

AZERBAIJAN

USCIRF–RECOMMENDED FOR SPECIAL WATCH LIST

KEY FINDINGS

In 2019, religious freedom conditions in Azerbaijan trended positively, as the government largely ceased conducting raids on religious communities and similarly reduced its longstanding practice of detaining and fining individuals in connection with the unauthorized, peaceful practice of their religion or beliefs. In March 2019, Azerbaijani President Ilham Aliyev [issued a presidential pardon](#) that resulted in the release of 51 political and religious prisoners. In another positive development, the State Committee for Work with Religious Associations (SCWRA) granted registration to [31 Muslim](#) communities and [three Christian](#) communities over the course of the year. Throughout the year, the Azerbaijani Embassy to the United States and other government officials continued to engage closely with USCIRF on religious freedom concerns.

Despite these improvements, the government continued to exert undue control and oversight over all religious communities and their activities. Government officials continued to manage and limit religious practices through the 2009 Law on Freedom of Religion and related articles of the administrative and criminal codes. Among other restrictions, the law requires religious communities to register with the government; criminalizes all unregistered religious activity; restricts religious activity to each community's registered legal address; and requires state approval for the content, production, import, export, distribution, and sale of all religious literature. As a result, Christian communities and individuals reported limiting or conducting some of their religious activities in secret out of fear of a possible government crackdown. Although Azerbaijan's [constitution](#) guarantees the right to alternative civilian service when mandatory military service

conflicts with an individual's convictions, the government has not provided an alternative service option and has prosecuted Jehovah's Witnesses in the past for exercising their right to conscientious objection, charging them with "evading military service." Additionally, the government has reportedly applied travel bans to some Jehovah's Witness members, preventing them from leaving the country and leaving them no clear means to contest or appeal the bans.

Azerbaijan continued to imprison individuals in connection with their religious activities. According to nongovernmental organizations (NGOs) [tracking political prisoners](#) in the country, as many as 45 religious activists remained incarcerated at the end of the year. Sardar Babayev, a Shi'a Muslim imam sentenced in 2017 for illegally leading Islamic ceremonies after having received a foreign religious education, remained imprisoned through the end of 2019. The majority of prisoners of conscience in Azerbaijan comprise members of the Muslim Unity Movement (MUM). A [2019 report](#) by the Parliamentary Assembly of the Council of Europe (PACE) highlighted the continued imprisonment of MUM leaders Taleh Bagirzade and Abbas Huseynov and noted that they and others associated with MUM had reported being tortured. In response to "[unprecedented pressure](#)" in early 2019, Bagirzade and Huseynov went on a hunger strike and were reportedly denied access to their lawyers and families. Local human rights activists [maintained](#) that the government had targeted and detained tens of individuals in connection with violence in the city of Ganja in 2018 as part of its effort to "start repressions against believers," and they expressed concern that those detainees were also at risk for torture.

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Include Azerbaijan on the U.S. Department of State's Special Watch List for engaging in or tolerating severe violations of religious freedom pursuant to the International Religious Freedom Act (IRFA);
 - Work with the government of Azerbaijan to revise the 2009 religion law to comply with international human rights standards, and bring it into conformity with recommendations made in 2012 by the Council of Europe's Venice Commission and the Organization for Security and Cooperation in Europe (OSCE); and
 - Assist the government of Azerbaijan, in collaboration with international partners, to develop an alternative civilian service and permit conscientious objection pursuant to Azerbaijan's commitment to the Council of Europe, obligations under international human rights law, and the Azerbaijani constitution.
- The U.S. Congress should:
- Hold public hearings to investigate Azerbaijan's religious freedom and broader human rights abuses, including its treatment of the Muslim Unity Movement; raise related concerns directly with the Azerbaijani Embassy and other government officials; and advocate for the release of all prisoners of conscience.

KEY USCIRF RESOURCES & ACTIVITIES

- **Commissioner delegation visit:** Baku and Quba in February 2020
- **Press Release:** [USCIRF Delegation Travels to Azerbaijan to Assess Religious Freedom Conditions](#)
- **Interview:** [Azerbaijani Government Continues to Restrict Freedom of Religion or Belief](#) (in *Turan*)

Background

Approximately 96 percent of Azerbaijan's [estimated](#) population of 10.2 million people is Muslim. Although there are no recent statistics available, the government of Azerbaijan has generally [held](#) that 65 percent of the Muslim population identifies as Shi'a Muslim and 35 percent as Sunni Muslim. The remaining 4 percent of the population consists of Armenian Apostolics, atheists, Baha'is, Catholics, Georgian Orthodox, Hare Krishnas, Jehovah's Witnesses, Jews, Molokans, Protestants, and Russian Orthodox.

Azerbaijan is a secular state that [stipulates](#) the separation of state and religion in its constitution. Although the constitution protects the freedom of conscience and provides for the right to "profess individually or together with others any religion or to profess no religion, and to express and disseminate . . . beliefs concerning . . . religion," the government has in practice limited such rights through the 2009 Law on Freedom of Religion, the administrative code, and the criminal code. While the state formally prohibits discrimination on the basis of religion, Muslim women who wear the hijab have [reported discrimination](#) when seeking employment and claimed that the government maintains an unofficial ban on the hijab in government and schools.

Government Control of Religious Practice and Literature

In 2019, religious communities largely described improved religious freedom conditions and better relations with the government. Notwithstanding the reduction in state harassment, however, religious communities remained under both the constraints of existing laws that govern religious activity as well as the threat that government officials and law enforcement authorities could return to previous abusive practices. Some groups of Baptists, Jehovah's Witnesses, and Lutherans remained unable to register by the end of the year, and they characterized the registration process as onerous and arbitrary; in particular, a requirement that every religious community have at least 50 founding members proved exceptionally difficult for small communities outside the capital to achieve. Foreigners remained prohibited from engaging in "religious propaganda"—which has been understood to mean proselytization or missionary activity—without special permission.

A provision of the religion law confining a community's religious activities to its legal, registered address continued to expose some communities to police intimidation. For example, in June police [threatened](#) two Jehovah's Witnesses in Lənkəran, ordering them not to host guests in their home, hold religious meetings in their home, or share their beliefs. In separate incidents in Xaçmaz and Baku in February and March, respectively, police officers brought Jehovah's Witnesses to their local police stations for interrogation, threatened them, insulted their beliefs, and asked them why they did not instead speak to others about the Qur'an. In one instance, police officers reportedly told Jehovah's Witnesses that they would be "exterminated."

The government continued to require that all religious literature and related materials receive the approval of the SCWRA and be marked with a holographic sticker, and it restricted the sale of religious literature to certain preapproved points of sale. Muslim theologian Elshad Miri, whose book *Things Not Found in Islam* was

banned in 2018, sought to appeal the ban at the Supreme Court, but it [rejected his appeal](#) in June 2019. In September, a court [fined](#) Kamran Huseynzade for the unauthorized sale of religious books outside of a Baku mosque. According to the NGO Forum 18, the SCWRA stated that the books in question were "suspected of propagating religious radicalism and extremism," but it later dropped that claim. Similarly, regional courts in [Şirvan](#) and [Şəki](#) rejected appeals against fines that were related to the unapproved distribution and possession of religious books by Baptists and others. During the year, courts also [rejected appeals](#) concerning "illegal" religious meetings.

Religious Prisoners

In November 2019, the Working Group on a [Unified List of Political Prisoners in Azerbaijan](#) released its updated list, which classified 45 prisoners as religious activists—marking a decline in the total number of religious prisoners from the previous year. The majority of such prisoners continued to consist of MUM members, whom the government has imprisoned on dubious charges and sentenced to prison terms ranging as high as 20 years. In March, Turkey [extradited](#) MUM member Anar Jabbarov to Azerbaijan in a manner that human rights defenders have [characterized](#) as illegal, and it reportedly [planned](#) to do the same with alleged MUM member Elnur Mehdiyev. According to media outlets, Jabbarov was [released](#) without charges in April.

In December, the PACE [adopted a resolution](#) on political prisoners in Azerbaijan. The [report](#) the resolution was based on specifically raised the continued imprisonment of MUM leaders Taleh Bagirzade and Abbas Huseynov and cited "the authorities' clear hostility towards and prior attempts to repress [their] political/religious activities."

Religious prisoner and Shi'a Muslim imam Sardar Babayev, who was sentenced in 2017 to three years in prison for leading Friday prayers despite having received a foreign religious education in Iran, remained imprisoned throughout 2019. He was released upon the completion of his sentence in February 2020, after the reporting period.

Key U.S. Policy

The bilateral relationship between the United States and Azerbaijan [focuses](#) on European energy security, trade and investment, and joint efforts to combat terrorism and transnational threats. The United States is also a cochair, together with France and Russia, of the Organization for Security and Cooperation in Europe (OSCE) [Minsk Group](#), which seeks the peaceful resolution of the Nagorno-Karabakh conflict. While the United States continued to provide assistance to Azerbaijan for security, economic development, and civil society development, it has in recent years [increased](#) military aid with the purported intent of countering Iran.

In July 2019, Azerbaijan participated for the first time in the annual [Ministerial to Advance Religious Freedom](#) hosted by the U.S. Department of State. SCWRA Chairman Mubariz Gurbanli attended and [met](#) with Ambassador-at-Large for International Religious Freedom Samuel D. Brownback. At the conclusion of the ministerial, Azerbaijan signed on to four of the nine [Statements of Concern](#), but [declined](#) to sign on to the statement on "[Counterterrorism as a Pretext for the Repression of Religious Freedom](#)."

INDIVIDUAL VIEWS OF COMMISSIONER JOHNNIE MOORE

Azerbaijan does not meet the threshold necessary to be included in this report. As I have said before: it is a country where Sunni and Shi'a clerics pray together, where Evangelical and Russian Orthodox Christians serve together, and where thriving Jewish communities enjoy freedom and total security in their almost entirely Islamic country. It is a Muslim-majority country that has hosted prominent Hindu leaders and it is a Shi'a majority neighbor of Iran whose commitment to peace led it long ago to forge a vibrant, public, and diplomatic relationship with the state of Israel. Azerbaijan has had the challenge of bringing religious freedom into a post-Soviet legal framework, but—even in this—it has achieved much more than any of its neighbors. The religious freedom community would also be wise to not arbitrarily disregard the government's concerns about violent, religious extremism and its national security. Finally, I also join with religious leaders throughout the world in the prayer that one day soon the governments of Azerbaijan and Armenia will find a way to address the grievances and injustices between them in pursuit of true peace.