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Forum 18 provides truthful, original, detailed, and accurate monitoring and analysis of violations of freedom of thought, conscience and belief in Central Asia, Russia, Russian-occupied Ukraine, government-held Ukraine, Belarus, and the South Caucasus particularly Azerbaijan.

1. Azerbaijan's regime seriously violates the freedom of religion or belief, with interlinked freedoms of expression, association, and assembly. This submission notes some, but not all, of the most serious violations which Forum 18 has documented. Among other violations, all exercise of freedom of religion or belief by a group of people is illegal unless the community has obtained state registration, and so permission to exist. Many people are afraid to sign such registration applications, for fear of harassment and reprisals by the regime.

2. In multiple decisions, both the United Nations (UN) Human Rights Committee and the European Court of Human Rights (ECtHR) in Strasbourg have instructed Azerbaijan's regime to compensate people whose right to freedom of religion or belief it had violated. Both bodies also instructed Azerbaijan to amend its laws and practices that punish the exercise of freedom of religion or belief to ensure that such violations cannot recur. Such violations in decisions from October 2020 onwards include:

- being jailed for leading meetings for prayers
- jailing and fining people for conscientious objection to military service
- police raids on meetings for worship
- unlawful house searches
- punishments including jailings for talking to others about faith
- punishment for teaching religion to children
- state censorship of religious literature
- denials of state registration, i.e. permission to exist, to religious communities
- denials of internal freedom of movement for wearing Islamic clothing.

3. In many ECtHR cases, the regime has from 2020 onwards admitted it violated freedom of religion or belief and offered compensation, and the ECtHR has then closed the cases. Yet, as lawyer Khalid Agaliyev noted in June 2021, despite many ECtHR judgments against Azerbaijan, “we don't see any follow-up from these judgments. We want the general human rights situation to change under the influence of these judgments. Unfortunately, this is not happening.” Another lawyer argues that more must be done to achieve the fulfilment of ECtHR decisions. “At present, the government offers only compensation for the judgments of the European Court of Human Rights,” the lawyer – who asked not to be identified for fear of state reprisals – told Forum 18 in June 2021. “The Council of Europe must launch enforcement mechanisms, as the judgment of the Court alone is not enough for justice. Only the Court judgment together with an enforcement mechanism can be fair.”

4. “It is easier a couple of times a year to buy off those few complainants who manage to get to the European Court than to change the well-established system that suits the authorities,” Eldar Zeynalov of the Human Rights Centre of Azerbaijan told Forum 18 from Baku in March 2021. “And if it is possible to do this without bringing the essence of the problem to public consideration at all, this is ideal for the government. And this is exactly what happens when concluding friendly

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settlements or when the ECtHR accepts a unilateral declaration from the government.” Baku lawyer Asabali Mustafayev has taken freedom of religion or belief cases to the ECtHR. “Demands on the government from outside are too weak,” he told Forum 18 in June 2021. “The Council of Europe and other international organisations are not insistent enough, so the government gets away with flouting [its obligations].”

5. In line with Azerbaijan's legally-binding international human rights obligations, the decisions of both the ECtHR and the UN Human Rights Committee require the regime to change its laws and practices so that freedom of religion and belief violations cannot recur. Forum 18 is not aware of any proposed government legal or other changes to meet this obligation.

6. Instead, repressive Religion Law and Administrative Code changes introducing new restrictions on freedom of religion and belief were introduced by the regime to the non-freely elected parliament and signed into law by non-freely elected President Ilham Aliyev on 16 June 2021. The changes include requiring the State Committee for Work with Religious Organisations to approve the appointment of all non-Islamic religious leaders and to take part in the re-attestation every five years of all clerics of the state-controlled Caucasian Muslim Board (the only state-permitted Islamic organisation). Only communities with a religious centre (headquarters) – requiring five state-registered communities in different locations – are allowed to apply to have foreign citizens as religious leaders, establish religious educational establishments, or organise visits by their adherents abroad.

7. State Committee permission is now required to hold religious “mass events” anywhere apart from at state-approved places of worship or shrines. “This is a very dangerous provision,” the lawyer Asabali Mustafayev told Forum 18. “The Law gives no indication of how many participants there must be before a meeting is considered a mass event.” He notes that this issue has arisen earlier in several cases where he was involved, where individuals were punished for holding religious meetings in homes.

8. “Most provisions of the amendments are quite restrictive and raise the question as to whether they are the right policy,” human rights defender Rasul Jafarov told Forum 18 from Baku in May 2021. “Our opinion is that they are not, as they violate all international standards ... Maybe they want more controlling mechanisms.” Subhan Hasanli, a lawyer, commented that “because of growing social and economic tensions, the government is enacting greater supervision over religious institutions and individuals,” he told Forum 18 in May 2021. “This amounts to the installation of a new, state-centred religion.” “As usual, all these amendments have a restrictive character,” human rights defender Elshan Hasanov told Forum 18 from Baku while the draft amendments were still in parliament. “The result: pilgrimages – only with permission; mass religious rituals – only with permission; religious education – only with permission; literature – only with permission.”

9. For example, in November 2021 the regime removed from office the three prayer leaders (one of them named Akram) at the Mosque next to Sadarak shopping centre in Baku's southern Qaradag District. Three new prayer leaders were appointed to replace them. One mosque attendee, 46-year-old Aydin Nagiyev, objected to the decision and wrote to the head of the state-controlled Caucasian Muslim Board, Sheikh-ul-Islam Allahshukur Pashazade. On 12 November, Nagiyev and other mosque attendees held a protest against the removal of the prayer leaders. Officer Orkhan (last name unknown) of Qaradag District's 10th Police Department phoned Nagiyev and demanded that the protest stop, but Nagiyev refused. Security staff at the shopping centre beat Nagiyev. A representative of the shopping centre later told the media that Nagiyev bit his finger and then smeared blood on his face. Police then arrested Nagiyev and brought a case against him under Administrative Code Article 535.1 (“Disobeying a police officer”), which bears a punishment of a fine or up to one month's imprisonment. The same day, 12 November, Judge Rufan Mursalov at

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Qaradag District Court jailed Nagiyev for 15 days, to start from 5.50 pm that day, according to the decision seen by Forum 18.

10. Telephones at the 10th Police Department as well as at Qaradag District Police went unanswered each time Forum 18 called on 18 November. Exiled historian and human rights defender Arif Yunus insists that the jailing of Nagiyev was illegal. “The authorities' true goal was to bring the mosque under control and impose prayer leaders that were under their control,” he told Forum 18 from the Netherlands in February 2022.

11. On 11 March 2022 non-freely elected President Aliyev signed more Religion Law amendments handing responsibility for naming prayer leaders in all mosques from the state-controlled Caucasian Muslim Board to the State Committee for Work with Religious Organisations. An official of the State Committee's Department for Work with Religious Organisations, who did not give his name, told Forum 18 from Baku on 11 March that “it has not yet been decided which [State Committee] Department will name imams.” When Forum 18 commented that it was unaware of any Muslims demanding that the state name imams, the official responded: “How do you know?” Commentator Kanan Rovshanoglu says the amendments “mean that religious activity will increasingly be concentrated in the hands of the state”. He also noted that “it is doubtful whether communities and local believers will accept state-appointed imams, because in many mosques, communities do not want to accept state-appointed imams, though this does not occur so often.”

12. Early May 2022 saw the first known use of the new powers for appointing, re-appointing every five years, and firing all Islamic clergy. The State Committee for Work with Religious Organisations fired Imam Mirseymur Aliyev in Neftchala, who had held end of Ramadan prayers on 3 May, not the regime-enforced date of 2 May.

13. State control is highly intrusive, including from May 2016 enforcing a Shia Muslim calendar on all Muslims. Muslims, particularly Sunnis, have objected to the state-imposed Shia-oriented calendar which dictates when they are allowed to pray and celebrate Muslim festivals. “This is a serious issue for us,” one Sunni Muslim told Forum 18. “If we pray according to the calendar we believe is correct, they'll arrest us.” The state-imposed Muslim calendar can impose a difference of up to an hour on Islamic five-times a day namaz prayers. The official calendar also forces Sunnis to observe festivals – such as Ramadan - one or two days apart from the date they think they should be observed. “They take all our freedom from us,” one Muslim told Forum 18.

14. Lawyer Asabali Mustafayev told Forum 18 that direct state appointment of Islamic clergy for five year terms, as well as re-appointing and firing them, violates the Constitution. “The Constitution declares that religion and the state are separate,” he told Forum 18 in June 2022. “This means that the state does not have the right to appoint, remove and pay imams. However, the state is now playing the role of a religious organisation.” Mustafayev noted that the State Committee's latest new role “suits everyone – the government and [regime supporting] clerics”, with the state not only paying imams but giving them cars. “They work in a friendly way together.”

15. The direct State Committee takeover of appointing Islamic clergy for five year terms, as well as re-appointing them every five years and firing them, is part of a long process of the regime taking direct control of all aspects Islamic communities' life. “We have been expecting this,” commentator on religious issues Kanan Rovshanoglu told Forum 18. “The process started about five or six years ago. The situation now is like in Turkey.” Rovshanoglu stressed that “no-one among the [Muslim] believers” had been demanding that the regime take direct control of all nominations and removals of Islamic clergy, or deciding every five years whether they stay in office or not.

16. In October 2021 the State Security Ministry (SSM) secret police arrested Shia Muslim Imam Sardar Babayev on treason charges. His pre-trial detention was repeatedly extended. Human rights

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defender Elshan Hasanov described the treason case as “clearly fabricated.” “No one believes Sardar Babayev is an Iranian spy,” exiled human rights defender Arif Yunus told Forum 18 in February 2022. “He is the last respected Shia theologian qualified to issue fatwas [religious rulings] who was not already in prison.” Imam Babayev had already served a three-year jail term for leading mosque prayers after gaining Islamic education outside Azerbaijan. Prosecutors finally sent his case to Baku's Serious Crimes Court in February 2023, with the trial beginning the following month.

17. The regime brought multiple prosecutions of Muslims throughout 2022. For example, Muslims were punished in Quba in north-east Azerbaijan, Agdash in the centre of the country, and in Oquz and Zaqatala in the north for meeting in homes for Islamic worship without state permission. The Muslims were fined following police and State Committee for Work with Religious Organisations raids on homes. Forum 18 has learned of 20 such fines to punish the exercise of freedom of religion or belief in 2022, plus one acquittal. The fines were each equivalent to about two months' average wages for those in formal work. However, for people in rural areas, those without a formal job, or pensioners, such fines represent a far heavier financial burden.

18. In one such case, on 7 October 2022 police Public Security Department officers and Elnur Agasiyev, the local representative of the State Committee for Work with Religious Organisations, raided Elnur Efendiyev's home in Quba. Officers seized religious books and took them away for inspection, and insisted that meeting for worship was illegal as it did not have state permission. They drew up records of an offence against Efendiyev and 10 other men under Administrative Code Article 515.0.2 (“Violating legislation on holding religious meetings, marches, and other religious ceremonies”).

19. Agasiyev of the State Committee insisted to Forum 18 in December 2022 that the police had conducted what he called an “operation” and that he had participated in the raid on Efendiyev's home only as an “expert”. “We didn't fine him,” he claimed to Forum 18 from Quba – despite Efendiyev and 10 others having been fined. Agasiyev defended the seizure of religious books, but insisted that the police had done so. “They have to check that there wasn't anything that shouldn't be there.” The Quba District Police duty officer claimed to Forum 18 that he had not heard of the raid and subsequent prosecutions. All 11 Muslims were fined about two months' average wages but appealed. Their appeals were rejected in November 2022, and all 11 Muslims are preparing an appeal to the European Court of Human Rights (ECtHR) in Strasbourg with the help of Baku lawyer Asabali Mustafayev.

20. Ahead of its accession to the Council of Europe in January 2001, Azerbaijan promised among other things “to adopt, within two years of accession, a law on alternative service in compliance with European standards” [by January 2003]. A 7 October 2021 ECtHR decision reminded Azerbaijan of a similar earlier decision that “calls in principle for legislative action” to satisfy “the obligations incumbent on it of assuring .. the right to benefit from the right to conscientious objection”. Almost exactly a year later, a court convicted another conscientious objector. On 22 September 2022, a court in north-western Azerbaijan jailed 22-year-old Jehovah's Witness Seymur Mammadov for nine months. He had repeatedly expressed readiness to perform a civilian alternative service. On 12 December, after he had spent nearly 3 months in jail, an appeal court in Ganca overturned his nine-month jail term. The judges instead handed down a one-year suspended sentence and he was released in the courtroom. He was fitted with an electronic tag. The Supreme Court in Baku is due to hear his further appeal in June 2023.

21. “We're not to blame,” an officer at Goranboy District State Service for Mobilisation and Conscription insisted to Forum 18. “There is no alternative service.” He declined to discuss Mammadov's case further. Forum 18 asked the Human Rights Ombudsperson's Office in Baku in writing on 29 September what action it would take (if any) to defend Mammadov's rights and what action it would take (if any) to ensure that Azerbaijan introduces a civilian alternative service for

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those unable to serve in the army on grounds of conscience. Forum 18 received no reply.

22. Another Jehovah's Witness, Royal Karimov, was seized and handed over to the army on 25 July 2022 – two days after his 18th birthday - despite telling conscription officials in Gadabay, the police and personnel in the military unit that he cannot perform military service on grounds of conscience but is ready to perform a civilian alternative service. He was confined in a military unit in the north-western city of Ganca. Gadabay District State Service for Mobilisation and Conscription refused to discuss with Forum 18 why Karimov was forcibly taken to a military unit. He was finally released from the military unit on 1 November 2022.

23. Azerbaijani military forces have blocked Armenian Apostolic Church pilgrims' access to Sunday worship at Dadivank Monastery (in territory handed to Azerbaijan in late November 2020, close to the ethnic Armenian-controlled unrecognised entity of Nagorno-Karabakh) since 2 May 2021, citing first coronavirus, then a blocked road because of a landslide. "They do not want Dadivank to function as a Christian monastery, but they can't say directly that they don't want this," Nagorno-Karabakh's Bishop Vrtanes Abrahamian told Forum 18. "So they use technical issues."

24. The regime, foreign apologists, and religious leaders coerced or co-opted by the regime use claims of what the regime calls "tolerance", "dialogue", and similar terms to deny the reality of the regime's serious human rights violations. For example, delegations of religious leaders are used for propaganda when the regime seeks international trade agreements. It appears to people within Azerbaijan that the regime wants to empty the language of dialogue and tolerance of any connection with the regime's legally-binding international obligations to ensure that everyone can exercise their freedom of religion or belief along with other human rights and fundamental freedoms. (END)