

AZERBAIJAN

TIER 2

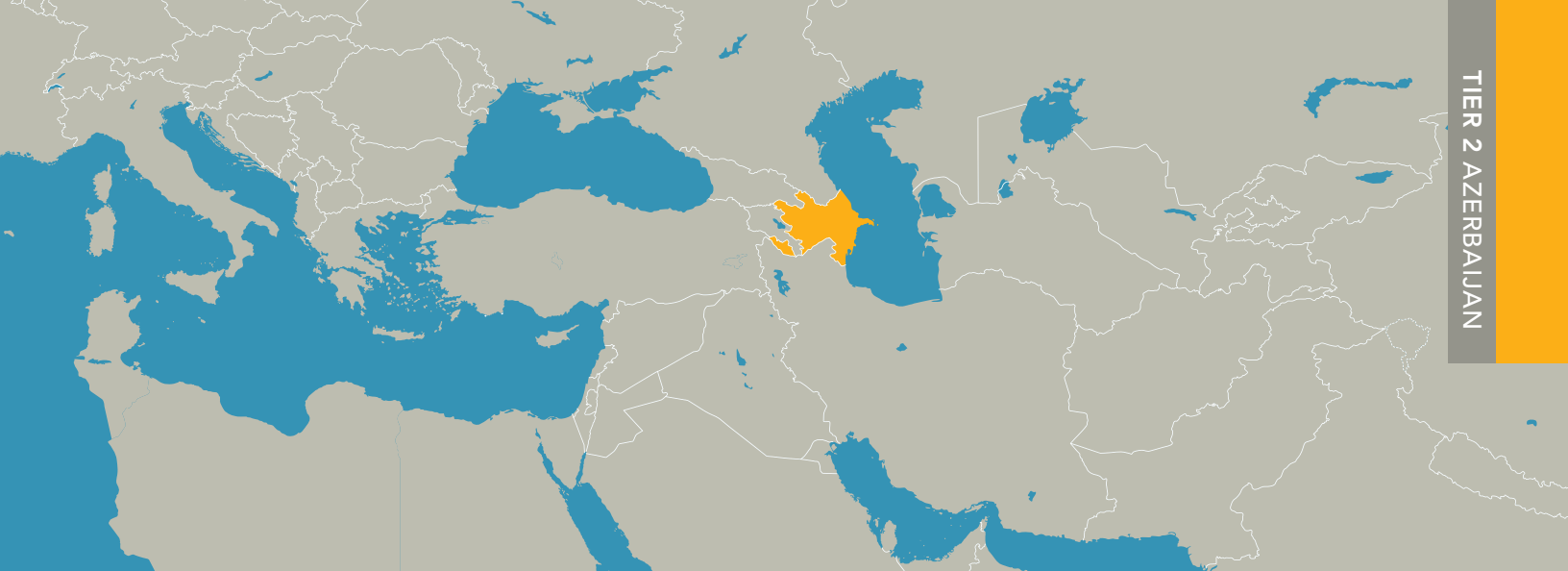
KEY FINDINGS

The status of religious freedom in Azerbaijan deteriorated in 2016. During the year, the Azeri government increased its repression of independent religious activity, closing Sunni mosques, raiding religious bookshops, and harassing Jehovah's Witnesses and certain Protestant communities. While Azerbaijan is at risk from international terrorism, that danger increasingly serves as a pretext in official efforts to suppress peaceful religious dissent amidst a general crackdown on human rights. In

January 2017, 18 Shi'a activists were sentenced to prison terms of between 10 and 20 years on numerous charges, including purported terrorism. A local non governmental organization coalition that monitors the status of Azerbaijan's prisoners of conscience estimated that as of December 2016, 86 persons were imprisoned for their religious beliefs. Based on these concerns, in 2017 USCIRF again places Azerbaijan on Tier 2, where it has been since 2013.

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Urge the Azerbaijani government to reform its religion law 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;
- Work with the highest levels of the Azerbaijani government to secure the release of prisoners of conscience and ensure detainee access to family, human rights monitors, adequate medical care, legal counsel, and religious accommodations;
- Continue the maintenance of contact, including at the ambassadorial level, between the U.S. Embassy in Azerbaijan and human rights and religious freedom activists;
- Encourage scrutiny of Azerbaijan's violations of international religious freedom and related norms at the United Nations (UN) and OSCE, and urge the OSCE to engage these issues publicly;
- Urge the Azerbaijani government to agree to visits by the UN Special Rapporteurs on freedom of religion or belief, on independence of the judiciary, and on torture; set specific visit dates; and provide the necessary conditions for such visits;
- Press the government of Azerbaijan to allow religious groups to operate freely without registration, including amending the religion law's registration requirements;
- Specify freedom of religion or belief as a grants 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 Azadlyg, the Azeri Service of Radio Free Europe/Radio Liberty (RFE/RL) and the Azeri Service of the Voice of America.



BACKGROUND

Unlike other Muslim majority former Soviet states, Azerbaijan has a Shi'a majority. According to the State Department, 96 percent of Azerbaijan's population of nine million is Muslim, with 65 percent Shi'a and 35 percent Sunni; the other 4 percent includes Russian Orthodox, Armenian Orthodox, Lutherans, Roman Catholics, Baptists, Molokans, Seventh-day Adventists, Jews, Baha'is, and non-believers. Shi'a and Sunni Muslims, Russian Orthodox, and Jews officially are viewed as the country's "traditional" religious groups. Historically, the country has been tolerant of religious pluralism. Although the secular government of Azerbaijan regards the government of Iran with great suspicion, 13 million ethnic Azeris live in Iran. The country has been ruled by the Aliyev family since 1993, first by Heydar Aliyev and then by his son Ilham, who has been president since 2003.

Azerbaijan's 2009 religion law 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 clergy. Alleged offenders face major 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 the display of banners or slogans to places of worship. Azerbaijani citizens with foreign education and non-Azerbaijani citizens are also banned from leading Islamic rituals, subject to prison terms or fines.

Despite Azerbaijan's pledge to the Council of Europe when it joined that organization in 2001 to enact an alternative military service law, there are criminal penalties for refusal of military service. Other legal amendments further restrict religious freedom: officials have wide powers to act against "extremist" activity; citizenship can be removed from members of allegedly extremist religious groups; police can regulate religious materials; and parents who do not send their children to

state schools are subject to administrative fines.

As in many post-Soviet states, increasing authoritarianism and the suppression of secular political opposition in Azerbaijan has fostered the emergence of a religious political opposition

that the government has sought to discredit by linking it to terrorism or other illegal activity. In January 2017, 18 defendants, including Shi'a cleric and vocal critic of the government Taleh Bagirov, were sentenced to long prison terms; they had been arrested during a November 2015 raid on the conservative Shi'a town of Nardaran in which two policemen and four residents died. Their year-long trial was widely criticized by human rights groups as unfair and also tainted by allegations of extensive use of severe torture.

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RELIGIOUS FREEDOM CONDITIONS 2016–2017

Government Control through Registration

Registration with the government is mandatory for religious groups to conduct activities. Religious groups that are denied registration or refuse to register on theological grounds are deemed “illegal,” and may face raids and other penalties. The State Committee for Work with Religious Organizations (SCWRO), which oversees registration, has refused to process registration applications. As of November 2016, many communities that applied in 2009 were still waiting for the SCWRO to process these applications. Religious communities unable to gain legal status include all independent mosques outside the state-backed Caucasian Muslim Board (CMB), as well as some of the CMB’s own mosques. Almost all Protestant denominations (including Baptists, Seventh-day Adventists, and Pentecostals) have been denied full registration and therefore encounter certain limitations on their activities. Jehovah’s Witnesses also lack legal status. Some NGOs that campaign for religious freedom or discuss religion, such as the International Religious Liberty Association and Devamm, have been denied registration.

Repression of Independent Muslims

Muslims face additional legal restrictions that do not apply to other faiths. All mosques must belong to the CMB, which dates to the Soviet era. Mosques must be founded by Azeri citizens and report their activities to the CMB, which also appoints all imams. Police enforce an official 2008 ban on praying outside of mosques. After 2010, there was a mass petition campaign and numerous public protests over the 2010 official “recommendation” not to allow students to wear the hijab; there were multiple arrests and detentions. (According to the State Department, since 2015 this ban is no longer enforced.) Authorities continue to raid meetings of nonviolent Salafis and the homes of readers of Said Nursi and alleged followers of the Turkish Islamic leader Fethullah Gülen. Reportedly, officials and educators have lost their jobs if they were suspected of ties to the Gülen movement.

Religious Prisoners

A group of NGOs calling itself the Working Group on a Unified List of Political Prisoners in Azerbaijan

estimates that 86 persons were imprisoned for their religious beliefs as of December 2016. In addition to a total of 48 persons arrested in connection with the events in Nardaran mentioned above, there are 20 prisoners who were arrested during a wave of protests in 2012 related to the government’s ban of hijabs in schools, five prisoners connected to the Islamic Party of Azerbaijan, and 10 persons connected to Said Dadashbayli, a cleric whom the government accused of ties to Iran.

The Working Group is also monitoring the case of Azeri Shi’a theologian Elsan Mustafaoglu, who was charged in 2016 with espionage for Iran and faces a possible 12-year prison term. Originally sent by the Azeri government to study Shi’a theology in Iran, he founded an NGO, Spiritual Purity, in 2001 and anchored religious programs on Azeri TV.

Closure of Places of Worship

Since 2009, Azerbaijan has closed or destroyed numerous houses of worship, mainly Sunni mosques. In the wake of the November 2015 raid on Nardaran, four Shi’a mosques there were forcibly closed. In 2016, Forum 18 reported that the authorities had forced three Sunni mosques in Azerbaijan to close or restrict activities: the Omar bin Khattab mosque, which had functioned since 1990 south of Baku and whose leader was fined for ministering to an “illegal” religious community; the Lezgin mosque in Baku’s Old City, which was closed ostensibly to undergo repairs; and a mosque in the village of Digah, the hours of which were restricted to Friday prayers, apparently in retaliation for undergoing renovations. A privately-built Sunni mosque that had functioned for 20 years was closed in January 2016 in the town of Shirvan near Baku.

Status of Religious Minorities

Jewish groups have long lived in Azerbaijan and have rarely faced anti-Semitism. The Azerbaijani government publicly stresses the lack of anti-Semitism and its good relations with Israel. Baku also has a small Catholic community that has received some Azeri state funding to construct a church. Two registered Georgian Orthodox communities in the Gakh region cannot hold religious services. The Azeri government has not returned any confiscated religious facilities, such as the Armenian Apostolic, Great Grace, and Lutheran churches in Baku,

nor provided compensation for properties seized. Monetary fines are the preferred official method of penalizing some activities by religious minorities.

In January 2016, two female Jehovah's Witnesses, Valida Jabrayilova and Irina Zakharchenko, were released after spending almost a year in prison for proselytism. They were acquitted of all charges in February 2017.

At least 14 Jehovah's Witnesses were fined in 2016 for speaking publicly about their beliefs or for holding prayer meetings at home, Forum 18 reported. In March and November 2016, over 60 Jehovah's Witnesses were briefly arrested for such prayer meetings; nine had to pay fines. In September, seven of 34 Jehovah's Witnesses lost their appeals against fines of over three months' average wages each. The 34 were punished for participating in a March "illegal" home worship meeting in the town of Gakh. On January 1, 2017, police and the SCWRO raided a Jehovah's Witness prayer meeting in the town of Barda. The 18 participants were briefly detained; one, Yegana Ismayilova, was physically assaulted in custody.

Government Control of Religious Materials

Official enforcement of restrictions on religious literature also continues. For example, in October 2016, police in and around Baku raided numerous bookstores not licensed to sell religious texts, and confiscated hundreds of books that allegedly lacked required official censorship stickers. Followers of Turkish theologian Said Nursi, Protestants, and Jehovah's Witnesses are the particular targets of raids, confiscations, fines, detentions, and deportations for violating such restrictions. In December 2016, police and the SCWRO raided Azerbaijan's only Christian bookstore and seized 300 books because it is not officially licensed to sell religious texts. The store has been waiting for a response to its license request since 2009. If found guilty, the American storeowner may be fined and deported.

Situation in the Nakhichevan Exclave

The Nakhichevan Autonomous Republic, an Azerbaijani exclave that borders Iran, Armenia, and Turkey has a population of 410,000. This exclave faces even more severe religious freedom restrictions than the rest of Azerbaijan; the Baha'i, Adventist, and Hare Krishna

faiths are banned. Local Sunni Muslims are denied mosques; up to 50 Shi'a mosques, especially those officially viewed as under strong Iranian influence, reportedly were closed in recent years. During Shi'a Muslim Ashura ceremonies, police reportedly prevent children and students from entering mosques. Many government workers are said to fear losing their jobs if they attend religious services.

U.S. POLICY

The United States aims to encourage pro-Western democracy and to help build an open market economy in Azerbaijan. Other goals include promoting regional stability, primarily resolution of the Nagorno-Karabakh conflict, enhancing energy security, and fostering economic and political reforms. U.S. companies cooperate in offshore oil development with Azerbaijan. Azerbaijan supports the North Atlantic Treaty Organization (NATO) operations in Afghanistan by participating in the Northern Distribution Network and counters transnational threats, especially from Iran. U.S. assistance helps build capacity for maritime counterterrorism operations, especially in its Caspian Sea area, and provides military security training courses. U.S. civil society assistance in Azerbaijan focuses on small grants for civil society and on civic dialogue.

The U.S.-Azerbaijani dialogue on civil society and democracy, announced in February 2015 to run in parallel with Council of Europe initiatives, has not moved forward. In 2016, the State Department was publicly critical of politically motivated prosecutions by the Azerbaijani government against several opposition activists, politicians, and journalists. In 2016, then U.S. Ambassador to the OSCE Daniel Baer made several public statements critical of human rights conditions in Azerbaijan, but he did not mention religious repression. In March 2016, then Secretary of State John Kerry met with Azerbaijani President Ilham Aliyev in Washington, where he raised issues of political and social freedoms. In June, then Deputy Assistant Secretary of State for Europe and Eurasia Bridget Brink went to Baku to meet with President Aliyev; she also met with human rights activists and civil society representatives. While the U.S. Embassy website lists Democracy Commission Small Grants for Azerbaijan, that information has not been updated since 2014.