

Opening Statement
Rep. Christopher H. Smith, Chairman
Commission on Security and Cooperation in Europe

Religious Freedom in the Caucasus
July 21, 2004

Good morning, ladies and gentlemen. I am pleased to convene this Helsinki Commission briefing on religious freedom in Armenia, Azerbaijan and Georgia. Today, our expert panel will discuss each country and after the conclusion of their statements, questions will be taken from the floor. However, before I introduce our panelists, I would like to make a few observations.

In 2003, all three Caucasus countries held important elections. These elections and their outcome say a great deal about the level of democratic development in each country. According to the OSCE Monitoring missions, each of these elections featured falsification but the reactions of society in these countries differed significantly. In Armenia, protesters rallied against the official results of the February-March presidential election but shrank from confrontation with the state. In Azerbaijan, clashes broke out in October between police and protesters who claimed the presidential election was rigged but the authorities easily crushed the demonstration and then extended their crackdown on the opposition countrywide. In Georgia, however, key opposition figures remained united and rallied public support against an unpopular government. For the first time in the former USSR, public protest succeeded in overturning the results of a rigged election and, ultimately, bringing down a Head of State.

Against this background, in Azerbaijan, government actions against the Juma Mosque Community in Baku are of great concern and the disturbing events over the past several weeks have greatly alarmed me and other Members of the Helsinki Commission. Fundamental OSCE commitments have been violated by the Azerbaijani Government, using the police, through the forceful expulsion of this community of peaceful believers and with the imposition of a new imam. This is unconscionable. This is wrong.

What I am asking of President Aliyev and his government is simple: I urge Azerbaijan to end this embarrassment, honor its OSCE commitments on religious freedom and allow the Juma

Mosque community to operate freely and to use its facility without government interference. Those commitments are violated when the government forces the community to accept a new leader or burdensome oversight from the Muslim Board of the Caucasus, the government-backed religious association. In addition, the government should end its campaign of harassment of the community's leaders, especially Imam Ilgar. Any criminal charges would be deemed very alarming. I also hope the community's appeal to the Supreme Court contesting the closure will be successful.

While the Juma Mosque situation has received some attention, other communities, such as Baptists and Adventists, are also experiencing problems. The Helsinki Commission will continue to monitor these developments and consider further actions should authorities in Baku fail to address these matters. In this vein, I would like to hear from the panel if the U.S. Commission for International Religious Freedom should add Azerbaijan to their watch list of countries with deteriorating religious freedom conditions. In addition, there are a number of tools available to the State Department for dealing with countries that routinely violate religious freedom, especially under the International Religious Freedom Act.

Turning to Armenia, government policy on religious freedom also conflicts with OSCE commitments. Government registration is necessary to carry out basic functions, like renting property, publishing newspapers or magazines, or officially sponsoring the visas of visitors. The approval system has proven extremely problematic, as on June 17 when the government again refused to register the Jehovah's Witnesses as an official religion because of their proselytizing activities. Small groups, including Hare Krishnas and many Baptist communities, are frequently unable to attain the minimum number of members required by the government to register. In addition, 20 Jehovah's Witnesses are in prison for refusing military service on religious grounds.

Last month, I met with Foreign Minister Vartan Oskanian and raised my concerns about the inability of Jehovah's Witnesses to register. I also handed over a list of jailed conscientious objectors and urged their release. I note that Armenia, when joining the Council of Europe, committed to free all imprisoned conscientious objectors, a promise that has gone unfulfilled. And I would also note that Armenia seriously disappointed its friends in the United States by

recently co-signing – as did human rights stalwarts Belarus and the Central Asian countries – a Russian-organized declaration that criticized the OSCE and its human rights commitments, including those to hold free and fair elections. Of course, the OSCE commitments were freely accepted by Armenia when it joined the OSCE in 1992.

Much has happened in Georgia since President Mikheil Saakashvili came to power. His government has successfully and peacefully regained control of Ajaria and I hope the situation in South Ossetia will be peacefully resolved. As for religious freedom, I was very pleased in March by the long overdue arrest of renegade Orthodox priest and mob leader, Father Basili. But Georgian authorities should investigate and prosecute other individuals known to have perpetrated violent criminal acts against religious minorities, as Father Basili did not act alone. Legal problems also persist, as minority communities are unable to obtain legal entity status or to build new worship facilities. In addition, a concordat with the state granted the Georgian Orthodox Church special privileges to the detriment of other confessions.

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Today we welcome three experts to make presentations about Azerbaijan, Armenia and Georgia respectively.

Our first panelist is Eric Rossbach. Serving as Counsel at The Becket Fund for Religious Liberty, Mr. Rossbach represents the Juma Mosque Community and its imam before the European Court of Human Rights. Before joining The Becket Fund, he was at the firm Baker Botts, L.L.P. and worked on the Baku-Tbilisi-Ceyhan Pipeline Project.

Our next panelist will be Andre Carbonneau, who is an attorney for the Jehovah's Witnesses. As he represents Armenian and Georgian Jehovah's Witnesses before the European Court of Human Rights, Mr. Carbonneau will speak about the current situation in those two countries.

Last is Dr. Paul Crego, who is a Senior Cataloging Specialist with the Library of Congress. He is responsible for materials in Georgian and Armenian and recently traveled to Georgia to collect religious periodicals. Holding a Ph.D. in theology from Boston College, he has lectured on Georgia at the Foreign Service Institute on several occasions.