



FREEDOM NOW

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HDIM.NGO/0055/2017/EN
12 September 2017

OSCE Human Dimensions Meeting 2017

14 September 2017

Working Session 6: Fundamental freedoms II, including freedom of thought, conscience, religion, or belief

Speaker: Ms. Maran Turner

Thank you. Freedom Now appreciates the opportunity to address the situation of religious freedom in Azerbaijan.

Although Azerbaijan's constitution protects freedom of religion, its 2009 Law on Freedom of Religious Belief severely limits this right and prescribes punishments for those who do not comply. Mandatory registration for religious organizations is just one of the requirements of the law. Groups that are denied registration or that refuse to register are deemed illegal. Apart from the controversial amendments to the law, the government occasionally restricts the rights of religious followers through other tactics, for example, requiring the volume of call to prayer to be lowered, banning hijabs at schools, and closing down mosques.

In 2012, the Council of Europe's Venice Commission and the OSCE issued a legal opinion finding that the Law of Freedom of Religious Belief was against international standards and that several provisions undermined the substance of human rights values. The European Court of Human Rights also criticized the law in a 2014 ruling, stating that it gives authorities "unlimited discretionary power" to define and prosecute "illegal" religious activity.

Unfortunately, the conditions for religious freedom have not improved in Azerbaijan since those opinions were issued. In November 2016, the UN Human Rights Committee expressed concern about the reported interference in religious activities, the harassment of members of religious groups, and the increase in arrests, detentions, and administrative or criminal sanctions against them.

Since 2007, Azerbaijan has imprisoned more than 100 individuals for exercising their religious freedom. More half of these arrests have occurred since 2015 as the scope of repression has rapidly increased. One example is the imprisonment of Taleh Bagirov, leader of the religious organization the Muslim Unity Movement or MUM. Mr. Bagirov is a prominent imam and a vocal critic of the Azerbaijani government's religious policies and crackdown on civil society. As a result of his activism, he has been arrested and imprisoned several times.

His most recent arrest occurred in November 2015 after the Ministry of Internal Affairs and the State Security Service held a joint operation in the Nardaran region, where Mr. Bagirov and other MUM activists were temporarily living. The raid resulted in the death of six individuals, including two police officers. In the immediate aftermath of the raid, Mr. Bagirov and 16 MUM activists were arrested. They were later charged with terrorism, extremism, plotting to overthrow the government,

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and inciting violence. The government continued to round up MUM members through January 2016. In total, 87 individuals, mostly MUM activists, were arrested and charged with crimes related to the Nardaran raid. During their trial, several MUM detainees testified in open court that they were subjected to torture, coerced into forced confessions, and denied medical treatment. In January 2017, Mr. Bagirov and his co-defendants were sentenced to terms ranging from 10 to 20 years. Both Mr. Bagirov and his deputy, Abbas Huseynov, received 20 year sentences. Nearly 30 MUM activists remain on trial, almost two years after they were first arrested.

In July 2017, Mr. Bagirov and Mr. Huseynov were transferred to Gobustan High Security prison, one of the most notorious prisons in Azerbaijan, where they continued to be tortured. Mr. Huseynov was placed in solitary confinement, beaten with a baton, and handcuffed to an iron post for 3 hours in direct sunlight. When he complained about the treatment, the prison warden responded, "Here is Gobustan - a place where rights end." The warden then proceeded to physically beat Mr. Huseynov

Another example of the abuse of the religious laws is the imprisonment of Sardar Babayev, a Shia imam who completed his theological studies in Iran in 2000. He was summoned by police for questioning in February 2017 and arrested the same day on charges of conducting Islamic rites without having received a theology degree in Azerbaijan. He is the first case to be prosecuted under a law passed in December 2015 which bans religious training overseas. He was sentenced to three years in prison in July 2017, despite the fact he received his religious training 15 years before the law was enacted.

Azerbaijan's repression of religious freedom and its targeting of religious activists is a violation of international law and its commitments to the OSCE.

Recommendation

We urge the Government of Azerbaijan to amend its religious law to abide by international standards and to immediately and unconditionally release all prisoners of conscience.