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AZERBAIJAN: State takes direct control of mosque leadership

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

The State Committee for Work with Religious Organisations will take over naming imams in all mosques from the Caucasian Muslim Board if amendments to the Religion Law awaiting their second reading in Parliament are approved. The amendments would also give the State Committee the leading role in re-appointing all imams every five years. Commentator on religious issues Kanan Rovshanoglu notes that the Caucasian Muslim Board "will completely lose control over mosques", just as it has already lost control over Islamic higher education. He argues that Islamic communities themselves should choose their own imams. Another amendment would remove the possibility for non-Muslim communities to have a "religious centre" or headquarter body.

Further amendments to the much-amended Religion Law now in Parliament will – if adopted in current form – hand responsibility for naming prayer leaders in all mosques from the Caucasian Muslim Board to the State Committee for Work with Religious Organisations. The State Committee already oversees all Muslim educational establishments, censors religious literature of all faiths and approves or bans the building or renovation of any place of worship. "The State Committee is collecting all the power it can over the Muslim community," exiled human rights defender Arif Yunus told Forum 18.

Kanan Rovshanoglu, a journalist and commentator on religious issues, argues that Islamic communities themselves should choose their own imams and then inform officials of who they have chosen. He noted that the Caucasian Muslim Board "will completely lose control over mosques" when the amendments are adopted. He told Qafqazinfo news website that the state takeover of the Board's powers has been underway for several years (see below).

The amendments would also give the State Committee the leading role in re-appointment of all imams every five years, with only the "involvement" of the Caucasian Muslim Board. This is a reversal of the State Committee and Muslim Board roles when the state mandated re-appointment of all imams in June 2021 amendments to the Religion Law (see below).

The amendments would re-designate the Caucasian Muslim Board not as the "organisational" centre but the "religious" centre for Azerbaijan's mosques. The regime does not allow independent mosques to exist (see below).

Another amendment would remove the possibility for non-Muslim communities to have a "religious centre" or headquarter body. However, this term is poorly defined in the current Religion Law and the implications of the change remain unclear (see below).

The latest Religion Law amendments were announced only on 27 January, when they were discussed in the Milli Majlis (Parliament) Public Associations and Religious Organisations Committee. The text of the amendments was then published on the Milli Majlis website. The amendments were adopted in their first reading on 1 February. No dates have been set for the second and third readings (see below).

The state-controlled Caucasian Muslim Board (https://www.forum18.org/archive.php?article_id=2429) appeared to accept the stripping of further responsibilities from it. The Board "calls on believers and clergy to unequivocally comply with all provisions of the Law in case of adoption of new amendments" to the Religion Law, it declared in a 27 January statement (see below).

Forum 18 was unable to reach Public Associations and Religious Organisations Committee Chair Fazail Ibrahimli or other Committee members on 9 February. Staff of the Committee refused to discuss anything with Forum 18. Another Milli Majlis deputy, Siyavush Novruzov, former Chair of the Committee who now chairs the Regional Affairs Committee, declined to comment on the amendments. "I haven't read them," he told Forum 18 (see below).

Gunduz Ismayilov, a Deputy Chair of the State Committee, addressed the 27 January Milli Majlis Committee about the amendments and was present during the first reading on 1 February. An aide to Ismayilov refused to put Forum 18 through to him on 9 February (see below).

On 16 June 2021, President Ilham Aliyev signed into law earlier Religion Law amendments (https://www.forum18.org/archive.php?article_id=2666) which introduced a new requirement for the State Committee for Work with Religious Organisations to approve the appointment of all non-Islamic religious leaders.

It appears that the Moscow Patriarchate chose a candidate to succeed the late Archbishop Aleksandr (Ishchein) as Russian Orthodox bishop of Baku in 2021, but failed to get approval from the State Committee. "The rejection came from the Presidential Administration," Arif Yunus told Forum 18 (see below).

Meanwhile, the United Nations Human Rights Committee made public two further rulings in November and December 2021 (https://www.forum18.org/archive.php?article_id=2726) finding that Azerbaijan had violated the rights of Jehovah's Witnesses to freedom of religion or belief.

Increasing number, expense of state religious affairs officials

State funds spent on the growing network of officials employed by the State Committee to control the exercise of the right to religion or belief continue to increase. State funding is now more than three times the level of eight years ago.

Under a 3 December 2021 Presidential Decree, state funds allocated to the State Committee for its own activities in 2022 amount to 4,014,799 Manats (21 million Norwegian Kroner, 2 million Euros or 2.4 million US Dollars). In 2014, the state had allocated 1,228,964 Manats to the State Committee for its own activities.

The State Committee employs a growing number of staff (174 at the latest count) to control the exercise of the right to freedom of religion or belief, both at its headquarters and its regional branches.

In 2014, the State Committee headquarters in Baku had 4 senior officials overseeing its activity. Under them it had 6 departments each with their own activity. It had 9 local branches, employing 29 officials in 7 of them, plus further officials in Baku and Sumgait.

In February 2022, the State Committee headquarters in Baku has 6 senior officials overseeing its activity. Under them it has 9 departments each with their own activity with a total of 79 officials. It has 15 local branches, employing 89 officials.

Nakhichevan Autonomous Republic, an exclave of Azerbaijan, has its own State Agency for Work with Religious Organisations with its own staff.

Ever-increasing state control of Islam

While the regime keeps all religious communities under control, it has been particularly tightening its control over mosques in recent years. Almost all the remaining Sunni mosques were closed, including in Baku and Ganca.

In 2018, the State Committee took over control of higher Islamic education from the state-controlled Caucasian Muslim Board (https://www.forum18.org/archive.php?article_id=2429). The Azerbaijan Theological Institute, established by a Presidential Decree of 9 February 2018, is the only higher educational establishment the regime allows to operate.

The regime closed Baku Islamic University, operated by the Caucasian Muslim Board, later in 2018. The state does not recognise as valid the 3,500 diplomas the University awarded between its foundation in 1989 and its closure.

The first graduates of Azerbaijan Theological Institute are due to complete their studies in 2022 and the state will then appoint them to lead mosques.

Since Religion Law amendments in December 2015 (https://www.forum18.org/archive.php?article_id=2429), Article 21 has banned both Azerbaijani citizens who had studied abroad and non-Azerbaijani citizens from conducting Islamic rituals. (From 2018 the State Committee could give foreign-educated clergy permission to conduct Islamic rituals.)

A new Criminal Code Article 168-1 ("Violation of the procedure for religious propaganda and religious ceremonies") was also introduced at the same time (https://www.forum18.org/archive.php?article_id=2134).

Imam Sardar Babayev was the first and only person known to have been punished under Article 168-1. He was jailed between February 2017 and February 2020 (https://www.forum18.org/archive.php?article_id=2350).

Imam Babayev was among five prominent Shia preachers detained on 19 October 2021. He is now facing further criminal prosecution (https://www.forum18.org/archive.php?article_id=2718). The other four were freed after questioning, one after several hours and three after a week. Another Shia preacher was detained and questioned on 29 October 2021.

A court jailed a Muslim from Lokbatan for two weeks (https://www.forum18.org/archive.php?article_id=2718) in November 2021 after police halted a protest against the replacement of an imam.

Amendments prepared as usual in secret, no legal review sought

As with the June 2021 Religion Law amendments (https://www.forum18.org/archive.php?article_id=2666) and those in earlier years, the regime prepared the latest Religion Law (https://www.forum18.org/archive.php?article_id=2429) amendments in secrecy and with no public consultation.

The regime did not seek a review of these amendments (https://www.forum18.org/archive.php?article_id=2653) from either the Council of Europe's Venice Commission or the Organisation for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights. The two inter-governmental organisations, often together, provide reviews of laws and draft laws on request.

Inter-governmental organisations have repeatedly criticised the regime's restrictions on freedom of religion and belief and other human rights (https://www.forum18.org/archive.php?article_id=2429). Both the Council of Europe's Venice Commission and the OSCE have drawn extensively on their highly critical October 2012 Joint Opinion on the Religion Law (https://www.legislationline.org/download/action/download/id/4150/file/214_FOR_AZE_15%20Oct%202012_en.pdf) in the OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities (<https://www.osce.org/odihr/139046>).

Amendments awaiting second reading

No election in Azerbaijan – including February 2020 Milli Majlis (Parliament) elections - has ever been found to be free and fair (<https://www.osce.org/odihr/elections/azerbaijan>) by Organisation for Security and Co-operation in Europe (OSCE) election observers.

The latest Religion Law amendments were announced only on 27 January, when they were discussed in the Milli Majlis Public Associations and Religious Organisations Committee. The text of the amendments was then published on the Milli Majlis website.

The 27 January Milli Majlis Committee meeting, chaired by Committee chair Fazail Ibrahimli, was also addressed by Gunduz Ismayilov, a Deputy Chair of the State Committee. The head and another official of the State Building, Administrative and Military Legislation Department were also present.

Among Milli Majlis Committee members present for the discussion was Javanshir Pashazade, younger brother of the head of the state-controlled Caucasian Muslim Board (https://www.forum18.org/archive.php?article_id=2429) Sheikh-ul-Islam Allahshukur Pashazade.

"The deputies said the amendments would serve to improve activities in this area," the Milli Majlis claimed about the 27 January Committee discussion, "and spoke about their importance in terms of state-religion relations."

Forum 18 was unable to reach Committee Chair Ibrahimli or other Committee members on 9 February. Phones of aides went unanswered or, in the case of Malik Hasanov, his aide said he was out of the country. Staff of the Committee refused to discuss anything with Forum 18.

Siyavush Novruzov, former Chair of the Public Associations and Religious Organisations Committee who now chairs the Regional Affairs Committee, declined to comment on the amendments. "I'm no longer chair of that Committee," he told Forum 18 from Baku on 9 February. Asked whether he will vote for them on second reading, he responded: "I haven't read them. I will decide then." Phones of other deputies went unanswered the same day.

After the Milli Majlis Committee approved the amendments, they were sent for consideration by the full parliament. They were adopted in their first reading on 1 February, according to the Milli Majlis website. Ismayilov of the State Committee was also present for the first reading.

The Public Associations and Religious Organisations Committee held a meeting on 9 February to prepare for the second reading of the amendments. No dates have been made public for the second and third readings.

In an interview with news website Report on 4 February, Ismayilov of the State Committee claimed that the Milli Majlis had initiated the amendments.

An aide to Ismayilov at the State Committee put the phone down on 9 February after Forum 18 asked to speak to him about the amendments.

State to directly control all mosque leader appointments

The further amendments to the much-amended Religion Law awaiting their second reading in Parliament will – if adopted in current form – hand responsibility for naming prayer leaders in all mosques from the state-controlled Caucasian Muslim Board

(https://www.forum18.org/archive.php?article_id=2429) to the State Committee for Work with Religious Organisations. The State Committee would then inform the Board of who it has appointed.

In Article 8 of the current Religion Law, the Board names imams and then informs the State Committee of their appointment.

Gunduz Ismayilov, a Deputy Chair of the State Committee, defended the proposed role of the state in naming imams. "It is true that according to our Constitution, religion is separate from the state and Azerbaijan is a secular state," he told Report in his 4 February interview. "However, the appointment of a cleric by a state body does not contradict the principles of secularism and secularism."

Ismayilov claimed that setting out the provisions of Sharia law and naming imams are different. "The state does not interfere in the Sharia and doctrines by appointing a cleric," he claimed. He cited the state appointment of imams in Turkey. "Muslim clerics have been appointed by the Presidency of Religious Affairs (Diyanet) since Ataturk. Mosque imams are civil servants in Turkey."

Kanan Rovshanoglu, a journalist and commentator on religious issues, argues that Islamic communities themselves should choose their own imams and then inform officials of who they have chosen. He noted that the state-controlled Caucasian Muslim Board (https://www.forum18.org/archive.php?article_id=2429) "will completely lose control over mosques" when the amendments are adopted.

Rovshanoglu pointed out to Qafqazinfo news website on 28 January that first the Caucasian Muslim Board named imams, then it named the imams but had to inform the State Committee of all appointments, and now the State Committee will make the appointments.

The amendments to Article 8 of the Religion Law would also give the State Committee the leading role in re-appointing all imams every five years, with only the "involvement" of the Caucasian Muslim Board. This is a reversal of the State Committee and Muslim Board roles when the state mandated re-appointment of imams in June 2021 amendments to the Religion Law (https://www.forum18.org/archive.php?article_id=2666).

Another amendment to Article 8 of the Religion Law would re-designate the state-controlled Caucasian Muslim Board (https://www.forum18.org/archive.php?article_id=2429) not as the "organisational" centre but the "religious" centre for Azerbaijan's mosques. This would mean in effect that the Board no longer has any power over how individual mosques are run, with all decisions taken by the State Committee.

The State Committee already controls all Muslim educational establishments, imposes state censorship of all religious literature of any kind, and approves or bans the building or renovation of any place of worship (https://www.forum18.org/archive.php?article_id=2429). "The State Committee is collecting all the power it can over the Muslim community," exiled historian and human rights defender Arif Yunus (<https://www.rferl.org/a/baku-ordered-to-pay-compensation-to-prominent-rights-defenders/30730281.html>) told Forum 18 from the Netherlands on 8 February.

Rovshanoglu told Qafqazinfo that the state takeover of the Board's powers (https://www.forum18.org/archive.php?article_id=2429) has been underway for several years and pointed to the State Committee's 2018 decision to take direct control over Islamic education. "From now on, the Caucasian Muslim Board will be a public organisation that only issues religious fatwas and significant calendar items."

Caucasian Muslim Board appears to accept stripping of further responsibilities

The state-controlled Caucasian Muslim Board (https://www.forum18.org/archive.php?article_id=2429) appears to accept the stripping of further responsibilities from it. The Board "calls on believers and clergy to unequivocally comply with all provisions of the Law in case of adoption of new amendments" to the Religion Law, it declared in a 27 January statement on its website.

"As a religious centre," the statement added, "the CMB, in cooperation with the relevant executive body of the state [State Committee], is always closely involved in the implementation of state policy in the religious and spiritual sphere and will continue to contribute to ensuring a high level of religion-state relations."

Gunduz Ismayilov, a Deputy Chair of the State Committee (https://www.forum18.org/archive.php?article_id=2429), welcomed the Board's 27 January statement accepting the stripping of responsibilities from it. "With this statement, the Caucasian Muslim Board demonstrated its commitment to our statehood and national interests," he told Report in his 4 February interview.

No official of the Caucasian Muslim Board was available on 10 February to discuss with Forum 18 the impact of the new amendments now in the Milli Majlis.

No "religious centres" for non-Muslim communities

An amendment to Article 12 of the Religion Law, which covers how communities apply for registration, would remove any role for "religious centres" or headquarter bodies in registration applications by individual communities.

Under Article 12, registered individual religious communities are allowed to operate only at their legal address.

As at present (https://www.forum18.org/archive.php?article_id=2429), communities seeking state registration would have to prepare a statute approved at a members' meeting, and collect the full details of their 50 adult founders, "indicating their citizenship, place of residence and date of birth, copies of identity documents, basics of religious education, including religious information on the history of the community, the forms and methods of its activities, traditions, attitudes to the family, marriage and education, and restrictions on the rights and responsibilities of members of the community". The communities would then submit their application with all this information directly to the State Committee.

The amendment to Article 12 also removes any specific mention of "religious centres" when it sets out how religious organisations apply for state registration. This appears to remove the possibility for non-Muslim communities to have a "religious centre" or headquarter body. However, this term is poorly defined in the current Religion Law and the implications of the change remain unclear.

The Russian Orthodox Church has only one registered organisation – its Baku diocese – which has seven constituent parishes. Russian Orthodox clergy in Baku declined to discuss with Forum 18 on 9 February whether the amendments might affect the functioning of their parishes.

Jeyhun Mammadov, a Milli Majlis deputy who is on the Public Associations and Religious Organisations Committee, claimed to SIA news website on 28 January that the requirement that religious communities send their applications directly to the State Committee "will speed up the registration process".

Despite this claim, the State Committee has repeatedly rejected or ignored registration applications (https://www.forum18.org/archive.php?article_id=2429) from religious communities it does not like. Independent mosques, Protestant Christian communities and Jehovah's Witness communities are among those whose applications have failed.

A Jehovah's Witness community in Azerbaijan's second city Ganca applied for state registration in July 2010. In May 2016 the State Committee rejected the application with objections "that were not legally valid in our view", Jehovah's Witnesses told Forum 18 on 10 February 2022. A Jehovah's Witness community in the northern town of Qakh applied for state registration more recently. Both communities are still waiting for registration.

"We would like to have national registration in order to address the problem of communities where the number of members does not meet the numerical threshold to apply," Jehovah's Witnesses told Forum 18. They note the almost complete removal of references to a "national centre" in the latest Religion Law amendments.

Conflict over naming new Russian Orthodox bishop?

Under the Religion Law amendments signed into law in June 2021 (https://www.forum18.org/archive.php?article_id=2666), all non-Islamic religious communities need to get approval for any new leader from the State Committee.

The head of the Russian Orthodox Diocese, Archbishop Aleksandr (Ishchein), died on 10 June 2021, six days before President Aliyev signed the new amendments into law.

By the time of Archbishop Aleksandr's funeral on 13 June 2021, the Moscow Patriarchate had named Archbishop Feofilakt (Kuryanov) of the Russian diocese of Pyatigorsk in addition as temporary administrator of the Baku diocese. Archbishop Feofilakt has also been temporary administrator of the Russian Orthodox deanery of Turkmenistan since 2008.

It appears that the Moscow Patriarchate chose a candidate to succeed Aleksandr as bishop in 2021, but failed to get approval from the State Committee. "The rejection came from the Presidential Administration," Arif Yunus told Forum 18.

Russian Orthodox clergy in Baku declined to discuss with Forum 18 what is obstructing the naming of a new bishop to the Baku Diocese. (END)

More reports on freedom of thought, conscience and belief in Azerbaijan (<https://www.forum18.org/archive.php?country=23>)

For background information, see Forum 18's Azerbaijan religious freedom survey (https://www.forum18.org/archive.php?article_id=2429)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (https://www.forum18.org/archive.php?article_id=1351)

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