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AZERBAIJAN: "No new Religion Law," official states

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

Despite discussions in recent years, Azerbaijan does not now intend to change its Religion Law, a senior official of the State Committee for Work with Religious Organisations told Forum 18 News Service. "There will be no new Religion Law," Jeyhun Mamedov stated categorically. "This is what we've been told from above." He declined to specify who made this decision. Current legislation, including the Religion Law, and the authorities' actions have long been criticised by religious communities. Complaints focus on: compulsory censorship of all religious texts; arbitrary denial of legal status to religious communities; restrictions on the role of foreigners; and the detention or imprisonment of individual religious believers. Fazil Gazanfaroglu Mustafaeu, an opposition parliamentary deputy, is also troubled by the authorities' actions. "It is illegal when police raid religious communities," he told Forum 18. "Yet they do it. It is the same problem for political parties, journalists and non-governmental organisations. This is not a law-governed state."

Despite intermittent discussion in recent years, Azerbaijan will not be amending its Religion Law, a senior official of the State Committee for Work with Religious Organisations told Forum 18 News Service. "There will be no new Religion Law," Jeyhun Mamedov told Forum 18 categorically in his office at the Committee in the capital Baku in late May. "This is what we've been told from above." He declined to specify which higher agency had passed this message down to the Committee. One opposition parliamentarian insisted to Forum 18 that the Law does need to be amended to prevent abuses of religious freedom. He also insisted that illegal moves against religious communities must also end.

The Religion Law was first adopted in 1992 and amended several times, each time making the Law more restrictive. Discussion of what some officials claimed was a "need" to revise the Religion Law peaked in late 2006, though Forum 18 was unable to find out why officials believed such a need existed (see F18News 14 August 2006 http://www.forum18.org/Archive.php?article_id=827). At that time, one deputy spoke up in parliament for the new Law to make registration more difficult, sentiments echoed to Forum 18 then by the Caucasian Muslim Board (see F18News 14 August 2006 http://www.forum18.org/Archive.php?article_id=828).

Rabiyat Aslanova, a deputy of the Milli Mejlis (Parliament) who chaired the working group preparing the amendments, told Forum 18 in July 2006 that she expected the draft to be completed by September 2006, but refused to divulge what would be in the draft text. Many religious communities at the time expressed frustration to Forum 18 at the secrecy surrounding the new draft (see F18News 14 August 2006 http://www.forum18.org/Archive.php?article_id=828).

Fazil Gazanfaroglu Mustafaeu, the only parliamentary deputy from the opposition Böyük Qurulus Partiyasi (Great Formation Party) and a member of the parliamentary Human Rights Commission, said that no draft new Religion Law currently exists. "I was involved in this issue as a deputy and a specialist," he told Forum 18 at the Milli Mejlis in Baku in late May. "But the State Committee for Work with Religious Organisations didn't want a new Law. They said there was no need to look again at this Law."

However, Gazanfaroglu – who describes himself as a practising Muslim – insists such a need does exist, echoing complaints made separately to Forum 18 by human rights and religious activists. "The current Law does not treat all faiths equally," Gazanfaroglu complained to Forum 18. "The Caucasian Muslim Board has privileges. It is given a special status and this is wrong. All religious groups should be equal and ruled by law. This is what we wanted." Gazanfaroglu was referring to Article 8 of the Religion Law, which requires all Muslim communities to be under the umbrella of the Muslim Board.

"Muslim communities not under the authority of the Muslim Board should be allowed to gain legal status," Gazanfaroglu told Forum 18. "They could be of a different Islamic school or under a different sheikh." He added that many Sunni mosques consider it wrong to be forced to be under the Shia-dominated Muslim Board. "They should be allowed to register independently."

Gazanfaroglu also rejected the requirement imposed by the State Committee – though it is not in the Law – that non-Muslim groups have to be subordinated to a centre outside the country. "They're not allowed to open if they're independent."

Among other complaints about the Religion Law, Gazanfaroglu objected to the compulsory prior censorship by the State Committee of all religious texts printed in Azerbaijan or imported into the country. The provision is outlined in Article 22 of the Religion Law and amplified in Article 9 of the State Committee's Statute, as approved in 2001 (see F18News 6 August 2008).

http://www.forum18.org/Archive.php?article_id=1168).

"The State Committee shouldn't have the right to censor religious literature, especially as they use such subjective grounds to ban things," Gazanfaroglu told Forum 18. "Censorship should be abolished entirely. The Religion Law and the State Committee's Statute need to be changed to ensure this." He believes that should any publications be produced that for example call for violence they should be considered in court with the help of specialists and if proved to be against the law should only then be banned.

Equally important to Gazanfaroglu as the Law itself is the behaviour of the authorities. "It is illegal when police raid religious communities," he told Forum 18. "Yet they do it. It is the same problem for political parties, journalists and non-governmental organisations. This is not a law-governed state."

Gazanfaroglu pointed to the raids on the Baptist community in Aliabad in the north-western Zakatala Region. He also pointed to the violation of their rights to gain legal status for their community because the local Notary refuses – with no legal basis – to refuse to notarise the signatures of the founder members (see F18News 21 June 2008 http://www.forum18.org/Archive.php?article_id=1146).

"All this is against the law. Those affected should apply to the courts, even if the courts are not neutral here," Gazanfaroglu insisted to Forum 18. "We want the Law to be clear-cut and decisive to make such problems impossible."

Arbitrary denial of legal status for religious communities the government does not like is widespread. Those denied registration are often too afraid to take officials to court or believe this is highly unlikely to achieve success.

Members of a range of religious communities told Forum 18 that they too would like to see an end to restrictive provisions in the Religion Law, including an end to compulsory prior censorship of religious literature. This is a long-standing complaint of many communities (see F18News 6 August 2008 http://www.forum18.org/Archive.php?article_id=1168). The current Law appears to allow only registered religious centres to establish educational institutions - and even then a maximum of one per denomination. Only registered religious centres can apparently establish religious publishing houses – and all literature they produce must be subjected to prior censorship. The State Committee may be planning to further tighten censorship (see F18News 19 March 2008 http://www.forum18.org/Archive.php?article_id=1102).

Some religious minorities criticise the restrictions on the role of foreigners in religious communities. Article 300 of the Code of Administrative Offences punishes foreigners involved in "religious propaganda" with fines or deportation. Six foreign Jehovah's Witnesses were deported after a raid on a meeting in Baku in December 2006 (see F18News 9 January 2007 http://www.forum18.org/Archive.php?article_id=898).

More widespread are complaints by religious communities of arbitrary and burdensome registration requirements (for example that founder members have to provide a letter from their place of work), arbitrary registration denial, police raids on religious meetings, confiscation of religious literature, denial of permission to print or import literature and detention or imprisonment of individual religious believers. Like the complaints over censorship, these complaints are long-standing (see eg. F18News 14 August 2006 http://www.forum18.org/Archive.php?article_id=827).

Two members of religious communities are, to Forum 18's knowledge, currently being detained for their beliefs: Said Dadashbeyli, a Baku-based Muslim teacher is undergoing a 14-year sentence from December 2007, on terrorism-related charges. Dadashbeyli, his family say, promoted a "European style of Islam", mutual respect and unity between Shias (the largest Muslim tendency in Azerbaijan) and Sunnis, and rejected fundamentalism (see F18News 28 May 2008 http://www.forum18.org/Archive.php?article_id=1134). Baptist pastor Hamid Shabanov was detained on 20 June 2008 pending criminal trial on charges of possessing an illegal weapon. His church and family insist that the charges are false, like those made against Baptist former prisoner of conscience Zaur Balaev (see F18News 21 June 2008 http://www.forum18.org/Archive.php?article_id=1146). (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=92.

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 survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806.

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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