SECTION 1: Legal Framework

I. Azerbaijani Constitutional Provisions

The Republic of Azerbaijan has a population of 8.5 million people, approximately 96 percent of whom are Muslim. While Islam is considered the country’s “main religion,” the Azerbaijani Constitution states that “everyone has the right to define his/her attitude to religion, to profess, individually or together with others, any religion or to profess no religion, to express and spread one’s beliefs concerning religion.” The Constitution also provides that individuals are “free to carry out religious rituals,” provided that doing so does not “violate public order and contradict public morals.” No one “may be forced to promulgate his/her religious and other beliefs . . . and to be persecuted for such,” but religious activities that “threaten[] public order and stability” may be prohibited.

These official constitutional protections notwithstanding, observers has found that the Azerbaijani Government routinely abuses and restricts religious freedom by denying religious groups’ applications for registration; limiting the importation of religious literature; confiscating religious literature; monitoring religious services; and harassing and detaining members of non cultural-Islamic religious groups. The Azerbaijani Government is not the sole source of religious discrimination in the country. Members of the predominately Muslim community generally treat Muslim converts to other faiths with social hostility and prejudice, and single out proselytizers for hostile treatment.

II. Legislation

“Although the Government of Azerbaijan consists of three branches, Azerbaijan has a strong presidential system in which the legislative and judicial branches have only limited
independence.”9 The main legislative body (parliament) of Azerbaijan is the National Assembly, or “Milli Mejlis.” Traditionally, this branch has been a weak body with little real influence.

A. State Committee on Work with Religious Associations

In 2001, the president of Azerbaijan created the State Committee for Work with Religious Organizations (or State Committee on Work with Religious Associations (“SCWRA”10)), which greatly affected Azerbaijan’s relatively liberal 1992 law on religion. The SCWRA requires that religious organizations re-register with the government. Even individual congregations of a denomination must be registered.11 “Registration enables a religious organization to maintain a bank account, rent property, and generally act as a legal entity.”12 Since 2001, however, it has become increasingly difficult for many groups to gain registration: since then, “the number of registered religious communities has dropped from 400 to 168.”13 Registration is difficult to come by, and there are frequent, lengthy delays in the “seven-step . . . arbitrary and restrictive” process. Unregistered organizations are often deemed illegal and are therefore “subject to attacks and closures by local authorities.”14 The SCWRA continues to delay or deny registration to a number of Christian groups.

B. Laws on Religious Literature

The SCWRA must formally approve any publication or distribution of religious literature:

Since 2003, the government has intensified censorship and import controls over religious literature for all religious communities. The Azeri Baptist community struggled for seven years before getting permission . . . to import Azeri-language New Testaments; even then, [SCWRA] claimed the right to determine how the materials should be distributed.”15

C. Laws on Proselytizing

The Government strictly enforces a law that expressly prohibits religious proselytizing by

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11 Religious Freedom Report, supra note 1:

Although the 1992 religion law (amended in 1996 and 1997) does not make registration compulsory, government officials at all levels often act as though it does. Police and local authorities have raided many religious communities that have chosen not to register or have tried to register but have been refused.

15 Religious Freedom Conditions, supra note 12.
foreigners. While foreigners and stateless individuals enjoy “the freedom of conscience equal to that of citizens of the Azerbaijan Republic,” they are prohibited from “carry[ing] out religious propaganda.” This prohibition directly violates international human rights law, which “does not distinguish between anyone legally resident in a country.”

III. Judicial Decisions

The highest court in the Azerbaijani legal system is the Constitutional Court. The federal Supreme Court serves as the court of appeals for civil, criminal, and administrative cases. Under the Supreme Court “are two levels of judicial jurisdiction, the district and municipal courts.” While such courts are allegedly independent, reports indicate that they are not in fact “immune to political manipulation.”

In July 2006, a court in the Azerbaijani capital city of Baku gave a six-month suspended prison sentence to Mushfiq Mammedov “for refusing to fulfill his military service requirement” for religious reasons. In May 2007, a Baku court sentenced a newspaper editor and a journalist to five- and three-year prison terms, respectively, on charges of “inciting religious hatred” in a November 2006 article that had argued that Islamic values “retarded the country’s development.” In addition to the harsh sentences received by members of non-Muslim religious groups, some lawyers complain of “numerous, gross violations of procedure” pertaining to the preparation of cases. In a case against Baptist pastor Hamid Shabanov, witnesses and their signatures were fabricated and then allegedly unavailable for testimony in court. Forged documents and interrogations that arguably never took place were used as evidence against him.

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20 Id.
21 Id.
23 Id.
25 Id.
SECTION 2: Recent Religious Persecution or Discrimination

Selected Recent Incidents of Persecution or Discrimination

A. Violence / Discrimination Against Religious Minorities

1. July 2008 – Formerly imprisoned Baptist pastor threatened by police.27

2. June 2008 – Beatings, rape threats and pressure to renounce faith.28

3. December 2007 – Pastor and church members of unregistered congregation imprisoned and fined.29

4. November 2007 – Jailed Baptist pastor forced to pay for food, visits from relatives.30

5. October 2006 – Local officials deprive baby with Christian name of birth certificate.31

6. January 2006 – Azerbaijani soldiers destroy Armenian Christian cemetery.32


B. Anti-Proselytism

1. June 2008 – Evangelical pastors persecuted.34

2. February 2004 – Baptist pastor called “traitor” for spreading Christianity.35

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26 Each incident referenced is accompanied by a web link to the news story, which can be found in the Appendix.


28 http://www.forum18.org/Archive.php?article_id=1140


30 http://www.christianpersecution.info/news/azerbaijan-prison-forces-pastor-to-pay-for-food/


32 http://www.christiansofiraq.com/cemetaryjan256.html


34 http://www.speroforum.com/site/article.asp?id=15542&t=Azerbaijan%3A+Evangelical+pastors+persecuted

35 http://www.persecution.org/Countries/azerbaijan.html
RELIGIOUS FREEDOM IN AZERBAIJAN

APPENDIX

Section 2

A. Violence / Discrimination Against Religious Minorities

1. Formerly Imprisoned Pastor Threatened by Police
June 18, 2008

Azeri pastor Zaur Balaev, who was released on March 19 after being imprisoned for nearly a year in prison on accusations of holding "illegal meetings under the guise of religious activities" (click here for more details), is facing new threats from authorities, according to a June 12 report from Forum 18. In late May, Balaev was summoned to the office of a local police chief where three officers present made statements including, "'Haven't you learned from your imprisonment?' and "Wasn't one prison term enough for you?'" Balaev also said that one officer told him, in a clear threat, "You may not be afraid, but you've forgotten you've got a wife, daughter and a son." Although the officers were not violent to him, Balaev described them as "very crude." Balaev's church is reportedly under close watch by authorities. The police have banned the church from holding church services but the congregation has refused to stop meeting together for worship.

2. AZERBAIJAN: Beatings, rape threats and pressure to renounce faith
June 9, 2008
http://www.forum18.org/Archive.php?article_id=1140

The local police chief whose forces raided a Jehovah's Witness meeting in the capital Baku on 3 June insisted to Forum 18 News Service that the meeting had been "illegal" and that they should not meet in a private house. "They collect people together and teach them," Colonel Sahib Babaev complained to Forum 18. The Jehovah's Witnesses told Forum 18 that nine men who had been present were taken to the police station, beaten, threatened with rape and pressured to renounce their faith. Colonel Babaev denied this. But he said a Spanish Jehovah's Witness present at the meeting will "probably" be expelled from Azerbaijan. Protestant communities have also seen intermittent police and NSM secret police raids on their meetings in recent years. One
Protestant told Forum 18 that after their congregation in Sumgait was raided in autumn 2007, police brought in the local imam and pressured the 30 or so detained church members to renounce their faith under a copy of the Koran.

3. Pastor and Church Members Fined After Church Raid
December 19, 2007

Five church members and three visitors were imprisoned and fined after the police raided the mid-morning meeting of a Seventh-day Adventist service in the Azerbaijani capital of Baku on December 8. According to a December 16 report from the Adventist Press Service, thirteen police officers interrupted the gathering, demanded the passports of those present and then began searching the premises. Books and other religious materials were confiscated. Police then arrested eight of those present on charges of "meeting without state registration" and detained them at the local police station where officials tried to force them to sign statements denying their faith. After five hours, the Adventists were fined and released with a warning that they would be imprisoned if the congregation continued to meet together. Pastor Rasim Bakhshiyev was fined a total of 16.50 manats ($20 CAD) and the others were fined 11 manats.

4. Azerbaijan Prison Forces Pastor To Pay For Food
November 23, 2007
http://www.christianpersecution.info/news/azerbaijan-prison-forces-pastor-to-pay-for-food/

BAKU/BUDAPEST (BosNewsLife) -- A Baptist pastor serving two years imprisonment in Azerbaijan for "illegal religious services" is forced by officials to provide "high payments" for food, other basic needs and to meet relatives, BosNewsLife learned from investigators and family Thursday, November 22.

Voice Of the Martyrs Canada (VOMC), a Christian rights group, said Pastor Zaur Balaev was even forced by authorities in his prison in Baku to pay for "hot water, to wash or to do his laundry."

Zaur's wife Selminaz, also known as Nunuko, was allowed to stay with him during his 45th birthday, but said in published remarks she was "shocked by the conditions and the sum spent, because I was forced to pay for everything." No details were announced, but many people in Azerbaijan are living in poverty and struggle to survive, despite huge state revenues from oil reserves. Balaev was transferred October 26 to Ordinary Regime Prison Colony No. 10, located in Baku's Narimanov District. The prison colony address is: 10 sayli Cezacekmes measures, UA-38/10, Darnagul Settlement, Baku, said supporters seeking international pressure. Since his transfer, Baptists have been able to supply Balaev with warm clothes, a blanket, new glasses and food, said Forum 18, another rights group closely monitoring the case. "But the conditions where the prisoners are held are terrible," added Ilya Zenchenko, who leads the Baptist Union, an umbrella group of Baptist churches, in a statement distributed by Forum 18.

"Although the internal regime is supposed not to be harsh, those sentenced are forced to prepare their own food, while all services - including hot water, the possibility to wash and a place to wash and dry clothes – need to be paid for. Even being able to pass something on or have a meeting with a prisoner 'costs' considerable sums of money. This makes people angry," added Zenchenko. Officials have denied prisoners are forced to pay to guards before they are given food, water, washing facilities and meetings with relatives. "No-one pays for anything," Mehman Sadykov, spokesperson for the Justice Ministry which administrers Azerbaijan 's prisons,
reportedly said. Balaev was arrested on May 20 after police raided what they claimed was an "illegal" religious service. They later added other charges to the case, including his alleged involvement in attacking police, accusations his church has strongly denied. Balaev is appealing against his jail sentence. Before his detention, Balaev led a Baptist congregation in Aliabad in the far north-west of Azerbaijan, close to the border with Georgia. “Like most of the population of the village, he is from the Georgian-speaking Ingilo minority. The congregation has repeatedly over many years had its applications for legal status refused,” explained Forum 18. “It has faced years of harassment from the local authorities, backed up by some of the villagers and the imam of the village's Juma Mosque,” the group claimed. As part of the same campaign, Zenchenko added that police raided and closed down a five-day Baptist children's camp during the summer in Agdash in central Azerbaijan, south east of Yevlakh [Yevlax]. "The authorities are celebrating their temporary victory over some of our brethren," he told Forum 18. He called for "spiritual and moral support" from around the world. The Organization For Security and Cooperation in Europe (OSCE) has reportedly said it believes that Balaev has been “prosecuted due to his religious beliefs.”

Baptist Union official Zenchenko said another Baptist pastor in southern Azerbaijan has been threatened with prison for holding "illegal" religious services. "Pastor Telman Aliev and his assistant Jabbar Musaev were summoned one by one by the police for 'preventative conversations'," Zenchenko told Forum 18. "Pastor Telman was not intimidated and is continuing to lead services. But Jabbar was forced not to attend church. They promised to arrange the same thing as happened to Zaur if he appears in church again." The detention of the pastor has underscored international concerns about life under Ilham Aliyev, who took over as president of this staunch Islamic former Soviet republic of over eight million people from his late father, Heydar, in 2003. He won the 2003 presidential elections by a landslide, but Western observers said the ballot was marred by voter intimidation, violence and media bias. (With BosNewsLife Research and reports from Azerbaijan).

5. Azeri Officials Deprive Christian Baby of Name
October 25, 2006

Three-month-old Ilya Eyvazov has no official name. Local authorities in the town of Aliabad at first refused to issue a birth certificate when they saw the baby's name was the Russian form of Elijah. After a month, Novruz Eyvazov, the baby's father, succeeded only in securing a birth certificate that left his son's name blank. Considered part of a "foreign" religious sect, the three Baptist congregations in Aliabad face ongoing harassment from the local government, which has refused them official church registration for the past 13 years.

6. Azerbaijani Soldiers Desecrate Armenian Christian Cemetery
January 26, 2006
http://www.christiansofiraq.com/cemetaryjan256.html

This act of cultural "cleansing" continues the spirit of the Armenian Genocide—an attempt by the Muslim countries in the region to erase all memory of a thriving Christian culture that has existed in the Caucasus area since the fourth century AD. Although this atrocity is on the same level as the Taliban's destruction of the Bamiyan Buddha statues in 2001 and the desecration of Jewish cemeteries throughout Europe, the US State Department has remained silent.

"We are profoundly troubled by the Azerbaijani government's desecration of the Armenian Christian cemetery in Djulfa—particularly the destruction of irreplaceable carved stone crosses, many over a thousand years old," said ICC president Jeff King. "The shocking videotape of the systematic demolition of this treasure of world Christian heritage documents for all to see a deliberate act of hatred against a long-persecuted Christian nation and - more broadly - an affront to all Christians around the world."

In mid-December of 2005, roughly 200 Azerbaijani soldiers were caught on videotape using sledgehammers to demolish a sacred site of the Armenian Apostolic Church. The cemetery dates back to the 7th Century and was once home to as many as 10,000 khatchkars (intricately carved stone-crosses). Sadly, this attack, which followed previous demolitions in 1998 and 2002, effectively destroyed this site—erasing forever a true treasure of world heritage.

In the years following the 1915 genocide of over 1.5 million Armenian, Hellenic, and Assyrian Christians, Azerbaijan and Turkey have sought to eradicate the historical memory of the thriving Christian presence in the Caucasus and Anatolia. The Christian Armenian legacy in this part of the world dates back to the apostles Thaddeus and Bartholomew and, later, Armenia's conversion to Christianity as a state religion in 301 AD.

7. Azerbaijan - Will Christian Children Now Get Birth Certificates?
January 12, 2005

Having repeatedly refused to register the birth of 18-month old Luka Eyvazov because his parents gave him a Christian name, the authorities have at last given him a birth certificate after Forum 18 News Service reported his case.

Unusually, the authorities also apologised to Lukas parents "for making us wait and suffer for so long." Lukas mother Gurayat Eyvazov told Forum 18.

Without a birth certificate, Luka was not able to go to kindergarten or to school, get treatment in a hospital, or travel abroad. Lukas case was the last known case of a series of Baptist parents in the mainly-Muslim town who were refused birth certificates for their children because they had chosen Christian, not Muslim first names. However, Mrs Eyvazov said it was unclear if, the next time Baptist parents try to register a child's birth with a Christian name, they will face similar refusals. "Officials said nothing on this."

B. Anti-Proselytism

1. Azerbaijan: Evangelical pastors persecuted
June 22, 2008
Ilya Zenchenko, head of Azerbaijan's Baptist Union, has condemned the arrest yesterday (20 June) of Baptist pastor Hamid Shabanov after police claim to have found an illegal weapon in his home. "We're in shock," Zenchenko told Forum 18 News Service. "This was a provocation by the police, a deliberately targeted action." The pastor's brother told Forum 18 the police's aim is to halt Baptist activity.

"Their target is the church." Pastor Shabanov is the second Baptist pastor in the remote village of Aliabad to face imprisonment on what local Baptists insist are trumped-up charges. His arrest comes three months after Pastor Zaur Balaev was freed from prison. Shabanov's family insist he has no weapon and that police planted the gun they claim to have found. But the local police chief appears to have made up his mind. "He's a criminal," the head of Zakatala regional police told Forum 18, even though under Azerbaijani law individuals are innocent until found guilty in court. Three months after Baptist pastor Zaur Balaev was freed from prison on what his family and congregation insist were trumped-up charges, another Baptist pastor in the same remote village of Aliabad in the north-western Zakatala [Zaqatala] Region has been arrested. Family members told Forum 18 from Aliabad that Hamid Shabanov was arrested yesterday (20 June) after police claim to have found a pistol during a house search. Family members insist that police planted the weapon.

"He's a criminal," the head of Zakatala regional police Faik Shabanov (no relation) told Forum 18 bluntly on 21 June, even though under Azerbaijani law individuals are innocent until found guilty in court. Pastor Shabanov remains in detention at the Zakatala police station, the police chief confirmed. "This is all being done according to a scenario," Pastor Shabanov's brother Badri told Forum 18 from Aliabad on 21 June. "First they imprisoned Zaur Balaev on fabricated charges, now they're going for Hamid. Their aim is also to bring a criminal case and put him in prison." Badri Shabanov insists the true aim is to close down all Baptist activity in Aliabad. "Their target is the church."

Condemning the arrest – the latest move in years of official harassment of Baptists in the village – is Ilya Zenchenko, head of Azerbaijan's Baptist Union. "We're in shock," he told Forum 18 from the capital Baku on 21 June. "This was a provocation by the police, a deliberately targeted action."

Like the overwhelming majority of Aliabad's inhabitants, Pastors Shabanov and Balaev and other church members are from the Georgian-speaking Ingilo minority, which was converted to Islam several centuries ago. The several Baptist congregations in Aliabad have faced repeated raids, threats and confiscation of religious literature. The congregation Balaev leads has existed for more than fifteen years and has repeatedly been barred from gaining state registration. Forum 18 believes it to be Azerbaijan's religious community that holds the record for the longest denial of registration. Children given Christian first names by their parents in Aliabad have been denied birth certificates by officials angry at their choice of name.

Pastor Shabanov's home was among those searched when Pastor Balaev was arrested in May 2007. Christian literature confiscated during the raid has still not been returned.

Pastor Balaev was freed from prison in March 2008 after a worldwide campaign for his release, including support from former US President Jimmy Carter. Since his release police have threatened Balaev with a further prison term if he continues his religious activity with his congregation (see F18News 12 June 2008 http://www.forum18.org/Archive.php?article
"Without this international campaign Zaur Balaev would never have been freed," Zenchenko of the Baptist Union told Forum 18. "Taking his case through the local courts brought us nothing." Pastor Shabanov's family told Forum 18 that some ten police officers from both Aliabad and Zakatala had come to the family home in the village at about 5 pm on 20 June. "We believe they already had the intention to seize him," the family reported. "They threatened him because we meet for worship and pray together – they said we shouldn't do it."

The family accuse the police of planting "evidence" to use against Pastor Shabanov. "They came in claiming to be looking for drugs and guns," they reported. "They searched the house and claim to have found a gun, but they planted it themselves. He has got no weapons." The family say the search and the arrest were all over in about twenty minutes. But police chief Faik Shabanov insists the pastor is guilty of a crime, harbouring an illegal weapon. Told that the family vehemently reject the accusation, the police chief told Forum 18: "They can say what they like." Asked why, if the police was solely concerned with an alleged illegal weapon, officers had threatened the pastor over church meetings in his home, police chief Shabanov responded: "Who are you to talk to the chief of police like that?" He then put the phone down.

2. Azerbaijan Baptist Pastor Called Traitor for Spreading Christianity
February 13, 2004
http://www.persecution.org/Countries/azerbaijan.html

A deputy head of police has threatened a Baptist Pastor, trying "to drive him out of the town, ban him from visiting and insulted him as a 'traitor' for having adopted Christianity," the leader of the Baptist church in Azerbaijan has told Forum 18 News Service. This is one of many problems Baptists have, including other threats from local police officers and congregations being unable to get state registration. An Azeri-language Baptist church has been closed down and its pastor banned from preaching and subjected to a harsh media campaign. Also, 50,000 Azeri-language New Testaments have been denied entry to Azerbaijan. Baptists have told Forum 18 of their opposition to attempts to crush the Muslim community of Baku's Juma mosque led by imprisoned imam Ilgar Ibrahimoglu Allahverdiev. The Baptists have been prominent in his defence, pointing out that his arrest "testifies to the intentions of the authorities to restrict even further the religious freedom not only of Baptists but of all believers in Azerbaijan".