

AZERBAIJAN: RELIGIOUS FREEDOM AT THE CROSSROADS

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Good morning. My name is Eric Rassbach. I am an attorney with The Becket Fund for Religious Liberty here in Washington, DC. The Becket Fund is an international, interfaith, public interest law firm that is dedicated to protecting the free expression of all religious traditions, both here in the United States and abroad.

I'd like to thank the Commission and Chairman Smith for inviting me to appear before you today. I'd also like to thank the Commission for drawing attention to the very timely subject of Religious Freedom in the Caucasus. This topic is, as I hope will become apparent, one of singular importance to the peoples of the Caucasus and the United States.

I've been asked to describe to you the state of religious freedom in Azerbaijan. Let me illustrate by an example. A congregation of moderate Shia Muslims is meeting one morning for worship. They have been told that for them to meet together is illegal under the laws of the State, because they have not agreed to become part of the State muftiate – they want to remain independent. The State has ordered them to leave the ancient mosque they rescued from its Soviet fate as a carpet museum, and has threatened violence in removing them. The mosque's leader, a charismatic young imam who is a well-known speaker at human rights conferences across Europe, has publicly committed the congregation to non-violent resistance. If the police come, he says, "We will meet them with flowers."

As it happens, there is not enough time to hand any flowers to the police. They burst in during the morning prayer and immediately begin to beat the mosquegoers. The young imam

remains in prayer position on the floor, not returning the blows, while exhorting the congregation not to fight back. Eventually all of the mosquegoers are dragged out of the mosque.

In the subsequent crackdown, religious believers are arrested when they attempt to visit the mosque, or in their own homes. The State first attempts to impose a new imam not chosen by the mosque congregation. When the state authorities realize that only the imposed imam's bodyguards will pray with him, they give up – the mosque is closed “for repairs.”

This is the story of the Juma Mosque congregation and its imam, Ilgar Ibrahimoglu Allahverdiev, whom The Becket Fund is privileged to represent in their lawsuit against Azerbaijan in the European Court of Human Rights. Unfortunately this story is an all-too-common one in Azerbaijan today, and that is why this story and the other stories of religious oppression in Azerbaijan must be heard.

Thus I think the best way to characterize the state of religious freedom in Azerbaijan is: bad, and getting worse quickly. On an almost daily basis, there are new violations of the most basic elements of religious freedom – mosques and churches shut down, believers beaten, those who resist state-imposed religious conformity jailed. If it remains on its current path, the government of Azerbaijan will have eliminated religious freedom entirely within a few years.

But this need not be. With some pressure from the international community – and specifically from the United States government – I think it is very likely that many of the most egregious intrusions into the realm of religious freedom could be avoided. Azerbaijan is sensitive to how it is perceived by the outside world, both because it is dependent on countries like the United States for defense and for diplomatic leverage against larger neighbors like Russia and Iran, and because it values its role in international institutions like the Council of

Europe, which many Azeris see as a stepping stone to eventual membership in the European Union.

However, the leaders of Azerbaijan will not change course and begin treating religious freedom as a fundamental human right, unless other countries and international organizations make clear that they support religious freedom as a matter of the utmost importance. This is because the experience, ideology, and political interests of these leaders all tell them that the only way to deal with religious people and religious beliefs is to suppress them.

As in many post-Communist countries, Azerbaijan's leaders are not quite sure what to do with religion. As secularists who shared in power under the old, officially atheistic regime, these leaders understand religion as the "opiate of the masses" – a dangerous and destabilizing ideology of ultimately irrational thought that must be controlled by the state. And in keeping with this idea of faith-as-narcotic, they attempt to suppress believers – religious addicts, if you will – the only way they know how: top-down command and control.

What is happening in Azerbaijan today should thus be viewed as the resurrection of the worst methods of the Soviet Union's suppression of religious belief. The Soviets used three primary methods in Azerbaijan. First, most houses of worship and other religious institutions were demolished or closed. During the Soviet period in Azerbaijan, only 16 of the 2000 pre-Soviet mosques remained open. The Cathedral Mosque of Baku, the Juma Mosque, was turned into a carpet museum, while most other mosques were torn down. All 800 religious schools were closed. Many churches were also shut down.

Second, those religious institutions that were allowed to survive were forced to become zombie mosques and churches – alive but deadened by the close supervision of a state-controlled religious umbrella organization. During the Soviet period, all Muslims in Azerbaijan, both Shia

and Sunni, were placed under the control of the Spiritual Board of Transcaucasia, founded in 1944 by Stalin. This Board controlled everything that went on in the few mosques that remained open. The Russian Orthodox Church was, as is well known, also placed under the complete control of the State.

Third, the Soviets suppressed all public manifestations of religious belief and other forms of religious expression, including the printing of religious texts, and especially proselytization. Any non-official religious activity resulted in jail time or worse. The Azerbaijan government is now resorting to all three Soviet methods – closure, a state-controlled religious hierarchy, and suppression of all “unofficial” religious expression – mainly because it thinks that countries like the United States won’t notice or what’s worse, won’t care.

The most notorious example of the neo-Stalinist approach to religion in Azerbaijan is the government’s campaign against the Juma Mosque. The Juma Mosque, built in the 15th century, is one of the few ancient Azeri mosques that Stalin did not tear down. But as I mentioned, the authorities did turn the Juma Mosque into a carpet museum. In 1991, after Azerbaijan had gained its independence from the Soviet Union, then-President Elchibey decreed that all former mosques should be restored to their original, religious functions. A group of Muslim believers began worshipping in the Juma Mosque at that time and registered themselves as a “religious organization” under the law, once with the Baku city government, and once with the Ministry of Justice. Then, for 12 years, the members of the Juma Mosque congregation were allowed to worship in peace.

That peace was broken last year. In October, presidential elections were held that most international observers said were clearly rigged to elect Ilham Aliyev, the son of the former president (and former Soviet Politburo member) Heidar Aliyev. After the elections, there was

rioting in Baku because of the perceived injustice of the election. The state authorities seized upon this opportunity to round up everyone they thought might be a political rival to the state. Among their targets was Imam Allahverdiev, who though able to take refuge in the Norwegian Embassy during the immediate post-election roundup, was eventually arrested in December and held without charges in Baku's notorious Bayil prison.

The Imam languished in prison for several months and then, in a trial convened with almost no notice, was convicted of inciting a riot, on the basis of obviously conflicting (and probably coerced) testimony. The five year sentence imposed by the court was, however, immediately suspended due to international pressure, including observers from the American and Norwegian embassies who were present at the trial. This sentence is now on appeal in the Azerbaijani courts. If, as I think is likely, the domestic courts do not overturn the conviction, we will almost certainly bring an appeal to the European Court of Human Rights.

While the campaign against Imam Allahverdiev was going on, the state authorities mounted a parallel attack on the Juma Mosque congregation itself. The Baku city government claimed that because the Juma Mosque congregation was not registered with the Caucasus Muslims Board – the direct successor to Stalin's Spiritual Board of Transcaucasia – it had no right to operate as a religious organization within the Juma Mosque. A government agency moved a Baku district court to evict the Mosque, and the court complied. This decision was upheld by the Appeals Court of Azerbaijan, and is currently on appeal to the Supreme Court.

The authorities waited for several months after receiving the eviction order to carry it out. Finally, on June 30, acting on the basis of this unlawful eviction order, the police raided the mosque. As the story I related earlier shows, the authorities used all three of the Soviet methods to suppress the Juma Mosque congregation: the mosque has now been closed; the congregation

has been relegated to illegal, homeless, status because it refuses to become part of the State muftiate; and the mosque's believers have been jailed for expressing their support for the imam they chose.

Other religious groups have been the victims of Soviet methods as well. In May of this year, two Seventh-Day Adventist pastors were fined for "illegal preaching" in the cities of Gyanja and Sumgayit. Pastor Khalid Babaev, the pastor fined by the Sumgayit police, had previously been driven out of Nakhichevan province because the police refused to investigate death threats made against the pastor. In addition, Adventist congregations have been denied state registration, making all of their religious activities, according to the authorities, illegal.

Perhaps the religious group that has been hit the hardest by the state authorities are the Baptists. Baptist churches are routinely threatened by local police, including "visits" during worship services. Pastors who travel from church to church preaching are often detained by police officers. Only three Baptist congregations have been able to get state registration. In April 2002, the Eternal Love Church, Baku's Azeri-language Baptist congregation, was shut down by the State Committee for Affairs of Religious Organizations (the "SCARO"). The Eternal Love Church's pastor, Sari Mirozyev, was banned from preaching and subjected to a harsh media campaign. In addition, the SCARO prohibited Baptist churches from importing 50,000 Azeri-language New Testaments into Azerbaijan, leaving rural congregations without access to Scripture. Thus the Baptists, like the Adventists and the Juma Mosque congregation, are victims of Azerbaijan's neo-Stalinist disregard for religious liberty.

So what can we, sitting here in Washington, do? I think quite a lot. First, the United States government should unequivocally and publicly condemn the Azerbaijan government's activities directed at suppressing and controlling Muslims, Baptists, and Seventh-Day

Adventists. Thus far the United States government has been sending a mixed message to Azerbaijan – concern about the government’s campaign against the Juma Mosque, but not condemnation. Unfortunately such subtleties will be lost on the government and the press in Azerbaijan. Only a clear public condemnation of the suppression of religious liberty will result in action by the government of Azerbaijan.

The second thing some of us here in Washington can do is bring individual pressure to bear on the Azerbaijan government. I can assure you that every Member of Congress who brings their concerns about religious liberty in Azerbaijan to the attention of the Azerbaijan government will be taken very seriously. Azerbaijan has sought the help of many in Congress, both in dealing with Azerbaijan’s conflict with Armenia, and in obtaining financing for development projects in Azerbaijan. A single letter or visit from a Member could by itself have an immediate impact on the state of religious liberty in Azerbaijan.

The third thing we can do is make the Azerbaijan government aware of the potential effect of the International Religious Freedom Act of 2000, commonly known as “IRFA,” on their activities. Azerbaijan’s recent activities clearly bring it within the scope of “country of particular concern” designation under IRFA, resulting in the possibility that the United States might impose sanctions on Azerbaijan. Designation as a country of particular concern would have a number of other immediate effects in Azerbaijan: its credit rating would be harmed, our cooperation on its defense issues would likely be endangered, and it would suffer the diplomatic disaster of being grouped with countries like North Korea, Sudan, and Iran. There are compelling reasons for nations to avoid designation as countries of particular concern, and pointing out the risk of CPC designation to the government of Azerbaijan would likely have a significant influence. At the very least, Azerbaijan should be placed on the “watch list” for CPC designation.

Some might argue that to speak out on religious freedom in Azerbaijan would harm the United States' other geopolitical interests in Azerbaijan, including Azerbaijan's huge offshore oil and gas reserves, and its strategic position between Russia and Iran and between Turkey and Central Asia. Yet our geopolitical interests will be advanced, not harmed, if there is greater religious liberty in Azerbaijan. It is fundamentally in the geopolitical interests of the United States that a moderate Muslim country like Azerbaijan remain moderate. If religious belief and expression is forced underground by the government, it is highly likely that Iran's influence on Shia Muslim believers in Azerbaijan would increase exponentially. If Azerbaijan is destabilized or, even worse, taken over, by Iranian-style Islamic militants, American interests will surely suffer. It would cede control over yet another important source of energy resources to those who hate our way of life.

Even more importantly, it is fundamentally in the interests of the United States, as a nation that loves liberty, to see the first freedom that our nation was founded upon – religious liberty – protected in other countries. If it becomes the rule in the rest of the world that religious activity is something to be managed by the State – rather than something the State must respect – we will feel the repercussions here in the United States.

To conclude, I think it is fair to say that the situation of religious freedom in Azerbaijan is dire but not hopeless. If the international community, and especially the United States, makes it clear to Azerbaijan that respecting religious liberty is the price it must pay to enter the ranks of the developed nations, the Azerbaijan government will respond. On the other hand, if we do nothing, the two most likely outcomes are neo-Stalinist repression or a takeover by Islamic militants.

The Becket Fund intends to continue pressing the government of Azerbaijan to honor the right to religious freedom of the Juma Mosque congregation, Imam Allahverdiev and other believers in Azerbaijan, both before the European Court of Human Rights, and in other legal fora. Ultimately, however, the protection of religious liberty will be a matter of political will, here, in other countries, and in Azerbaijan.

Thank you.