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AZERBAIJAN: Will Presidential Administration explain why it thinks amendments needed?

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

The Presidential Administration produced controversial amendments limiting freedom of religion or belief, but has not explained why it thought they were needed, or why it proposed amendments violating Azerbaijan's international human rights commitments. Parliamentary deputy Rabiyyat Aslanova told Forum 18 News Service that the amendments are due to be sent to President Ilham Aliyev for signature on 18 May. "We have approved a lot of laws this week, but we may get these amendments to him on Saturday [16 May] if the final version is complete by then," she said. Human rights defenders and religious leaders condemned the secrecy and lack of public discussion which accompanied the amendments. Ilya Zenchenko of the Baptist Union told Forum 18 that he wants the President "to look at our Constitution which guarantees freedom of religion and reject the Law as it violates the Constitution."

The Presidential Administration has confirmed to Forum 18 News Service that it had produced the controversial amendments to the Religion Law, the Criminal Code and the Code of Administrative Offences. These were approved in Parliament (Milli Mejlis) on 8 May, and are shortly to be sent to President Ilham Aliyev for signature. However, the Presidential Administration has not explained why it thinks these amendments are needed, and why it proposed amendments which violate Azerbaijan's international human rights commitments.

Although unable to see the final text of the amendments approved by Parliament as they have not been made public, religious communities have already given detailed criticism of what is reported to be in the amendments (see F18News 14 May 2009 http://www.forum18.org/Archive.php?article_id=1295).

Rabiyyat Aslanova, a Parliamentary deputy who chairs the Human Rights Committee, told Forum 18 on 13 May that the amendments are due to be sent to President Aliyev for signature on 18 May. "We have approved a lot of laws this week, but we may get these amendments to him on Saturday [16 May] if the final version is complete by then."

Azerbaijan's Constitution gives the President 56 days from the date of receipt to sign or return a Law to Parliament.

Deputy Aslanova declined to speculate on whether President Aliyev will sign the amendments to the Religion Law, the Criminal Code and the Code of Administrative Offences. "That is his prerogative," she told Forum 18. "He could sign or not, or amend them. We tried to do what we could to do what was necessary."

The amendments to the Religion Law, the Criminal Code and the Code of Administrative Offences each needed only one Parliamentary vote, Jeyhun Guliev of the Milli Mejlis press service told Forum 18 on 13 May. "New laws require three readings, but these were merely amendments." Asked how many deputies had voted in favour in each vote and how many against, he said he did not have the information. "For us this information is not important."

No explanation why amendments needed

The proposed amendments to the Religion Law were prepared in the Presidential Administration. President Aliyev signed and sent them to Parliament on 4 March 2009 in a letter seen by Forum 18.

Shahin Aliyev, the head of the Department of Legislation and Legal Expertise at the Presidential Administration, confirmed to Forum 18 on 14 May that his department had participated in drawing up the amendments, but declined to answer any questions on them. He referred all enquiries to Ali Hasanov, who heads the Public and Political Department in the Administration, which also includes a two-person section on ethnic and religious affairs. However, Hasanov's office told Forum 18 that he was away in Moscow.

Forum 18 sent written questions on 13 May to Azer Gasimov, spokesperson for President Aliyev, asking:

- why the President believes that the Religion Law needs to be changed yet again;

- why the President proposed changes to the Religion Law that violate Azerbaijan's international human rights commitments (such as by making registration of religious communities compulsory and restricting the locations where religious literature can be sold);
- what help, if any, Azerbaijan sought from international organisations like the Organisation for Security and Co-operation in Europe (OSCE) and the Council of Europe's Venice Commission to ensure that the revisions to the law are in line with Azerbaijan's international human rights commitments;
- if no such help was sought, why not;
- why registered religious communities will yet again be required to undergo re-registration, given that each time this has happened it was very difficult and expensive for religious communities to regain registration and many of them were unable to do so;
- and what the authorities will do with religious communities that continue to meet for worship and other religious activities without state registration.

Forum 18 had not received any response from the Presidential spokesperson by the end of the working day in Baku on 14 May.

Speedy adoption of amendments

Muslim rights activist Ilgar Ibrahimoglu Allahverdiev and Ilya Zenchenko of the Baptist Union are among religious leaders who told Forum 18 of their surprise that the first they learned of the draft amendments was when their existence was reported in the press just days before they were finally adopted in Parliament.

"There should have been public debates, and independent experts should have been able to check that the drafts were in accordance with Azerbaijan's Constitution and international human rights norms," Ibrahimoglu told Forum 18.

He was echoing comments made to Forum 18 on 6 May by Eldar Zeynalov, the head of the Baku-based Human Rights Centre of Azerbaijan, that the draft of these amendments should have been opened up to public discussion before being considered in Parliament (see F18News 6 May 2009 http://www.forum18.org/Archive.php?article_id=1291).

Asked what he wants President Aliyev to do when he receives the amendments for signature, Zenchenko responded: "I want him to look at our Constitution which guarantees freedom of religion and reject the Law as it violates the Constitution." (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 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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