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AZERBAIJAN: Direct regime employing and firing imams is "role of a religious organisation"

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

In the first known use of new powers for appointing, re-appointing every five years, and firing all Islamic clergy, in early May, the State Committee for Work with Religious Organisations fired Imam Mirseymur Aliyev in Neftchala. He had held end of Ramadan prayers on 3 May, not the regime-enforced date of 2 May. Lawyer Asabali Mustafayev noted that the regime taking direct control of Islamic clergy means that "the state is now playing the role of a religious organisation."

On 22 April, the State Committee for Work with Religious Organisations approved Rules for its new roles of appointing, re-appointing every five years, and firing all Islamic clergy in Azerbaijan. Religion Law amendments which came into force in March transferred these roles from the state-controlled Caucasian Muslim Board to the State Committee.

The State Committee now interviews and recruits all Islamic clergy, appointing them to a maximum five-year term of office. Every five years the State Committee then reviews all clergy and decides whether or not to reappoint them for another five years. The State Committee also decides whether to fire clergy, including for violating the restrictive Religion Law (see below).

The reasons given for appointing and firing clergy are vague and unspecific, leaving much room for arbitrary official decisions. These reasons include: violating unspecified "standards of morality and ethics"; receiving unspecified support from foreign states, organisations or individuals; having a criminal conviction; or for a number of other vague and unspecific reasons (see below).

Asabali Mustafayev, a Baku-based lawyer who has taken up freedom of religion or belief cases, says the direct state takeover of appointing, re-appointing and firing Islamic clergy violates the Constitution. "The Constitution declares that religion and the state are separate," he told Forum 18. "However, the state is now playing the role of a religious organisation" (see below).

Kanan Rovshanoglu, a commentator on religious issues, stressed that "no-one among the [Muslim] believers" had been demanding that the regime take direct control of appointing and firing Islamic clergy, or deciding every five years whether they stay in office (see below).

The State Committee enforces the dates chosen by the state-controlled Caucasian Muslim Board in advance for all mosques to celebrate major festivals, and can immediately fire imams who choose to observe festivals on different days they consider to be appropriate. The Board does not wait until devout Muslims can be certain of the date a festival should be marked before naming these dates (see below).

In an early sign of the impact of the new State Committee Rules, in early May the State Committee fired Imam Mirseymur Aliyev in Neftchala for holding the end of Ramadan prayers on 3 May, not the regime-enforced date of 2 May (see below).

"No one forced him [Imam Aliyev] to leave," Sanan Khalilov, the State Committee representative for Shirvan, which includes Neftchala, claimed to Forum 18. "I spoke to him and he said he couldn't fulfil his obligations. I simply accepted the resignation letters that he himself submitted. The State Committee then removed him" (see below).

Forum 18 was unable to find out why the regime transferred responsibility for appointing, re-appointing every five years, and firing all Islamic clergy to the State Committee. Aides to the Deputy Chair Gunduz Ismayilov and the head of its Department for Work with Religious Organisations Jahandar Alifzada refused to put Forum 18 through to them or anyone else on 10 June. Telephones at the Foundation for the Propagation of Moral Values (which is controlled by the State Committee) went unanswered each time Forum 18 called the same day.

"The state is now playing the role of a religious organisation"

Asabali Mustafayev, a Baku-based lawyer who has taken up freedom of religion or belief cases, says 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 from Baku on 8 June. "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 (https://www.forum18.org/archive.php?article_id=2429)'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."

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 (https://www.forum18.org/archive.php?article_id=2429). "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.

Religion Law amendments in March, new Rules in April

On 11 March, President Ilham Aliyev signed further Religion Law amendments handing 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.

On 22 April, the State Committee approved the Rules of Appointment, Attestation and Dismissal of Clergy in Places of Worship and Shrines of the Islamic Religion.

Although it is not enshrined in any published law, the State Committee will not allow Muslim communities not affiliated to the state-controlled Caucasian Muslim Board (https://www.forum18.org/archive.php?article_id=2429) to exist. The latest changes means that the regime now has direct control of all aspects of how Islam is practised, and who can lead Islamic communities.

Muslims who want to pray with fellow Muslims have for many years had no other way to do so than to attend a state-controlled mosque. "Believers have no choice – all mosques are under state control," Rovshanoglu told Forum 18.

Lawyer Mustafayev doubts whether ordinary Muslims will challenge the system of state-appointed imams publicly. "However, it is doubtful whether communities and local believers will accept state-appointed imams (https://www.forum18.org/archive.php?article_id=2726)," Rovshanoglu noted. "Because in many mosques, communities do not want to accept state-appointed imams (https://www.forum18.org/archive.php?article_id=2429), though this does not occur so often."

On 16 June 2021, President 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 to approve the appointment of all non-Islamic religious leaders. Religious communities are allowed to make the initial choice themselves, but without State Committee approval, a chosen leader cannot take up their position.

State directly decides who can lead a Muslim community

The State Committee's Appointment Rules require that a cleric be "a person with a higher and secondary special religious education who is professionally engaged in Islamic activities". There are four specified roles: imam; deputy imam; muezzin (who can conduct prayers on instruction from the imam); and an individual who performs religious rites for women on instruction from the imam. It appears that only these individuals are allowed to preach sermons.

The requirement in the Appointment Rules that a cleric must be "a person with a higher and secondary special religious education who is professionally engaged in Islamic activities" could deprive many existing imams of the right to lead mosques. It would also prevent those without such specialised religious education from seeking such roles.

One of the State Committee Deputy Chairs, Gunduz Ismayilov, told the local media on 24 May that it would not be right to immediately dismiss all clerics who do not have higher religious education qualifications. He said that such clerics would gradually be replaced with graduates.

Rovshanoglu describes it as a "good thing" that imams have appropriate education, but questions whether the state should be imposing this.

State can fire Islamic clerics at any time

The new Appointment Rules allow the Chair of the State Committee to fire any Islamic cleric at any time. The excuses which can be used for this include:

- if they fail to pass the review of their appointment every five years, or twice do not attend review interviews;
- if they lose Azerbaijani citizenship or they move abroad;
- if they have "committed a crime and there is a court verdict against them which has entered into legal force, or a court decision, which has entered into legal force, on undergoing compulsory medical treatment";
- if they violate standards of morality or ethics;
- if they take another state job;
- if they die;
- if they help or have obligations to foreign states, organisations, or individuals;
- or if in their work they violate the Religion Law (https://www.forum18.org/archive.php?article_id=2429) "including in the giving of sermons, as well as in case of detection of religious and social discrimination, sectarianism and other illegal acts".

Dismissed clerics can challenge their dismissal in court, although unfair trials are normal (https://www.forum18.org/archive.php?article_id=2485) in Azerbaijan.

The State Committee's new Appointment Rules do not explain the vague formulations that allow the state to fire any Islamic cleric at any time. Unclear definitions allowing space for arbitrary official actions is normal in the regime's laws and regulations (https://www.forum18.org/archive.php?article_id=2429) restricting the exercise of freedom of religion or belief.

It remains unclear how State Committee officials will define – for example - "violations of standards of morality or ethics", or "helping or having obligations to foreign states, organisations or individuals". The Religion Law (https://www.forum18.org/archive.php?article_id=2429) does not ban "religious and social discrimination, sectarianism", so it remains unclear why these are described as "illegal" acts.

Imam leaves – resigned or fired?

In early May, the State Committee fired the Imam of the town of Neftchala south of Baku, Shia Imam Mirseymur Aliyev, who was based at the town's Sahib az-Zaman Mosque. He had held the end of Ramadan Ramazan Bayram (Id al-Fitr) prayers on 3 May, not the state-enforced date of 2 May.

All mosques are required to hold religious festivals on dates imposed by the state-controlled Caucasian Muslim Board (https://www.forum18.org/archive.php?article_id=2429) and enforced by the State Committee (see below).

"No one forced him [Imam Aliyev] to leave," Sanan Khalilov, the State Committee representative for Shirvan, which includes Neftchala, insisted to Forum 18 on 9 June. "He didn't fulfil his obligations as imam in a mosque of the Caucasian Muslim Board, and therefore submitted his resignation voluntarily. I spoke to him and he said he couldn't fulfil his obligations. I simply accepted the resignation letters that he himself submitted. The State Committee then removed him."

Khalilov insisted that Aliyev retains his role as administrative leader of the Muslim community, to which the State Committee appointed him some years ago. "He still has the certificate from the State Committee as leader of the community," Khalilov added.

Regime interviews, appoints all Islamic clerics

Under the new Appointment Rules, the State Committee (https://www.forum18.org/archive.php?article_id=2429) organises and advertises interviews for vacancies. It specifies that applicants must present:

- identity documents;
- evidence of their qualifications in Islam;
- a general health certificate;
- a health certificate from the drug and psychiatric services;
- and records of any criminal convictions.

The appointment interview covers candidates' knowledge of Islam, their knowledge of the Constitution, the Religion Law (https://www.forum18.org/archive.php?article_id=2429) and other regulations restricting freedom of religion and belief, the regime's view of the history of Azerbaijan, knowledge of other faiths, and candidates' "general outlook". These unclearly defined topics allow the usual space for arbitrary official decisions to be made.

The seven-member Appointment Commission consists entirely of state officials, from the State Committee (https://www.forum18.org/archive.php?article_id=2429), the Institute of Theology (which is controlled by the State Committee), and the Foundation for the Propagation of Moral Values (also controlled by the State Committee). The State Committee informs the state-controlled Caucasian Muslim Board (https://www.forum18.org/archive.php?article_id=2429) of who has been appointed to any role only after the appointment.

Any appointment as an Islamic cleric is only for up to five years, as all clerics are reviewed by the regime every five years to decide whether or not to re-appoint them (see below).

In his 24 May remarks, State Committee Deputy Chair Gunduz Ismayilov said that candidates who study Islam outside Azerbaijan can only be appointed if these studies had the permission of the State Committee (https://www.forum18.org/archive.php?article_id=2429) or the state-controlled Caucasian Muslim Board.

State Committee Deputy Chair Ismayilov also announced on 24 May that he had been appointed to chair the seven-member Appointment Commission. All are from the State Committee (https://www.forum18.org/archive.php?article_id=2429) (including Jahandar Alifzada, head of the Department for Work with Religious Organisations) or from the Foundation for the Propagation of Moral Values (which is controlled by the State Committee), including the Foundation's head Mehman Ismayilov.

Regime reappoints all Islamic clerics every five years

Under the new Appointment Rules, the State Committee (https://www.forum18.org/archive.php?article_id=2429) reviews all Islamic clerics every five years, and decides whether or not to re-appoint them. The State Committee describes this process as "attestation".

The State Committee establishes a nine-member Commission for each cleric being reviewed. The Commission consists of State Committee officials, as well as officials from the Institute of Theology (which is controlled by the State Committee), the Foundation for the Propagation of Moral Values (also controlled by the State Committee), unspecified "specialists", and officials of the state-controlled Caucasian Muslim Board (https://www.forum18.org/archive.php?article_id=2429).

As with new applicants for posts as clerics, the Commission's questions cover candidates' knowledge of Islam, their knowledge of the Constitution, the Religion Law (https://www.forum18.org/archive.php?article_id=2429) and other regulations restricting freedom of religion and belief, the regime's view of the history of Azerbaijan, knowledge of other faiths, and clerics' "general outlook". These unclearly defined topics allow the usual space for arbitrary official decisions to be made.

Those appointed as clerics before the new Appointment Rules were enacted in April 2022 must also present at their five year review:

- identity documents;
- evidence of their qualifications in Islam;
- a general health certificate;
- a health certificate from the drug and psychiatric services;
- and records of any criminal convictions.

State Committee Deputy Chair Ismayilov also announced on 24 May that he had been appointed to chair the Review Commission. Jahandar Alifzada, head of the State Committee (https://www.forum18.org/archive.php?article_id=2429)'s Department for Work with Religious Organisations, was appointed its Secretary. Of the seven other members, one is from the State Committee, two are from the Institute of Theology (which is controlled by the State Committee), one from the Foundation for the Propagation of Moral Values (also controlled by the State Committee), and three from the state-controlled Caucasian Muslim Board (https://www.forum18.org/archive.php?article_id=2429).

Regime salaries and cars for imams

While mosques collect donations from the public, which are claimed by the Caucasian Muslim Board to be partially used for imams' salaries, imams also get a salary from the state. "For the past four or five years, the Foundation for the Propagation of Moral Values gives 'support to mosques', with money assigned to it by the President," Rovshanoglu told Forum 18. "This means that imams are

paid by the state." The regime also gives Imams cars, he noted.

Sanan Khalilov, the State Committee (https://www.forum18.org/archive.php?article_id=2429) representative for Shirvan, told Forum 18 that the Foundation for the Propagation of Moral Values (which is controlled by the State Committee) pays each imam throughout the country 756 Manats as salary directly to their bank accounts each month. Salaries for imams are exempt from tax, he added.

Corruption is "omnipresent" in the country, Crude Accountability (<https://crudeaccountability.org/azerbaijan/>) and other human rights defenders have noted. In this context, payments and other benefits for imams are seen as a way of buying their support for the regime.

Sermons on approved topics only

Only the imam, deputy imam or muezzin (with the imam's approval) appear to be entitled to give sermons in mosques, according to the new State Committee (https://www.forum18.org/archive.php?article_id=2429) Appointment Rules.

The State Committee produces a book of sermon themes, which all imams are required to use as the basis for their Friday sermons, says Rovshanoglu. "The book doesn't give the direct text of any sermon, but a sermon can't go outside the framework of the book," he told Forum 18. This does not mean that on any given Friday sermons in all mosques will be the same or necessarily on an identical theme. "The imam can choose a subject from the book."

Regime-enforced Islamic calendar

The regime requires all mosques to mark religious festivals on the date that the state-controlled Caucasian Muslim Board (https://www.forum18.org/archive.php?article_id=2429) orders. These dates are announced in advance, even before devout Muslims can be certain that the correct date has been chosen. Despite this, all mosques throughout the country must celebrate such festivals on the day the Board orders Muslims to do so.

Uncertainty among devout Muslims about the correct date of Islamic festivals is affected by whether the lunar calendar or astronomical observations are used, whether the Muslims are Sunni or Shia, and other factors. For example, a cloudy night obscuring observations of the moon can delay the date festivals are marked by around a day. This frequently means that devout Muslims can have only short notice of when festivals should be marked. The Caucasian Muslim Board's orders take no account of these uncertainties among devout Muslims, even those caused by cloud cover on the expected date of a festival.

On 26 April 2022 the state-controlled Caucasian Muslim Board (https://www.forum18.org/archive.php?article_id=2429) decreed that Ramazan Bayram (Id al-Fitr) should be celebrated on 2 May. The Deputy Chair of the Board, Fuad Nurullayev, announced on 26 April that the celebratory namaz (prayers) would be held in all mosques at 09.00 or 10.00 in the morning.

Some imams marked the festival on 3 May in line with their understanding of their faith. The State Committee (https://www.forum18.org/archive.php?article_id=2429) removed at least one imam from office, Shia Imam Mirseymur Aliyev from Neftchala, for holding the Ramazan Bayram celebration on a different day from that ordered by the state-controlled Caucasian Muslim Board (https://www.forum18.org/archive.php?article_id=2429) (see above).

Asked what harm it does if mosques celebrated festivals on different days, Sanan Khalilov, the State Committee representative for Shirvan, insisted that "it is not a question of harm". He pointed to the decision of the state-controlled Caucasian Muslim Board (https://www.forum18.org/archive.php?article_id=2429). Khalilov was unable to explain why the state enforces the Caucasian Muslim Board insistence that a religious festival must be celebrated in all mosques on the same day.

Many ordinary Muslims consider when mosques should mark such festivals as a serious question, Rovshanoglu says. "I believe there will be more such cases [of dismissals of imams who do not abide by the officially-imposed calendar] in future years," he told Forum 18.

Imams who choose to mark festivals on the dates they believe are correct have long faced removal from office. An Imam in the central Goychay District, Ruslan Mammadov, was in May 2017 removed from his role as state-controlled Caucasian Muslim Board (https://www.forum18.org/archive.php?article_id=2429) approved Imam and punished for "illegal activity" and "organising a secret community". He had performed religious rituals at the mosque in the nearby village of Ikinchi Arabjabirli not according to the Caucasian Muslim Board-dictated calendar.

When officials closed Sunni mosques in the mid-2010s, they often complained that mosque communities had failed to abide by the religious calendar handed down by the state-controlled Caucasian Muslim Board (https://www.forum18.org/archive.php?article_id=2429).

Imams the State Committee won't appoint

Many men with Islamic education will now be ineligible to be appointed by the State Committee (https://www.forum18.org/archive.php?article_id=2429) as imams.

Among these is Shia Muslim Imam Sardar Babayev. He was jailed between February 2017 and February 2020 (https://www.forum18.org/archive.php?article_id=2350) for leading a mosque after having gained his Islamic education abroad. He was the first and so far only person known to have been punished under Criminal Code Article 168-1 (https://www.forum18.org/archive.php?article_id=2429) ("Violation of the procedure for religious propaganda and religious ceremonies").

As an individual who gained his Islamic education abroad without permission from the State Committee or the Caucasian Muslim Board, and as an individual with a criminal conviction, Imam Babayev would be ineligible to apply to the State Committee for a post leading a mosque.

Following his further arrest on 19 October 2021, prosecutors are investigating Imam Babayev on charges of treason under Criminal Code Article 274, charges he rejects. On 14 April 2022, Baku's Sabail District Court agreed to the Prosecutor's Office request to extend the pre-trial detention for a further five months (https://www.forum18.org/archive.php?article_id=2750), until 19 September.

Punishments for "illegal" meetings for worship

The regime punishes individuals and communities who hold meetings for worship without seeking state permission (https://www.forum18.org/archive.php?article_id=2429). Any Muslims who want to meet for worship with others in a way that the regime dislikes risk punishment.

Cases of such punishments for religious meetings have decreased over recent years. The last known such case was in the southern city of Lankaran in 2021. On 29 July, Lankaran City Police received information that local resident Ilgar Azimov had organised a religious meeting in his home. Officers raided his home, where more than 20 people had gathered, according to media reports. They took all those present to the police station for questioning.

Officers then decided to bring administrative cases against Azimov and three others they deemed to be fellow organisers, Ali Mammadov, Shahir Rzayev and Ali Rzayev. They sent the cases to Lankaran District Court.

Police claim the meeting violated coronavirus regulations. However, at separate hearings under Judges Mutallim Isayev and Togrul Mammadov on 30 July 2021, Azimov, Mammadov, and both Rzayevs were sentenced for violating Administrative Code Article 211.1 ("Violating the anti-epidemic, sanitary-hygiene, and quarantine regimes"), and Administrative Code Article 535 ("Disobeying a police officer").

The court also sentenced all four men under Administrative Code Article 515.0.2 (https://www.forum18.org/archive.php?article_id=2429) ("Violating legislation on holding religious meetings, marches, and other religious ceremonies"), an official of Lankaran District Court told Forum 18 on 7 June 2022.

The Judges sentenced all four men to short-term jail terms of up to 15 days. The court official did not have information about the length of the jail terms, but said none of the four appealed against the sentences. (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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