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AZERBAIJAN: Further repressive Religion Law changes target Muslims

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Two weeks after Azerbaijan's repressive amendments to its Religion Law came into force, the Milli Mejlis (Parliament) is considering repressive amendments to six laws, Forum 18 News Service has learnt. Further changes to the Religion Law ban foreign citizens, and those who have not had Islamic education within Azerbaijan, from leading prayers in mosques and at places of pilgrimage. They also require everyone who leads mosques and places of pilgrimage to have state approval. Deputy Fazil Gazanfaroglu Mustafaev, who voted against the last repressive amendments will also be voting against the latest repressive amendments. They "seriously violate the Constitution" he told Forum 18. He pointed out that the last amendments targeted everyone's freedom of religion or belief, and the latest amendments specifically target the religious freedom of Muslims. The amendments will be considered at an extraordinary session of the Milli Mejlis, to be held tomorrow (19 June), an official told Forum 18. Muslims have also expressed outrage over the demolition of two mosques and the closure of a number of others in recent months.

Just two weeks after repressive new amendments to Azerbaijan's Religion Law entered into force, the Milli Mejlis (Parliament) is set to consider two further amendments to the Law, Forum 18 News Service has learnt. Both new amendments specifically target Muslims. The latest changes ban foreign citizens, and those who have not had Islamic education within Azerbaijan, from leading prayers in mosques and at places of pilgrimage. They also require everyone who leads mosques and places of pilgrimage to have state approval.

The amendments will be considered at an extraordinary session of the Milli Mejlis due to be held tomorrow (19 June), a parliamentary official who asked not to be identified told Forum 18. The official said that the proposed Law Parliament will consider amends the Religion Law as well as the Media Law, the Non-Governmental Organisations Law, the Grants Law, the State Fees Law and the Code of Administrative Offences. The official said the entire proposed Law will require only one parliamentary reading, as it merely amends other laws.

"These amendments to the Religion Law seriously violate the Constitution," Fazil Gazanfaroglu Mustafaev, a parliamentary deputy and chair of the Great Formation Party, told Forum 18 from the capital Baku on 18 June. "I will vote against them." He said that while the previous amendments to the Religion Law – which he also voted against - affected all faiths, these amendments are specifically targeted at the Muslim community.

Arastun Mekhtiev, Deputy Head of the Department for Social and Political Issues at the Presidential Administration, insisted that the proposed new amendments had been drawn up by the Milli Mejlis, not the Presidential Administration. "The Milli Mejlis considers the changes necessary – that's their right," he told Forum 18 from Baku on 17 June. "We're studying them. They'll be enough time after the Milli Mejlis has adopted them for the President to consider them."

Asked why the existing Religion Law and the new amendments include tight state control on all aspects of religious activity, Mekhtiev responded: "The State must control and protect the rights of citizens from outside interference. We don't want chaos, anarchy." He claimed that the existing Law "does not harm the rights to religious freedom – it's a very tolerant, liberal Law".

Asked why reviews of the May amendments and the latest amendments had not been sought from the Council of Europe or the Organisation for Security and Co-operation in Europe (OSCE), Mekhtiev repeatedly responded: "Everything is in accord with the law and human rights standards."

Deputy Mustafaev, however, told Forum 18 that the amendments should have been drafted in accordance with international human rights standards, and that such expert advice should also have been sought (see F18News 3 June 2009 http://www.forum18.org/Archive.php?article_id=1305).

The latest proposed Religion Law amendments

Ali Huseynov, a parliamentary deputy who chairs the Milli Mejlis Legal Policy and State Building Committee, told the local APA news agency on 12 June of the two proposed amendments to the Religion Law, which he said had been initiated by his Committee.

Texts Forum 18 has seen of the proposed amendments do not include the proposed additions to the Religion Law.

According to Deputy Huseynov, a new provision is set to be added to Article 8: "The appointment of the religious functionaries who lead Islamic places of prayer is by the Caucasian Muslim Board in agreement with the relevant organ of executive power." The other new provision is set to be added to Article 21: "The performance of religious rituals of the Islamic faith can be carried out only by citizens of Azerbaijan who have received their education in Azerbaijan."

Forum 18 was unable to reach Huseynov to find out why he thinks these changes are necessary. His telephones went unanswered on 17 and 18 June.

However, he told APA that the revision to Article 8 did not aim to restrict religious freedom, but merely to govern who was named to head Muslim places of prayer. He failed to explain what he meant. He explained that the new Article 21 relates only to religious education outside Azerbaijan. He maintained that individuals are free to gain education wherever they wish. He also explained that the ban related only to prayers in mosques and at places of pilgrimages, not at funerals.

While claiming that individuals now have "wonderful opportunities to gain an Islamic education in Azerbaijan" at Baku's Islamic University or at the four medressahs (Islamic schools) in the country, and claiming that Islamic knowledge in Azerbaijan is greater than among the population of any other Muslim state, Huseynov declared that he sees no "need" for individuals to study Islam abroad. He failed to explain what was wrong with studying Islam abroad. He also said there is no longer a need for foreigners to teach Islam in Azerbaijan.

Huseynov claimed that "one shouldn't be worried about" people who have studied Islam abroad, claiming that there would be no limits on their activity. He said they could work in the State Committee for Work with Religious Organisations, the Academy of Sciences or "other structures". He failed to explain how preventing them from leading prayers would not limit their activity.

Deputy Huseynov also outlined a number of new punishments to be introduced in the proposed amendments to the Code of Administrative Offences, but did not specify if punishments will be added for those who violate the new provisions in Article 8 and Article 21 of the Religion Law.

Senior officials from the ruling Yeni Azerbaijan Party of the President Ilham Aliyev have also backed the proposed changes. On 18 June the party website quoted Mubariz Qurbanli, a parliamentary deputy and the Party's Deputy Executive Secretary as declaring the amendments "completely justified".

Increasing controls condemned

The Religion Law already bans mosques which function outside the framework of the Caucasian Muslim Board, a structure that often competes with the State Committee for Work with Religious Organisations over who should control the Islamic community in Azerbaijan.

Much opposition to the proposed Law being considered by Parliament, including from the OSCE, has only focused on the part of the Law affecting NGOs. The other proposed restrictions on fundamental freedoms have not received so much attention.

However, Eldar Zeynalov, head of the Human Rights Centre of Azerbaijan, an NGO which will be affected by the amendments, condemned all restrictions on fundamental freedoms. "I think Parliament should reject these amendments," he told Forum 18 from Baku on 17 June. "But sadly there is no case when parliament has rejected laws which have the backing of the Presidential Administration."

Zeynalov described the proposed further changes to the Religion Law as "reactionary". "The reason for them is obvious: the well-justified fear of the activity of some religious extremists. The first reaction of bureaucrats of Soviet origin is to prohibit everyone. But the proper way to deal with this is to establish strong control through the courts."

Ilgar Ibrahimoglu Allahverdiev, a Muslim rights activist and imam who was expelled with his community from a Baku mosque in 2004, is equally unhappy with the proposed new restrictions. "It's a violation of religious freedom," he told Forum 18 on 17 June. "This goes beyond what there was in the Soviet period – even then officials didn't name all imams in every mosque." He also objects to the existing requirement that all mosques have to be part of the Muslim Board.

Ibrahimoglu – who studied in Iran – describes the requirement that all prayer leaders have to have been educated in Azerbaijan as "absurd". He points out that the head of the Muslim Board, Sheikh-ul-Islam Allahshukur Pashazade, studied Islam in Uzbekistan during the Soviet period. "I don't expect he'll be banned from leading prayers, though. This will lead to double standards."

Imam Ibrahimoglu claimed that the Muslim Board is unhappy with the amendments, though Forum 18 has been unable to confirm this. The Board's spokesperson Rahima Rahimova told Forum 18 on 18 June from Moscow that she, Pashazade and the deputy head Salman Musaev are all busy in the Russian capital at a conference of Muslims in the CIS countries and unavailable to speak.

Ibrahimoglu also complained that the proposed amendments to the NGO Law, which would ban the activity of unregistered NGOs, would also affect the activity of Devamm, the Muslim rights organisation he leads. The organisation was refused registration by the Justice Ministry some years ago "and we just carry on without registration", he told Forum 18. "But it will be very hard for us to function if the amendments to the NGO Law are adopted."

Also affected would be the International Religious Liberty Association. Its local affiliate failed to gain registration as an NGO with the Justice Ministry.

Mosques closed

Muslims have expressed outrage over the demolition of two mosques in recent months and the closure of a number of others. The Prophet Muhammad mosque in Baku's Yasamal District was demolished in April after officials claimed it had been built illegally. A mosque on the manmade Oily Rocks island in the Caspian Sea was demolished in May after oil company officials and state officials claimed it was unsafe. Muslim activists dispute these claims.

Abu-Bekr Mosque in Baku's Narimanov District was closed in August 2008 after a grenade attack, and officials have repeatedly refused to reopen it (see F18News 16 April 2009 http://www.forum18.org/Archive.php?article_id=1284). The community's lawyer, Javanshir Suleymanov, told Forum 18 on 17 June that on 27 May the Supreme Court rejected their latest appeal against the continued closure. "We haven't had the reasons as they haven't yet given us the written verdict, even though it's supposed to be issued within ten days." He said he is preparing to lodge a suit at the Constitutional Court and at the European Court of Human Rights in Strasbourg. "Where else can we complain? To God? People don't know where to turn."

Among other closed mosques is the Martyrs' Mosque near the parliament building in Baku. Officials claim it needs "repairs".

Dismissing Muslims' concerns about these mosque demolitions and closures is Mekhtiev of the Presidential Administration. "It is not mosques that were closed but illegal places of worship," he insisted to Forum 18. "They must act legally."

A nationwide "temporary" ban on praying outside mosques, imposed in August 2008, along with bans on some Georgian Orthodox and Baptist churches reopening still remain in force (see F18News 29 January 2009 http://www.forum18.org/Archive.php?article_id=1246). (END)

For a personal commentary, by an Azeri Protestant, on how the international community can help establish religious freedom in Azerbaijan, see http://www.forum18.org/Archive.php?article_id=482.

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1192.

More coverage of freedom of thought, conscience and belief in Azerbaijan is at <http://www.forum18.org/Archive.php?query=&religion=all&country=23>.

A printer-friendly map of Azerbaijan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=azerba>.

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