

AZERBAIJAN 2019 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution stipulates the separation of state and religion and the equality of all religions. It also protects the right of individuals to express their religious beliefs and practice religious rituals, provided these do not violate public order or public morality. The law prohibits the government from interfering in religious activities, but it also states the government and citizens have a responsibility to combat “religious extremism” and “radicalism.” The law specifies the government may dissolve religious organizations if they cause racial, national, religious, or social animosity; proselytize in a way that “degrades human dignity;” or hinder secular education. Local courts sentenced 57 of the 77 individuals detained after the July 2018 attack on the then head of the city of Ganja Executive Committee, and subsequent killing of two police officers. Authorities said those sentenced were part of a Shia “extremist conspiracy” that sought to undermine the constitutional order. Human rights defenders considered 48 of these individuals to be political prisoners at year’s end; they also reported that in court hearings throughout the year, these individuals testified that police and other officials tortured them to coerce false confessions. Local human rights groups and others stated the government continued to physically abuse, arrest, and imprison religious activists. Leaders of the political opposition party Muslim Unity Movement Taleh Bagizade and Abbas Huseynov conducted hunger strikes of 16 days and 14 days respectively to protest their poor treatment by Penitentiary Services officials in Gobustan Prison. Human rights defenders said they considered these and other incarcerated Muslim Unity Movement members to be political prisoners. Estimates of the number of religious activists who were political prisoners or detainees ranged from 45 to 55 at the end of the year. Authorities briefly detained, fined, or warned individuals for holding unauthorized religious meetings. The government’s requirements for legal registration were unachievable for communities with less than 50 members. The government continued to control the importation, distribution, and sale of religious materials. The courts fined individuals for the unauthorized sale or distribution of religious materials. According to an article in the online media outlet Eurasianet, women wearing hijabs faced discrimination in the public sector. A senior government official stated in May while the law did not explicitly address the issue of the hijab in the workplace, there remained an unofficial ban on wearing it in government employment. The government sponsored events throughout the country to promote religious tolerance and combat what it considered religious extremism, including the November 14-15 Baku Summit of World Religious Leaders.

Civil society representatives stated citizens continued to tolerate “traditional” minority religious groups (i.e., those historically present in the country), including Jews, Russian Orthodox, and Catholics; however, groups viewed as “nontraditional” were often viewed with suspicion and mistrust.

The Ambassador and other U.S. embassy officers urged government officials to investigate allegations of serious physical abuse – including alleged torture – of those individuals detained after July 2018 unrest in the city of Ganja, and engaged the State Committee for Work with Religious Associations (SCWRA) to address longstanding issues with the registration process for religious communities. The Ambassador and embassy officers met regularly with representatives of traditional and nontraditional religious groups and civil society in and outside the capital to discuss the situation for religious freedom in the country. Embassy officials met with representatives of various religious groups in Baku and in the regions to discuss religious freedom in the country. Officials had consultations with theologians and civil society representatives and urged the government to implement the constitutionally provided alternative to military service for conscientious objectors.

Section I. Religious Demography

The U.S. government estimates the total population at 10.1 million (midyear 2019 estimate). According to 2011 data from the SCWRA, 96 percent of the population is Muslim, of which approximately 65 percent is Shia and 35 percent Sunni. Groups that together constitute the remaining 4 percent of the population include the Russian Orthodox Church; Georgian Orthodox Church; Armenian Apostolic Church; Seventh-day Adventists; Molokan Church; Roman Catholic Church; other Christians, including evangelical churches and Jehovah’s Witnesses; Jews; and Baha’is. Others include the International Society of Krishna Consciousness and those professing no religion.

Christians live mainly in Baku and other urban areas. Approximately 15,000 to 20,000 Jews live in Baku, with smaller communities throughout the country.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution stipulates the separation of state and religion and the equality of all religions and all individuals regardless of belief. It protects freedom of religion, including the right of individuals to profess, individually or together with others, any religion, or to profess no religion, and to express and spread religious beliefs. It also provides for the freedom to carry out religious rituals, provided they do not violate public order or public morality. The constitution states no one may be required to profess his or her religious beliefs or be persecuted for them; the law prohibits forced expressions or demonstrations of religious faith.

The law requires religious organizations – termed “associations” in the country’s legal code and encompassing religious groups, communities, and individual congregations of a denomination – to register with the government through the SCWRA. The SCWRA manages the registration process and may appeal to the courts to suspend a religious group’s activities. A religious community’s registration is tied to the physical site where the community is located, as stated in its application. A subsequent move or expansion to other locations requires reregistration. Registration allows a religious organization to hold meetings, maintain a bank account, rent property, act as a legal entity, and receive funds from the government.

To register, a religious organization must submit to the SCWRA a notarized application signed by at least 50 of its members, a charter and founding documents, the names of the organization’s founders, and the organization’s legal address and bank information.

By law, the government must rule on a registration application within 30 days, but there are no specified consequences if the government fails to act by the deadline. Authorities may deny registration of a religious organization if its actions, goals, or religious doctrine contradicts the constitution or other laws. Authorities may also deny registration if an organization’s charter and other establishment documents contradict the law or if the information provided is false. Religious groups may appeal registration denials to the courts.

The Caucasus Muslim Board (CMB) is registered by the SCWRA as a foundation and oversees the activities of registered Islamic organizations, including training and appointing clerics to lead Islamic worship, periodically monitoring sermons, and organizing pilgrimages to Mecca. Muslim communities must receive an approval letter from the CMB before submitting a registration application to the SCWRA.

The law bans activities by unregistered religious groups, which are punishable by fines or imprisonment.

While the law prohibits the government from interfering in the religious activities of any individual or group, there are exceptions for suspected extremist or other illegal activity. The law states government entities and citizens have rights and responsibilities to combat “religious extremism” and “radicalism,” referring to other criminal, administrative, and civil provisions of the law in prescribing punishments. The law defines religious extremism as behavior motivated by religious hatred, religious radicalism (described as believing in the exceptionalism of one’s religious beliefs), or religious fanaticism (described as excluding any criticism of one’s religious beliefs by those outside of the same religious group). According to the law, this behavior includes forcing a person to belong to any specific religion or to participate in specific religious rituals. It also includes activities seeking to change by force the constitutional structure of the country’s government, including its secular nature, or setting up or participating in illegal armed groups or unions, and engaging in terrorist activities. The law penalizes actions that intend to change the constitutional order or violate the territorial integrity of the country on the grounds of religious hatred, radicalism, or fanaticism, with prison terms from 15 years to life.

The law also specifies circumstances under which religious organizations may be dissolved, including if they act contrary to their founding objectives; cause racial, national, religious, or social animosity; or proselytize in a way that degrades human dignity or contradicts recognized principles of humanity, such as “love for mankind, philanthropy, and kindness.” Other grounds for dissolution include hindering secular education or inducing members or other individuals to cede their property to the organization.

The law allows foreigners invited by registered religious groups to conduct religious services, but it prohibits citizens who received Islamic education abroad from leading religious ceremonies unless they have received special permission from the CMB. Penalties for violating the law include up to one year’s imprisonment or fines from 1,000 manat (\$590) to 5,000 manat (\$2900). A longstanding agreement between the government and the Holy See allows foreigners to lead Catholic rituals.

An administrative code prohibits “clergy and members of religious associations from holding special meetings for children and young people, as well as the

organizing or holding by religious bodies of organized labor, literary, or other clubs and groups unassociated with holding religious ceremonies.”

The law restricts the use of religious symbols and slogans to inside places of worship.

According to the law, the SCWRA reviews and approves all religious literature for legal importation, sale, and distribution. Punishment for the illegal production, distribution, or importation of religious literature can include fines ranging from 5,000 (\$2900) to 7,000 manat (\$4,100) or up to two years' imprisonment for first offenses, and fines of 7,000 (\$4,100) to 9,000 manat (\$5,300) or imprisonment of between two and five years for subsequent offenses. There is no separate religious component in the curriculum of public or private elementary or high schools; however, students may obtain after-school religious instruction at registered institutions. Students may take courses in religion at higher educational institutions, and the CMB sponsors some religious training abroad. Individuals wishing to participate in state-supported religious education outside the country, whether supported by the national or foreign governments, must obtain permission from, or register with, the SCWRA or the Ministry of Education. If religious education abroad is not supported by the national or foreign governments, individuals are not required to obtain advance permission from authorities. The law prohibits individuals who pursue foreign government-supported or privately funded religious education abroad without permission from the government from holding official religious positions, preaching, or leading sermons after returning to the country.

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

The law stipulates the government may revoke the citizenship of individuals who participate in terrorist actions; engage in religious extremist actions; undergo military training abroad under the guise of receiving religious education; propagate religious doctrines in a “hostile” manner, which the law does not further define; or participate in religious conflicts in a foreign country under the guise of performing religious rituals.

According to the constitution, the law may restrict participation of “religious officials” in elections and bars them from election to the legislature. By law, political parties may not engage in religious activity. The law does not define “religious officials.” The law prohibits religious leaders from simultaneously serving in any public office and in positions of religious leadership. It proscribes the use of religious facilities for political purposes.

The constitution prohibits “spreading propaganda of religions humiliating people’s dignity and contradicting the principles of humanism,” as well as “propaganda” inciting religious animosity. The law also prohibits threats or expressions of contempt for persons based on religious belief.

The law prohibits proselytizing by foreigners but does not prohibit citizens from doing so. In cases of proselytization by foreigners and stateless persons, the law sets a punishment of one to two years in prison.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

The Ganja and Lankaran Courts of Grave Crimes sentenced 57 individuals from the 77 persons detained after the July 2018 attack on the then mayor of the city of Ganja and subsequent stabbing to death of two police officers during a related demonstration against local government authorities. Security forces took 77 individuals into custody and killed five during operations in the cities of Ganja, Shamkir, Sumgait, and Baku. The government said the individuals were part of a Shia Muslim “extremist conspiracy” to destabilize the country, and that those killed resisted arrest. Civil society activists and family members disputed the government account of the events and stated the five individuals whom security forces killed did not resist arrest. The Ganja Court of Grave Crimes conducted the trials in Baku, in what observers said was an effort to avoid causing further social unrest in Ganja. Those convicted received sentences ranging from 18 months to 18 years imprisonment. Civil society activists and human rights defenders said they considered the vast majority of the verdicts as politically motivated.

According to Jehovah’s Witnesses, there were 17 incidents between September 2018 and August 2019 in Baku and eight other cities or towns. One follower said two police officers forcibly took a Jehovah’s Witness in Khachmaz to the police station in February. International religious freedom nongovernmental organization (NGO) Forum 18 reported that in February a State Committee official asked the

Jehovah's Witness why he was talking about the Bible and not the Quran. Officers reportedly seized his religious literature, threatened to have him fined, held him for 12 hours without food or water, mocked his beliefs, forced him to write two statements, and then freed him. The Forum 18 report said one police officer threatened to beat him during his detention.

In January former member of parliament Rahim Akhundov stated publicly he had been forced to resign from his professional position in the International Relations Department of the Azerbaijani Parliament due to his Christian faith. He stated he had been threatened with dismissal unless he chose to resign voluntarily; he said the reason was fabricated. According to Akhundov, security services conducted surveillance on him and his home and informed parliamentary leadership that he had held prayer meetings at his house and proselytized.

In February Muslim Unity Movement leaders Taleh Bagizade and Abbas Huseynov conducted hunger strikes of 16 days and 14 days respectively to protest their poor treatment by Penitentiary Service officials in Gobustan prison. Authorities partially responded to their complaints, but the prisoners reported ongoing issues.

Authorities continued legal action against individuals associated with Islamic groups, such as the Muslim Unity Movement, that they asserted mixed religious and political ideology. Charges against these individuals included drug possession, incitement of religious hatred, terrorism, and attempted coup d'état. Human rights defenders and other civil society activists characterized the charges as baseless and designed to preclude political activity similar to previous years. According to data collected by the Working Group on a Unified List of Political Prisoners in Azerbaijan and other NGOs, the estimated number of religious activists incarcerated at the end of the year ranged from 45 to 55, compared with 68 in 2018.

On January 30, the Supreme Court upheld the conviction of Muslim Unity Movement activist Ahsan Nuruzade on charges of drug possession. The Baku Grave Crimes Court sentenced Nuruzade to seven years in prison in March 2018, but activists stated the charges were fabricated to punish him for publicly supporting the imprisoned leadership of the Muslim Unity Movement.

On June 12, the Supreme Court rejected the appeals of Muslim Unity members Ebulfez Bunyadov and Elkhan Isgandarov, convicted in 2018 on charges that included inciting religious hatred and terrorism, and sentenced to 15 and 14 years

respectively. On July 10, the Nizami District Court ordered Bunyadov's release on medical grounds.

On February 18, the Baku Court of Appeals ordered the release of Telman Shiraliyev with time served. The Khazar District Court had extended Shiraliyev's prison term for an additional five months and 18 days for alleged possession of a weapon in his prison cell, a charge human rights defenders said was fabricated to prevent his imminent release at the conclusion of his six-year prison term for protesting against a ban on schoolgirls wearing headscarves.

Jehovah's Witnesses reported the government had not implemented alternative military service for conscientious objectors despite being required to do so by the constitution. In April the Supreme Court rejected the appeals of Jehovah's Witnesses Emil Mehdiyev and Vahid Abilov of their 2018 convictions and one-year probation sentences for criminal evasion of military service. In October Mehdiyev and Abilov filed appeals to the European Court of Human Rights (ECHR).

On October 17, the ECHR ruled Jehovah's Witnesses in the country who conscientiously objected to military service should not be criminally convicted. The ruling consolidated four applications to the Court lodged between 2008 and 2015. The applications involved five Witnesses: Mushfig Mammadov, Samir Huseynov, Farid Mammadov, Fakhraddin Mirzayev, and Kamran Mirzayev. Each had been convicted and had served a prison term for their refusal to perform military service. The Court found since the Witnesses' conscientious objection to military service was based on "sincere religious convictions," the country's actions against them violated the European Convention on Human Rights.

Unregistered Muslim and non-Muslim religious groups considered "nontraditional" by the government reported authorities at times subjected them to harassment and fines for conducting religious activities. Regional branches of Baptists and Jehovah's Witnesses reported their inability to obtain legal registration. Some Protestant and home-based church leaders reported that their inability to obtain legal registration forced them to keep their activities discreet. The government said the inability to obtain registration stemmed solely from the groups' inability to meet the law's requirement of 50 members, and no administrative action was taken against unregistered religious communities.

According to a report from the Jehovah's Witnesses, in April a police officer went to the home of Jehovah's Witness Gulnaz Nasirova in Lankaran and forcibly

escorted her to the police station for interrogation. Police officers reportedly insulted her, threatened to send her to a mental hospital, questioned her about her beliefs and fellow believers, and demanded she provide her family members' personal data. One officer made a vague threat that he would harm her children, according to Jehovah's Witnesses. She was detained for five hours before being released.

Religious communities continued to report frustration at the requirements for government registration, particularly the to have a minimum of 50 members to apply for registration. For instance, Baptists communities in the towns of Zagatala and Shirvan did not have sufficient members to apply for legal registration.

The government continued to allocate funds to religious groups. Experts said the Moral Values Promotion Foundation's funding amounted to further government control over the practice of Islam.

On June 25, the Supreme Court upheld a 2018 government prohibition on the publication of theologian Elshad Miri's book *Things Not Existing in Islam*. The SCWRA said it prohibited the book because its enumeration of ideas and practices alleged to have no theological basis in Islam, such as the use of magic and child marriage, could have a negative influence on religious stability in the country.

The SCWRA reported during the year, it prohibited the importation of 216 books out of 3,888, and the publication of 14 books out of 239. By comparison, in 2018 the SCWRA prohibited the importation of 52 books out of 1,704, and the publication of 26 books out of 192.

On May 6, the Constitutional Court informed Baptist Pastor Hamid Shabanov that it would not consider his appeal of a 1,500 manat (\$880) fine for a 2016 gathering in the village of Aliabad of his unregistered Baptist community. It was Shabanov's second time appealing to the Constitutional Court; his first appeal was similarly dismissed in January 2018. Human rights defenders stated there were multiple violations of law and process in the case, such as the court's failure to provide a Georgian language interpreter and requiring Shabanov to sign documents he could not read.

On April 4, the Supreme Court rejected the appeal of Jehovah's Witnesses Eldar Aliyev, Maryam Aliyeva, Elchin Bakirov, and Bahruz Kerimov in a civil case against the Mingechevir police department. The plaintiffs sought compensation of 500 manat each for the 2016 police raid on a prayer meeting in Mingachevir that

they stated violated their religious freedom. On June 23, according to Forum 18, three police officers in Mingachevir tried to search the home of a Jehovah's Witness where other Jehovah's Witnesses had gathered. They took the names of those present, but when they tried to search the home without a warrant the homeowner refused to allow it. The officers left, saying they would return with a warrant, but did not.

On June 4, the Shirvan Court of Appeals upheld the April 16 verdict of the Sabirabad District Court that fined husband and wife Safqan Mammadov and Gulnar Mammadova 1,500 (\$880) manat for holding an illegal religious gathering for minors in their home. The Baptist couple stated they held a secular New Year's celebration for community children in their home, and that police interrupted the event and characterized it as a Christian meeting by a non-registered group, which would make it illegal.

Following the December 2018 police dispersal of a prayer meeting of Christians Samir Ismayilov, Ismat Azizov, and Jalil Rahimli, the Sheki District Court fined them 1,500 (\$880) manat each in separate hearings December 19, 2018 and January 3 for violating an administrative code that prohibits "clergy and members of religious associations holding special meetings for children and young people, as well as organizing or holding by religious bodies of organized labor, literary, or other clubs and groups unassociated with holding religious ceremonies".

On March 3, the SCWRA registered the Baku community of the Fire Christian Church. On July 11, the SCWRA registered the Baku Christian communities of Star in the East and Evangelical Christian Baptist Church.

During the year, the SCWRA registered 34 religious communities, of which 31 were Muslim and three Christian, compared to 90 religious communities registered in 2018, of which 86 were Muslim and four Christian. The total number of registered communities at the end of the year was 941, of which 35 were non-Muslim: 24 Christian, eight Jewish, two Baha'i, and one the International Society of Krishna Consciousness. The SCWRA also reported 2,250 mosques, 14 churches, and seven synagogues were registered.

A March 16 presidential pardon that released a number of individuals considered political prisoners by human rights defenders included at least 16 religious activists, including 11 individuals arrested after a large police operation that targeted members of the Muslim Unity Movement in November 2015.

The SCWRA reported it continued to provide letters authorizing previously registered communities to operate, based on their pre-2009 registration. While the SCWRA continued to state the religious activities of these communities in locations not covered under their pre-2009 registration status were prohibited, it occasionally granted exceptions upon request, an authority the SCWRA said it could employ when necessary. Jehovah's Witness and other communities have benefited from these letters.

According to an article in the online media outlet Eurasianet, women wearing hijabs faced discrimination in the public sector. Aynur Veyselova, a senior advisor at the State Committee on Family, Women and Children's Affairs, stated in May that while the law did not explicitly address the issue of the hijab in the workplace, there remained an unofficial ban on wearing it in government employment.

On May 24, President Ilham Aliyev signed a decree allocating two million manat (\$1,800,00) to the CMB for the needs of Muslim communities, compared with one million manat (\$590,000 in 2018) and 350,000 manat (\$206,000) each to the Baku Diocese of the Russian Orthodox Church and the religious community of Mountain Jews (250,000 manat – \$147,000 in 2018). The decree also allocated 150,000 manat (\$88,000) each to the European Jewish community, the Albanian-Udi community, and the Catholic Church of Baku (100,000 manat – \$59,000 in 2018) and 100,000 manat (\$59,000) to the Moral Values Promotion Foundation.

Abuses by Foreign Forces and Nonstate Actors

The government did not exercise control over the Nagorno-Karabakh region or the surrounding territories. Some religious groups and NGOs reported continued restrictions on religious activities by the de facto authorities in Nagorno-Karabakh, but information on specific abuses remained unavailable.

Jehovah's Witnesses reported the de facto authorities allowed them to worship in the region without hindrance but denied them registration as a religious group as well as the right to conscientious objection to military service.

Section III. Status of Societal Respect for Religious Freedom

Local experts on religious affairs and civil society representatives stated the country's historical societal tolerance continued with regard to "traditional" minority religious groups such as Jews, Russian Orthodox, and Catholics, but many persons viewed groups considered "nontraditional," such as Baptists and

Jehovah's Witnesses, with suspicion and mistrust. For example, one Baptist leader stated common citizens, as well as police and local government officials, did not understand or trust his community.

Sevda Kamilova, a linguist, stated she interviewed with several international companies, but each time was asked if she would be willing to remove her headscarf while working.

Section IV. U.S. Government Policy and Engagement

The Ambassador and other embassy officers engaged government officials to advocate the release of those they believed wrongly convicted of wrongdoing related to the July 2018 unrest in the city of Ganja. The Ambassador and embassy officers also pressed for the implementation of an alternative to military service for conscientious objectors, as stipulated in the constitution, and met with senior Cabinet of Ministers, SCWRA, and CMB officials to urge resolution of longstanding issues with the registration process for religious groups and other obstacles faced by religious minorities. For example, the Ambassador called on the country to continue promoting religious tolerance in a November 20 meeting with the CMB Head Sheikh Allahshukur Pashazade.

The Ambassador and embassy officers continued to meet regularly with the leaders of registered and unregistered religious communities and with representatives of civil society to discuss issues related to religious freedom, including challenges in registration, raids and subsequent fines against nontraditional groups for holding "unauthorized" religious meetings, and the prohibition of publication of books deemed sensitive by the government.

On May 30, the Ambassador hosted an iftar for a community of internally displaced persons who benefited from U.S.-sponsored programs. Representatives of SCWRA, the CMB, the State Committee for Affairs of Refugee and Internally Displaced Persons and others also attended the event. The Ambassador's remarks highlighted the importance of religious tolerance as a key element of religious freedom.