious Freedom Report 2006 Bureau of Democracy, Human Rights, and Labor

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

There was no change in the status of respect for religious freedom during the reporting period. Some religious groups reported delays in and denials of registration while others indicated that they either received or expect to receive their registration. There continued to be some limitations upon the ability of groups to import religious literature than in previous years. Most religious groups met without government interference. However, local authorities monitored religious services, and officials at times harassed nontraditional religious groups.

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

The U.S. government discusses religious freedom issues with the Government as part of its overall policy to promote human rights. The embassy is engaged actively in monitoring religious freedom and maintains contact with the Government and a wide range of religious groups.

Section I. Religious Demography

According to official figures, the country has a total area of 33,774 square miles, and its population was approximately 7.9 million. There were no reliable statistics on memberships in various religious groups; however, according to official figures approximately 96 percent of the population was Muslim. The rest of the population adhered to other faiths or consisted of nonbelievers. Among the Muslim majority, religious observance was relatively low, and Muslim identity tended to be based more on culture and ethnicity than religion. According to the State Committee on Work with Religious Associations (SCWRA), the Muslim population was approximately 65 percent Shi'a and 35 percent Sunni; differences traditionally have not been defined sharply.

The vast majority of Christians were Russian Orthodox whose identity, like that of Muslims, tended to be based as much on culture and ethnicity as religion. Christians were concentrated in the urban areas of Baku and Sumgayit.

An estimated 15,000 Jews, constituting the vast majority of the country's Jewish community, lived in Baku. Smaller communities also existed in and around Guba and elsewhere. Most of the country's Jews belonged to one of two groups: the "Mountain Jews," descendents of Jews who sought refuge in the northern part of the country more than two thousand years ago, and a smaller group of "Ashkenazi" Jews, descendents of European Jews who migrated to the country during Russian and Soviet rule.

These four groups (Shi'a, Sunni, Russian Orthodoxy, and Jews) were considered traditional religious groups. There also have been small congregations of Evangelical Lutherans, Roman Catholics, Baptists, Molokans (Russian Orthodox Old-Believers), Seventh-day Adventists, and Baha'is in the country for more than one hundred years. In the last ten years, a number of new religious groups considered foreign or nontraditional have been established, including "Wahhabi" Muslims, Pentecostal and evangelical Christians, Jehovah's Witnesses, and Hare Krishnas.

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

Section II. Status of Religious Freedom

Legal/Policy Framework

The constitution provides that persons of all faiths may choose and practice their religion without restriction; however, there were some abuses and restrictions. Under the constitution, each person has the right to choose and change his or her own religious affiliation and belief including atheism, to join or form the religious group of his or her choice, and to practice his or her religion. 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." In January 2006 the Government announced its intention to amend the law on religious freedom to restrict the political activities of religious groups.

A number of legal provisions enable the Government to regulate religious groups, including a requirement in the law on religious freedom that religious organizations be registered by the Government. The State Committee for Work with Religious Associations (SCWRA), which replaced the Department of Religious Affairs in 2001, assumed responsibility for the registration of religious groups from the Ministry of Justice (MOJ). Government authorities gave the SCWRA and its chairman broad powers over registration; control over the publication, import, and distribution of religious literature; and the ability to suspend the activities of religious groups violating the law. In addition, Muslim religious groups must receive a letter of approval from the Caucasus Muslim Board (CMB) before they can be registered by the SCWRA. On June 27, 2006, the president of the country dismissed the chairman of the SCWRA. No public reason was given for the dismissal; at the end of the reporting period the Government had not announced a new SCWRA chairman.

Registration enables a religious organization to maintain a bank account, rent property, and generally act as a legal entity. Unregistered organizations are exposed to allegations that they are illegal and find it difficult, but not impossible, to function. Unregistered groups were more vulnerable to attacks and closures by local authorities. In 2001 religious groups were called upon to re-register with the SCWRA; however, the registration process is burdensome, and there are frequent, sometimes lengthy delays in obtaining registration

To register, religious groups must complete a seven-step application process that is arbitrary and restrictive. In 2004 groups reported that SCWRA employees charged with handling registration-related

paperwork repeatedly argued over the language in statutes and also instructed some groups on how to organize themselves. Religious groups are permitted to appeal registration denials to the courts. However, appellate court records for the period of this report cannot verify whether any appeals were adjudicated.

During the reporting period, the Government registered twenty-seven religious groups and rejected the applications of six religious groups, five of which the SCWRA identified as non-Muslim applicant groups. Since the call for re-registration, 347 groups have successfully registered, compared with 406 that were registered under the previous law. The majority of the registered groups were Muslim. The SCWRA estimated that two thousand religious groups are in operation; many have not filed for registration or re-registration. One of the minority religious communities that has faced re-registration problems in the past is the Baptist denomination. Of its five main churches, three have successfully re-registered; however, in 2005 the SCWRA again rejected the applications of the Baptist churches in Aliabad and Neftchala, which remained unregistered.

Under the law on religious freedom, political parties cannot engage in religious activity, and religious leaders are forbidden from seeking public office. Religious facilities may not be used for political purposes. In the aftermath of the November 2005 parliamentary elections, the SCWRA announced plans to amend the law on religious freedom to further tighten restrictions the political activities of religious leaders. The drafting of the amendments remained in its preliminary stage as of the end of the reporting period.

The law on religious freedom, which the Government enforces, prohibits foreigners from proselytizing. In July 2005 the Government did not renew the visa of the Swedish pastor of the Cathedral of Praise church in Baku, although there were no other reported visa denials during the reporting period. The law permits the production and dissemination of religious literature with the approval of the SCWRA; however, the authorities also appeared to selectively restrict individuals from importing and distributing religious materials. The procedure for obtaining permission to import religious literature remained burdensome, but religious organizations reported that the process had improved in the past year and that the SCWRA appeared to be handling requests more effectively.

Registered Muslim organizations are subordinate to the CMB, a Soviet-era Muftiate, which appoints Muslim clerics to mosques, periodically monitors sermons, and organizes annual pilgrimages to Mecca for the Hajj. Although it remains the first point of control for Muslim groups wanting to register with the SCWRA according to the law on religious freedom, it also has been subject to interference by the SCWRA. It has attempted to share control with the CMB over the appointment and certification of clerics and internal financial control of the country's mosques. Some Muslim religious leaders objected to interference from both the CMB and SCWRA.

Religious instruction is not mandatory in public schools. State education is separate from religion, but there is no restriction on teaching religion in schools

Restrictions on Religious Freedom

The Government restricted some religious freedoms during the reporting period. The SCWRA continued to delay or deny registration to a number of Protestant Christian groups but registered one Baptist church whose application was previously denied or delayed.

In addition, in 2005 the Justice Ministry denied registration to a religious nongovernmental organization (NGO), the Azerbaijan Centre for Religion and Democracy. Human rights activists alleged that the ministry denied the registration of this group because of its criticism of the official religious structures and to obstruct its activities.

Unregistered religious groups continued to function, and there were fewer incidents than in previous years of official harassment, break-ups of religious services, or police intimidation and fines. Unlike in previous years, there were no reports of beatings during police raids.

For example, on April 16, 2006, Baku police interrupted the Easter services of the Protestant Community of Greater Grace purportedly to ascertain the legality of the group's religious activities. However, when the group complained to the Government, local officials apologized for the incident.

Members of Jehovah's Witnesses reported that local authorities, particularly outside of Baku, occasionally interfered with their ability to rent public halls for religious assemblies and fined or detained overnight some of the group's members for meeting in private homes. For example, on June 12, 2005, police raided a gathering of approximately 200 Jehovah's Witnesses in Baku, detaining 29 members of the group and then releasing them after several hours in police custody.

Authorities raided Baku's Mehebet Baptist Church summer camp in July 2005 in the town of Gakh, and in November 2005 they raided the Baptist congregation in Ali-Bayramli.

In 2004, police reportedly harassed and occasionally raided the meetings of other religious minorities including Seventh day Adventists in Ganja.

MOJ officials and police forcibly evicted the Juma Mosque community from its premises in 2004, following protracted litigation. The mosque remained closed as of the end of the reporting period. Government officials cited the political activity of the mosque's imam, Ilgar Ibrahimoglu as one reason for seeking the eviction of the Juma Mosque community. Ibrahimoglu supported the opposition political party leader Isa Gambar's 2003 election movement, and in 2005 he campaigned on behalf of opposition party parliamentary candidates in the November parliamentary election.

Since his 2004 conviction for participating in post election demonstrations in 2003, Ibrahimoglu has not been allowed to travel outside the country, including to several meetings of the UN and the Organization for Security and Cooperation in Europe, where he was to be an official NGO participant.

On June 30, 2005, the first anniversary of the Juma community's eviction from the mosque, police briefly detained and released Ibrahimoglu for leading a group of worshippers into the Juma Mosque to conduct prayers, although the mosque remained officially closed.

Local law enforcement authorities occasionally monitored religious services, and some observant Christians and Muslims were penalized for their religious affiliations. The law on religious freedom expressly prohibits religious proselytizing by foreigners, and this was enforced strictly. Government authorities have deported several Iranian and other foreign clerics operating independently of the organized Muslim community for alleged violations of the law. The Government was concerned about Islamic missionary groups (predominately Iranian and Wahhabis) that operated in the country, whose activities have been restricted in recent years. In May 2005 the Government closed a Saudi Arabian-sponsored Sunni mosque in the city of Sumgayit.

Various religious groups previously reported some restrictions and delays in the import of religious literature by some government ministries. However, the SCWRA has also facilitated the import of such literature, and few religious groups reported difficulty importing literature through the SCWRA. The Government regulates travel for the purpose of religious training. Prospective travelers must obtain permission from, or register with the SCWRA or the Ministry of Education in order to go abroad for religious studies.

No religious identification is required in passports or other identity documents. In 1999 a court decided in favor of a group of Muslim women who sued for the right to wear headscarves in passport photos; however, the Center for Protection of Conscience and Religious Persuasion Freedom (DEVAMM) reported that authorities prohibited Muslim women from wearing headscarves in passport photos. In 2004 a group of women appealed to the European Court of Human Rights (ECHR) to protest the ban. Some local officials continued to discourage Muslim women from wearing headscarves in schools. However, in June 2005, a court in Sumgayit upheld a school teacher's right to wear a headscarf while teaching and ordered the school to pay her back wages for the two months she was not allowed to teach.

Following months of repeated refusals, local officials in the Zaqatala region finally issued a birth certificate to Baptist parents who wished to give their son a Christian name. Members of the ethnic Georgian minority reported that difficulty in registering children with non-Azeri names was particularly acute in this region.

On April 28, 2006, police arrested Mushfiq Mammedov, a member of Jehovah's Witnesses, for refusing to fulfill the country's mandatory military service requirement, due to his religious beliefs. Mammedov appealed his arrest in court on grounds that he had a constitutional right to alternative military service as a conscientious objector. Mammedov remained in pretrial detention. In a previous case, the Supreme Court ruled that a member of a religious minority must fulfill compulsory military service despite his constitutional entitlement to alternative military service because of his religious beliefs. After seven months of litigation in the lower courts, the Supreme Court held that while the country remained in a "state of war" with Armenia, the military's service requirement superseded the individual's alternative

service right. The court further agreed with the military's argument that absent implementing regulations, the military was not obligated to provide any alternative service option. The individual and his family subsequently left the country.

The Baptist community reported that the authorities have not returned a building of historic significance previously confiscated under the Soviet regime that is used as a central Baku cinema. The Baha'i community reported that the Government has not responded to its August 2005 request that the authorities return a Baku house of historic value to the community. The Government claimed that the country does not have a law on the restitution of seized property, rendering it impossible to return the buildings.

Press reports indicate that in the breakaway Nagorno-Karabakh region, a predominantly ethnic Armenian area over which the authorities have no control, the Armenian Apostolic Church enjoys a special status. The largely Muslim ethnic Azeri population in Nagorno-Karabakh and the seven occupied territories, which fled the region during the conflict with Armenia in the 1990s, was not able to return to these areas.

Abuses of Religious Freedom

Sporadic violations of religious freedom by some officials continued. In many instances, abuses reflected the popular antipathy towards ethnic Azeri converts to non-Russian Orthodox Christianity and other nontraditional religious groups.

In March 2005 the head of the CMB appeared in a television expose describing nontraditional religious groups as subversive sects. The chairman of the SCWRA spoke on television claiming that Adventists used financial bribes to recruit new adherents. On June 21, 2006, a representative of the SCWRA criticized Adventists and other nontraditional religious groups in an expose aired on a leading television channel. In the same broadcast representatives of the Ganja orthodox church described nontraditional religious groups as "brainwashing" their members.

Nontraditional religious groups faced particularly acute problems operating in remote regions of the country, including the exclave of Nakhchivan. For example, in December 2004 the leader of the small Baha'i community in Nakhchivan was briefly detained and released, reportedly because of his religious activity and teachings.

Government authorities took various actions to restrict what they claimed were political and terrorist activities by Iranian and other clerics operating independently of the organized Muslim community. The Government outlawed several Islamic humanitarian organizations because of credible reports about connections to terrorist activities. The Government also deported foreign Muslim clerics it suspected of engaging in political activities. There also were reports that the Government harassed Muslim groups due to security concerns. For example, the Human Rights Resource Center in Khachmaz reported that Wahhabis in Khachmaz were harassed because the authorities suspect that all Wahhabists have links to

terrorism. On April 18, 2006, the authorities announced the conviction of a Wahabbist group called the Jammāt-al-Mujahiddin on charges of plotting terrorist actions.

There were no reports of religious prisoners or detainees in the country. Sunni Imam Kazim Aliyev, who appealed his 2002 arrest in Ganja to the ECHR, was released from prison in January 2006 by presidential pardon. In the northern city of Khachmaz, community members reported that on several occasions, police harassed and detained some Muslims who had disrupted public order. The police allegedly shaved the detainee's' beards; however, police officials denied detaining anyone for religious reasons.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Improvements in Respect for Religious Freedom

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

When minority religious communities outside of Baku reported that local authorities illegally denied their registration, the SCWRA intervened on their behalf and rectified the situation. In previous years, the SCWRA had taken a particularly strict approach to the registration of minority religious communities and had failed to prevent local authorities from banning such communities.

During the reporting period, the Government worked actively to promote interfaith understanding. SCWRA convened leaders of various religious communities on several occasions to resolve disputes in private, and has provided forums for visiting officials to discuss religious issues with religious figures. During the reporting period the SCWRA organized several seminars, conferences, and regional meetings on religious freedom and tolerance.

Section III. Societal Abuses and Discrimination

The generally amicable relationship among religious groups in society contributed to religious freedom; however, there is popular prejudice against Muslims who convert to non-Islamic faiths and hostility towards groups that proselytize, particularly evangelical Christian and missionary groups. This has been accentuated by the unresolved conflict with Armenia over Nagorno-Karabakh.

As in previous reporting periods, newspapers and television broadcasts depicted small, vulnerable religious groups as a threat to the identity of the nation and undermining the country's traditions of interfaith harmony, which led to local harassment. In addition, the head of the SCWRA has made

remarks at times during these broadcasts, which contributed to the climate of hostility these broadcasts generate.

During the reporting period, articles critical of Wahhabism and Christian missionaries appeared in many newspapers and one television channel aired "exposes" of Christian church services. Religious proselytizing by foreigners is against the law, and there is vocal opposition to it.

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

Hostility between Armenians and Azeris, intensified by the unresolved conflict over Nagorno-Karabakh, remained strong. In those areas of the country controlled by Armenians, all ethnic Azeris have fled, and the mosques that have not been destroyed are not functioning. Animosity toward ethnic Armenians elsewhere in the country forced most of them to depart between 1988 and 1990, and all Armenian churches, many of which were damaged in ethnic riots that took place more than a decade ago, remained closed. As a consequence, the estimated ten thousand to thirty thousand ethnic Armenians who remained were unable to attend services in their traditional places of worship.

There were few cases of prejudice and discrimination against Jews in the country, and in the few instances of anti-Semitic activity, the Government was quick to respond. Jewish community leaders consistently remarked on the positive relationship they have with the Government and leaders of other religious communities. In 2004, a new Jewish community center was opened in Baku with high-level government participation. Authorities also reserved one wing of a Baku school for secular and religious classes for 200 Jewish students.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom issues with the Government as part of its overall policy to promote human rights. During the reporting period, embassy officers conveyed U.S. concerns about the registration process and the overall attitude towards nontraditional religious groups to the chairman of the SCWRA. Embassy officers also expressed concerns about the Government's commitment to religious freedom with other members of the Government and publicly in the press. The U.S. embassy repeatedly conveyed objections to the censorship of religious literature, and concern that proposed amendments to the law on religious freedom respect the rights of religious believers.

The ambassador and embassy officers maintain close contacts with leading Muslim, Russian Orthodox, and Jewish religious officials, and regularly meet with members of nonofficial religious groups in order to monitor religious freedom. The ambassador and embassy officers also maintain close contact with NGOs that address issues of religious freedom.