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The Republic of Azerbaijan has a secular state whose constitution provides for religious freedom. It is located between Russia, its former imperial ruler during Soviet and tsarist times, and Iran, from whom Russia took the Caucasus region early in the 19th century. Azerbaijan has an authoritarian, corrupt government under President Ilham Aliyev who has been in power since 2003. He succeeded his father, former Communist Party First Secretary and KGB general, Heydar Aliyev after his 10-year reign.

The Azerbaijanis are Turkic-speaking and Muslim, mostly Shi'a as a result of centuries of Iranian rule. Although over 90% of Azerbaijanis identify as Muslims and express belief in God, this result should be understood in a cultural sense as part of the national identity. Only about 20% are "observant," which is to say practicing Muslims who understand the theology, read the Koran, carry out the requirements of prayer and fasting, and other pillars of Islamic observance.[1]

The case of human rights, including religious liberty, in the Republic of Azerbaijan raises several complex and nuanced issues. Among those are the potential dichotomy between civil liberties and state security. A related issue is the distinction between lawful criticism of the state or regime, including the use of religious norms and language to articulate that criticism and, on the other hand, incendiary language that incites violence. These distinctions are genuine but may be ignored or manipulated by authoritarian regimes to repress critics and ensure overwhelming control over society. Such is the case in Azerbaijan.

Islam in Azerbaijan and its relationship with the state:

The region now called Azerbaijan was under Iranian (Shi'ite Muslim) rule until the Russian conquest of 1813. Rather than live under the rule of "unbelievers" (the Orthodox Christian Romanovs), many Muslim clergy[2] fled to Iran. Those remaining came under increasing state control, in the form of regulations over education and licensure enforced by the Muslim Ecclesiastical Board of the Caucasus. To be licensed in the Russian Empire,

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[1] Audrey L. Altstadt, *Frustrated Democracy in Post-Soviet Azerbaijan*, (Washington and New York: Woodrow Wilson Center Press and Columbia University Press, 2017). Chapter 6 deals with Islam, and this presentation is based on it.

[2] "Clergy" is a misnomer since Islam has no clergy but is used here for convenience.

a Muslim "cleric" had to have been educated in that empire. The many Muslim leaders with Iranian education were forced to leave. Those who were licensed were assured of a post, a good salary, and privileges of appropriate rank in the imperial system. The Muslim religious classes dwindled.

Religious influence on society was affected by a modernizing movement led by Azerbaijani intellectuals from the 1870s-1910s. The movement aimed to raise literacy and education levels, and to include a "reformed" Islam in a modern national identity. Leaders of secularizing movement dominated during Azerbaijan's first republican period, 1918-20. Religious freedom for all faiths was included in the constitution.

The Bolshevik invasion of April 1920 ended this republic and introduced brutal anti-religious policies toward both institutions and individuals. Communist activists rounded up clergy (who were exiled to Arctic camps) and destroyed houses of worship. Although Soviet attitudes softened toward religion during World War II, the return of official atheism in later years generated differentiated policies toward various faiths. Those religions whose centers were outside the USSR including Judaism, Roman Catholicism, and Islam, were considered potentially hostile to the Soviet regime. Muslims were always considered a serious threat and "managed" with rewards and punishments similar to those of the imperial era. The tsarist Ecclesiastical Board was revived as were education and licensure requirements, including education inside the USSR in the approved Islamic madrassa in Bukhara. Those who met official criteria got jobs and high salaries. Renegades got the gulag. As a result the populace distrusted "official mullahs" although they called on them for funerals. The pious often repeated prayers learned from grandparents, visited holy sites, or sought spiritual guidance from "holy people" in rural areas. Knowledge of Islam plummeted.

Since post-Soviet independence, Azerbaijani law nominally guarantees religious freedom except when religious practice or speech is construed as "threatening" to the secular state or the regime. The interpretation of "threatening" is quite maleable.

The Soviet-era Ecclesiastical Board, and its head, Sheikh-ul- Islam Haji Allahshukur Pashazade, remained in place and still do. The board was renamed Caucasus Muslim Board, CMB, all Muslim organizations were subordinated to it in 1996.

<u>Azerbaijan's political system, its impact on religious freedom and related human rights</u>

Azerbaijan's CMB is not the only means to control religious organizations and practice. In 2001, the State Committee on Work with Religious Associations (SCWRA) was created with a purview over all religious groups not only Muslims. Religious communities

were required to register allegedly for security reasons and to facilitate interfaith understanding, but in fact as another layer of state control. Punishments for evading SCWRA mandates and regulations were enhanced in 2011.[3] SCWRA's control became deeper and more granular with 2022 regulations that not only added level of paperwork to register a religious community, but also took control over the content of religious books and sermons.

From the first years of Azerbaijan's post-Soviet independence, its governments have rejected religious proselytizing from Saudi Arabia and Kuwait, both Sunni states, and from (Shi'ite) Iran. Missionaries from the Gulf states were primarily Wahabbis whose conservatism and closeness to Gulf states' governments were considered hostile to the new post-Soviet government of Azerbaijan. Iranian influence is particularly concerning for several reasons only some of which are religious. Iran's criticism of Azerbaijan's secularism and efforts to quash it can be considered interference. Tehran desires also to undermine Baku's influence over Iranian Azerbaijanis, a Turkic-speaking minority on the Iranian side of their shared border. In contrast, successive Baku governments have welcomed religious activists (until 2014)[4] from Turkey. Even in the present, Turkish religious figures are not associated with extremism as are clergy from Iran or the Gulf states. Suspicion extends to Azerbaijanis trained in the latter countries or places with close ties to them such as Egypt.

For Ilham Aliyev personally, religious-based criticism of him, his family, and his rule are intolerable. The worst punishments are reserved for those who call out Aliyev family corruption and other features of impiety. At the same time, he has posed as a religious man. In 2015, he and his family performed the "mini hajj" (*umrah*) as did other political leaders from post-Soviet states in Central Asia at the same time defining an "Azerbaijani Islam."[5]

The best-known case of religious repression was centered in the village of Nardaran near Baku. The mosque's leader was Taleh Bagirzade (or Bagirov), also head of the Muslim Unity Movement. Bagirzade was arrested in 2013 and serve a 2-year sentence. After being released in summer 2015, he was arrested again in the fall in connection with an alleged attempt to overthrow Azerbaijan's constitutional system. During both arrests Bagirzade was reportedly tortured, charges the authorities deny but refuse to investigate.[6] In 2017,

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[3] This Committee was formerly for "Religious Organizations," hence the acronym SCWRO) Altstadt, op cit., pp. 192-4.
[4] The alleged coup attempt in Istanbul of 2014 led to the Turkish government's crackdown against the Gulenist movement. Ilham Aliyev, because of his friendship with President Erdogan, followed suit.
[5] Altstadt, op. cit, pp, 214-5.
[6] Ibid, pp. 202-4

Bagirzade was given a 20-year sentence and remains in jail in 2025. His crime, despite official charges of drug possession (in 2013) and plotting "violent change to the constitutional system," (in 2017) was his repeated criticism of Ilham Aliyev whom he compared to both early Islamic traitors and Saddam Hussein.

Related human rights violations include persistent, credible reports of torture while in custody even before charges are filed, continued torture during incarceration, threats to family members to ensure a detainees' compliance, and extra-judicial killings. Human rights reports from NGOs and the US State Department annual reports on Azerbaijan record these violations year after year and reflect a deterioration of police behavior and prison conditions throughout the rule of Ilham Aliyev. Courts are not independent from the executive, and trials are often closed or help in such small spaces that few observers can attend. Council of Europe (CoE) Human Rights Commissioner Nils Miuznicks during an unprecedented crackdown in 2014-15 and the UN Committee Against Torture were denied access to prisons and prisoners in their effort to investigate abuses. Both CoE and the UN have issued critical reports, and the Venice Commission has ruled against Baku, but to no avail. The Azerbaijani government insists that there are no political prisoners, only felons. The treatment of religious "extremists" is a matter of state security.

International Community Engagement with Azerbaijan

Most engagement of the international community concerns business and investment. Baku has managed to highlight its investor-friendly climate and distract Western states and companies from its appalling human rights violations.

Policy recommendations for the USG

To influence Azerbaijan's government, the US would have to display serious and consistent concern with human rights violations including those connected to religion. Until the 2010s, most US ambassadors in Baku regularly raised concerns about arrests for apparently politically motivated charges and even visited families of detainees in their homes. Later, when ambassadors with a background in energy or business were chosen to represent the US, the emphasis on human rights and democracy was obviously downgraded. To attempt to slow Azerbaijan's repressions and to restore US leadership in democracy and human rights, greater emphasis would have to be placed on these issues by the US embassy and at all levels of state-to-state relationships.

Even if this policy were adopted, which seems unlikely under the present administration, it is very difficult to defend the rights of Muslim critics who are accused of "extremism" or terrorism. And that is precisely why criminal charges and charges of extremism are employed against these regime critics. The recent upsurge in expressions of US distress over reports of destruction of Christian sites in Karabagh, however justified, adds to the regime's argument that all Western states care about protecting Christian communities but not Muslim communities and their religious or historic sites when the situation is reversed.

For the US to be able to have impact again, a two-step process should be deployed. First representatives of the US could show their awareness of and concern for violations of human rights including religious rights, free speech, and due process for those accused. They could argue that there is a real and significant difference between criticism of leaders or the government itself, even using religious language to articular that criticism, and destabilizing extremism. Indeed, where a political system represses regime critics, the system itself drives people toward extremist movements. Therefore, safeguarding human rights is a matter of state security.

Stage two would be tangible follow up of legal and rights-based arguments and diplomacy with Global Magnitsky-style targeted sanctions, limitations on investments and other financial deals, and restrictions on military cooperation if Azerbaijan continues its noncompliance.