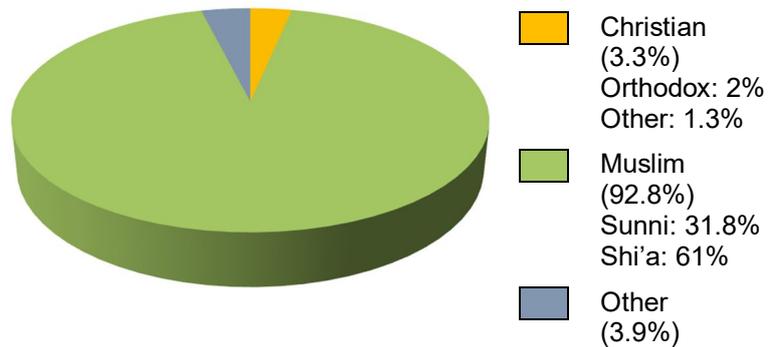


AZERBAIJAN



Area¹: 86,600 km ²	Population: 9.6 million	Political system: Democracy	Major Language(s): Azeri, Russian
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Legal framework on freedom of religion and actual application

Azerbaijan has built a complex labyrinth of “legal” restrictions covering freedom of religion and belief. Under the law on religion of 2009, all unregistered religious activity is forbidden. The same applies to the teaching of religion, except where authorised by the state. The publication and distribution of religious literature is subject to government censorship. In order for the Muslim religious communities to operate, they need to be part of the Muslim Council of the Caucasus. The council is a Shi’a organisation, supported by central government and the rules state it can only be led by Azeri citizens who have received their religious training within Azerbaijan.

On 5th December 2015, President Ilham Aliyev approved a series of laws aimed at tightening restrictions on freedom of religion and belief.² An amendment is also being introduced into the penal code, with the addition of article 168.1, which imposes imprisonment or a fine for any citizen who, after receiving religious training abroad, conducts any Islamic ritual.³ Subsection 2 imposes jail terms of between one and two years for “religious propaganda by foreigners and stateless persons”.

On that same day in December, a new law on religious extremism was passed. It leaves ample margin for the arbitrary use of the term “extremist activity”. In addition, there were various amendments to Article 18 of the law on citizenship which deal with the question of depriving citizenship to those involved with “extremist” religious groups.

Incidents

The Catholic community, which consists of only a few hundred persons, is able to operate without difficulties. From 2011 onwards – the year when an accord between the Vatican and the Azeri government was signed – the Catholic mission in the country became an apostolic prefecture, the first step towards the creation of a diocese. In March 2015, President Aliyev had an audience with Pope Francis, who was reportedly due to visit Azerbaijan in autumn 2016. During the meeting, satisfaction was expressed concerning the development of bilateral relations.⁴

By contrast, the daily life of other religious groups is very difficult, especially since religious groups started coming under greater surveillance as part of a wider intensification of state controls over the nation.

Since June 2015, the only two parishes of the Georgian Orthodox Church that are legally permitted to exist in Azerbaijan – St George’s Church in Gakh and the church of Saint Nino in Alibeyli – have been without a priest. The Azeri authorities have refused permission for Father Demetre Tetrushvili, the priest who had ministered to the two communities for the past four years, to re-enter the country.⁵ In response, a request was submitted for a new priest, Father Petre Khumarashvili, to enter the country. However, to date the request has remained without result.⁶ According to the statements of the Georgian Foreign Ministry, the Azeri authorities refused permission because it was impossible for the Georgian Orthodox Church to continue to be led by foreign citizens.⁷

The various communities of the Jehovah’s Witnesses in the country – none of which has succeeded in gaining registration – are frequently raided by the police. What normally happens is that there are house searches, confiscation of religious materials, and threats and insults directed at those involved. In addition, there are interrogations at the local police stations, and a court trial. The court proceedings are frequently arranged on the same day as the raid. This means the accused has no chance to obtain legal advice or prepare an adequate defence. On 14th November 2015 the community of the Jehovah’s Witnesses in Gyanja were raided and nine of them were fined. Two others – Irada Huseynova and Rashad Niftaliyev – had to serve brief prison sentences for failing to pay fines incurred for earlier offences.⁸ This incident was the eighth such raid on the Jehovah’s Witnesses in Gyanja since 2010. In an earlier raid, in October 2014, three individuals – including Rashad Niftaliyev and the owner of the house, Saladdin Mammadov – were also fined.⁹

In February 2015 two female Jehovah’s Witnesses, Irina Zakharchenko and Valida Jabrayilova, were arrested in the town of Pirallahi. The previous December, the police reportedly caught them going from house to house, talking about their faith and distributing religious material. For almost a year, they were held in prison on remand while awaiting trial, which finally took place on 28th January 2016. Given the lengthy period they had already spent in detention, the judge decided against giving them a fine and they were released.¹⁰

Between December 2014 and January 2015 another five Jehovah’s Witnesses – two in the town of Zakatala, Matanat Qurbanova and Saadat Muradhasilova, and three in the capital, Baku, Rahima Huseynova, Mahluqa Akhmadova and Ismayil Bagirov – were each fined about three months’ average wage for talking about their faith in the street with other people and distributing religious material. Their appeals against the sentences were all rejected.¹¹

In April 2014 Kamran Shikhaliyev, a 20-year-old conscientious objector, was sentenced to a year in a disciplinary military unit for refusing to serve in the armed forces. He was sentenced again for the same offence on 18th August 2015 by the military tribunal in Baku.¹²

Muslims who worship without the authorisation of the Muslim Council of the Caucasus have frequently encountered the hostility of the state and been victims of arrests and punishments.

The followers of the teachings of Turkish mullah Said Nursi face persecution. In October 2015 five men, all Muslims – Ismayil and Zakariyya Mammadov, Shahin Hasanov, Eldeniz Hajiyev and

Revan Sabzaliyev – were sentenced to prison terms ranging from one to five years after the police found them together in an apartment in Baku, studying the writings of Nursi. Although their sentences were reduced on appeal, the lawyer for the five men announced the brothers' intention to appeal to the Supreme Court.¹³ In another incident, Sabuhi Mammadov, a Muslim from the Gadabay region, was fined the equivalent of three times the average monthly salary for hosting a meeting to study the writings of Nursi in his home. Another 13 people present at the gathering were fined smaller sums.¹⁴ Two Turkish citizens, who had arrived in the Azeri capital on 19th September 2015, were fined and deported. It happened after the police raided an apartment and found them alongside 85 fellow believers, studying the works of Nursi. Another five of those present were fined.¹⁵

Zohrab Shikhaliyev, a Sunni Muslim, served a six-month prison sentence for illegal possession of arms. However, reports said his real crime had been to make his home in the town of Sumgait available for prayer for Sunni Muslims.¹⁶

On 10th March 2015 a Shi'a Muslim, Jeyhun Jafarov – a noted radio broadcaster and presenter and translator of Islamic texts – was arrested and charged with treason.¹⁷

The sale of unauthorised religious texts has also been a source of problems for many Muslims. For example, in December 2014 Kamran Abdiyev was fined. 244 Islamic texts found in his possession were confiscated.¹⁸ Similarly, another five Muslims, including the imam Mubariz Qarayev of the Legzin mosque, were arrested in February 2015 for having sold sacred texts without the state's authorisation.¹⁹ The following May they were sentenced to prison terms of between six and 18 months. All five men were linked to the Legzin mosque, which over the the past year had been under pressure to stop carrying out religious activities. For example, in April 2015 the authorities requested the mosque close its doors before the start of the European games in Baku. ²⁰ The reason it gave was the need to carry out structural works. However, reportedly, the real reason was linked to the central position of the mosque in the old town of the city of Baku and the large number of Muslim believers (often dressed in traditional garb and with long beards) who regularly gathered there.

Many mosques have been closed down since 2008 on various pretexts. Alternatively, their leaders have been forcibly replaced by individuals seen as more acceptable and loyal to the authorities. In the spring of 2014, this happened to the mosque of Mushfiqabad²¹ and in 2015 to the mosque in Qobustan, close to Baku.²² Similarly, the imam of the mosque in Juma, Jeyhun Baliyev, stated that he was dismissed because his Friday preaching was becoming too popular.²³ In December 2015, Mubariz Gurbanli, the president of the state commission for religious organisations, announced plans to install security cameras in all the country's mosques in order to monitor the sermons.²⁴

In November 2015 the police conducted an armed raid in the village of Nardaran, a stronghold of Shi'a Islam. Two policeman and five local people were killed. At least 68 individuals were arrested and charged with planning "a violent change to the constitutional system of government" in order to establish "a religious state governed by *Shari'a* law".²⁵ Following the raid, four mosques in Nardaran were closed down. Many of those arrested were released in January 2016 but around 10 people were still in prison on remand. They include the leader of the group, Taleh Bagirov, and the leader of the prayers in the mosque, Nuhbala Rahimov.²⁶ A few days before the raid, Bagirov, who in July 2015 had just finished serving a second prison sentence, was subjected to abuse and torture by the security forces. It was a violent attack strongly condemned by his deputy, Elchin Qasimov, and other believers. 10 people were jailed for up to 30 days.²⁷

The situation for Muslims is even more difficult in the exclave of Nakhichevan, an autonomous territory of Azerbaijan, bordered by Armenia, Iran and Turkey.

Prospects for freedom of religion

The daily life of religious groups, except Catholics, is very difficult, especially since religious groups started coming under greater surveillance as part of a wider intensification of state controls over the nation.

¹ Area, population, political system, language: Source: BBC

² Forum 18 News Service, 16 dicembre 2015

³ Forum 18 News Service, 16 dicembre 2015. Il salario mensile medio in Azerbaijan è pari a 462 Manats (circa 400 euro o 440 dollari)

⁴ Asia News, 6 marzo 2015

⁵ Forum 18 News Service, 10 luglio 2015

⁶ Forum 18 News Service, 26 gennaio 2016

⁷ Forum 18 News Service, 13 luglio 2015

⁸ Forum 18 News Service, 16 dicembre 2015

⁹ Forum 18 News Service, 1° ottobre 2015

¹⁰ Forum 18 News Service, 29 gennaio 2016

¹¹ Forum 18 News Service, 24 febbraio 2015 e 5 agosto 2015

¹² Forum 18 News Service, 19 novembre 2015

¹³ Forum 18 News Service, 27 aprile 2016

¹⁴ Forum 18 News Service, 13 luglio 2015

¹⁵ Forum 18 News Service, 29 settembre 2015

¹⁶ Forum 18 News Service - 18 novembre 2014 e 23 febbraio 2015

¹⁷ Forum 18 News Service, 16 dicembre 2015

¹⁸ Forum 18 News Service, 5 agosto 2015

¹⁹ Asia News, 12 settembre 2015

²⁰ Forum 18 News Service, 21 aprile 2015

²¹ Forum 18 News Service, 18 novembre 2014

²² Forum 18 News Service, 24 febbraio 2015

²³ Forum 18 News Service, 26 gennaio 2016

²⁴ Human Rights Without Frontiers, 04 aprile 2016

²⁵ Forum 18 News Service, 1° dicembre 2015

²⁶ Forum 18 News Service, 27 gennaio 2016

²⁷ Forum 18 News Service, 9 dicembre 2015