

# RELIGIOUS FREEDOM IN THE CAUCASUS



July 21, 2004

Briefing of the  
Commission on Security and Cooperation in Europe

WASHINGTON: 2004

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**COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

**234 Ford House Office Building**

**Washington, DC 20515-6460**

**(202) 225-1901**

**info@csce.gov**

**http://www.csce.gov**

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The Helsinki process, formally titled the Conference on Security and Cooperation in Europe, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. As of January 1, 1995, the Helsinki process was renamed the Organization for Security and Cooperation in Europe (OSCE). The membership of the OSCE has expanded to 55 participating States, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia.

The OSCE Secretariat is in Vienna, Austria, where weekly meetings of the participating States' permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations. Periodic consultations are held among Senior Officials, Ministers and Heads of State or Government.

Although the OSCE continues to engage in standard setting in the fields of military security, economic and environmental cooperation, and human rights and humanitarian concerns, the Organization is primarily focused on initiatives designed to prevent, manage and resolve conflict within and among the participating States. The Organization deploys numerous missions and field activities located in Southeastern and Eastern Europe, the Caucasus, and Central Asia. The website of the OSCE is: <[www.osce.org](http://www.osce.org)>.

## **ABOUT THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

The Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance by the participating States with their OSCE commitments, with a particular emphasis on human rights.

The Commission consists of nine members from the United States Senate, nine members from the House of Representatives, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair rotate between the Senate and House every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

In fulfilling its mandate, the Commission gathers and disseminates relevant information to the U.S. Congress and the public by convening hearings, issuing reports that reflect the views of Members of the Commission and/or its staff, and providing details about the activities of the Helsinki process and developments in OSCE participating States.

The Commission also contributes to the formulation and execution of U.S. policy regarding the OSCE, including through Member and staff participation on U.S. Delegations to OSCE meetings. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from participating States. The website of the Commission is: <<http://www.csce.gov>>.

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# RELIGIOUS FREEDOM IN THE CAUCASUS

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COMMISSION ON SECURITY AND COOPERATION IN EUROPE  
WASHINGTON, DC

The briefing was held at 11:00 a.m. in Room 334 Cannon House Office Building, Washington, D.C., Representative Christopher H. Smith moderating.

*Panelists present:* Hon. Christopher H. Smith, Chairman, Commission on Security and Cooperation in Europe; Elizabeth B. Pryor, Senior Advisor, Commission on Security and Cooperation in Europe; H. Knox Thames, Counsel, Commission on Security and Cooperation in Europe; Eric Rassbach, Counsel, The Beckett Fund for Religious Liberty; Andre Carbonneau, Attorney, Jehovah's Witnesses; Paul Crego, Cataloging Specialist, Library of Congress.

MR. SMITH: The briefing will come to order.

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 witnesses, our panel will discuss each country and after the conclusion of their statements, questions will be taken from the floor. 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 country-wide. 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, flawed 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 just plain wrong.

That is why I am asking of President Aliyev and his government, and what we asking as a Commission in a bipartisan way, is very simple. We urge Azerbaijan to end this embarrassment and to honor its OSCE commitments on religious freedom, and allow this mosque and its community to operate freely and to use its facility without government interference. Those commitments are vio-

lated 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 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 on 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. On June 17 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 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 thus far has gone unfulfilled. I would also note that Armenia seriously disappointed its friends in the United States by recently cosigning, 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.

Let me finally say that 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. This Commission has not only raised this issue repeatedly, we actually saw videotape at one of our meetings of this particular priest, Basili, if you want to call him that, rabble-rousing and raising his very, very anti-Jehovah's Witness views. It was discouraging and disgusting.

But Georgian authorities should investigate and prosecute other individuals known to have perpetrated violent criminal acts against religious minorities, as Father Basili did, as we all know, 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. That, too, is unacceptable.

I would like to now, and again welcome our very distinguished panel. Regrettably, I have a markup that I have to be at, and Elizabeth Pryor will take over the remainder of the briefing. Again, I want to assure you, your statements and the information you impart to this Commission not only will be widely disseminated to the commissioners, but to a very broad range of people interested in these issues. So I deeply thank you for being here.

MR. PRYOR: Thank you very much. I am Elizabeth Pryor. I am the Senior Adviser with the Helsinki Commission. Let me just add my words of welcome to those of Chairman Smith. Thank you very much for being here today, taking your time to be with us. We are extremely interested in what you have to say.

We have three experts to make presentations about Azerbaijan, Armenia and Georgia respectively. Our first panelist is Eric Rassbach, serving as counsel at The Becket Fund for Religious Liberty. Mr. Rassbach 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 LLP, and worked on the Baku-Tbilisi pipeline project.

Our next panelist will be Andre Carbonneau, who is an attorney for the Jehovah's Witnesses, and 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 the 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 in the Foreign Service Institute on several occasions.

Welcome to all of you. I think we will start first with Mr. Rassbach.

MR. RASSBACH: Thank you.

Good morning. My name is Eric Rassbach. I am an attorney with The Becket Fund for Religious Liberty here in Washington, D.C. 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 would really like to thank the Commission, and especially Chairman Smith, for inviting me to appear before you today. I would 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 from this meeting, one of singular importance to the peoples of the Caucasus and to the United States.

I have been asked to describe to you the state of religious freedom in Azerbaijan today. Perhaps the best way to do this is by telling you a little story. A congregation of moderate Shia Muslims is meeting one morning for worship in downtown Baku. 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 religious hierarchy. 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 nonviolent 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 mosque-goers. 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 mosque-goers 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 at the mosque, they give up. The mosque is now 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, his story and their 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.

What that means is that the best way to characterize the state of religious freedom in Azerbaijan today 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 are shut down, believers are beaten, those who resist state-imposed religious conformity are jailed. If it remains on its current path, the Government of Azerbaijan will have eliminated religious freedom entirely within a few years.

But this does not have to happen. 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 very 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. 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: through 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 either demolished or closed.

Second, those religious institutions that were allowed to survive were forced to become what I would call zombie mosques or churches, alive but deadened by the close supervision of a state-controlled religious umbrella organization.

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 nonofficial religious activity resulted in jail time or worse. The Azerbaijan government is now resort-



ing to all three of these Soviet methods: closure of houses of worship, a state-controlled religious hierarchy, and suppression of all what they call unofficial religious expression, mainly because it thinks that countries like the United States will not notice or what is worse, will not care.

The most notorious example of the neo-Stalinist approach to religion in Azerbaijan is what I was just telling you about, the government's campaign against the Juma Mosque. The police raid that I described was the culmination of a pretty long process. Our client rescued the mosque from being a carpet museum back in the early 1990s and then for 12 years they were worshipping freely as an independent congregation in Baku, with no disturbance from the state. That peace was broken last year. In October, the presidential elections that Chairman Smith referred to were held and there were riots. The state authorities seized upon that opportunity to round up everyone they thought might be a problem to them. Among their targets was Imam Allahverdiev, who was able to take refuge at the Norwegian embassy at that time; he was eventually arrested by the police in December and held without charges in Baku's Bayil prison, which by the way is where Stalin was imprisoned.

The imam languished in prison for about five months and then a trial was convened with almost no notice, wherein he was convicted of inciting a riot on the basis of obviously conflicting and probably coerced testimony. The sentence was suspended due to international pressure, which I think points out the fact that international pressure can have an effect in Azerbaijan. This was in part through the activities of the American and especially Norwegian embassies who sent observers to the trial. The sentence is now on appeal in the Azerbaijani courts, and 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 obtained an order to evict the Juma Mosque congregation because the congregation was not registered with the state controlled religious hierarchy, the Muslim Board of the Caucasus that Chairman Smith was referring to earlier. The authorities waited for a couple of months, and then on June 30 they conducted the police raid that I was telling you about earlier. So I think you can see that the authorities are using all three of the Soviet methods to suppress the Juma Mosque congregation. The mosque has been closed. The congregation has been relegated to an illegal, and now homeless, status because it refuses to become part of the state religious hierarchy. The mosque's believers have been jailed for expressing their support for the imam that they chose.

Other religious groups have also been victims of these Soviet methods. In May of this year, two Seventh-Day Adventist pastors were fined for illegal preaching in the cities of Gyanja and Sumgayit. In addition, Adventist congregations have been systematically 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 is 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. 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. In addition, the State Committee has prohibited Baptist churches from importing 50,000 Azeri-language New Testaments into Azerbaijan, leaving rural congregations without access to the Bible. 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. They are concerned about the government's campaign against the Juma Mosque, but they are not condemning it. 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, very seriously. Azerbaijan has sought the help of many in Congress, both in dealing with its conflicts in the region 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, commonly known as IRFA, that Chairman Smith was referring to earlier. The government's activities clearly bring it within the scope of what is called the "country of particular concern" designation under IRFA. That could result in sanctions imposed by the United States. At the very least, they should be put on the watch list, as Chairman Smith has just suggested. I certainly hope that they will be put on that watch list.

Some might argue that to speak out on religious freedom in Azerbaijan would harm the United States' other geopolitical interests in the region, but I think that is safe to say that 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.

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 that it has guaranteed under various international obligations like the ICCPR and the European Convention on Human Rights. We are going to continue our lawsuit at 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.

Ms. PRYOR: Thank you very much, Mr. Rassbach.

I think what we are going to do is hear all three of the statements before we open it for questions. So I will now turn the floor over to Mr. Carbonneau.

MR. CARBONNEAU: My name is Andre Carbonneau. I would like to thank the members of the U.S. Commission on Security and Cooperation in Europe for allowing me to testify on behalf of 8,000 Jehovah's Witnesses in Armenia. I will address two issues. The first one is the issue of registration. The second one is the issue of conscientious objectors.

The Christian religious organization of Jehovah's Witnesses in the republic of Armenia has been denied registration 11 times since 1995 to the present. The 11th denial was issued by the ministry of justice of the republic of Armenia a little more than a month ago. The Council of Europe in its resolution dated January 27, 2004 noted, and I quote, "despite commitments made and the assembly's repeated appeals, Jehovah's Witnesses are still not registered as a religious organization." It asks that "this registration be done without delay after their status has been brought into conformity with the legislation in force," end of quote.

However, the denials by the republic of Armenia are based on various administrative objections. In essence, the government of Armenia has by its perpetual denials shown a clear pattern of finding fault on technical grounds that is designed to prevent Jehovah's Witnesses from registering. For example, in the denial a month ago, the main item for the denial was that the applicants had forgotten to indicate the number of copies they were filing. These are just plain technicalities and totally meaningless.

But when placed in the context of 11 denials over the past nine years, the actions of the Armenian Government give evidence of a clear prejudice against Jehovah's Witnesses, not to mention Armenia's blatant rejection of their commitment to the Council of Europe to register nontraditional religions. If the government of Armenia is truly committed to honor its human rights commitments, as well as international agreements, then we submit to this committee that Armenia should discontinue any further delay tactics and register Jehovah's Witnesses promptly.

The result of the refusal to register Jehovah's Witnesses is that importation of religious literature is outlawed. Religious conventions of Jehovah's Witnesses must be held in utmost secrecy. Police have broken these up in the past. So only registration will cure these serious defects.

The second issue is the issue of conscientious objectors. As of yesterday July 20, there were 14 Jehovah's Witnesses in prison in Armenia for their conscientious objection to military service. At the beginning of this year, three new arrests were made for conscientious objectors. It is true that in the past, some prisoners have been released on probation, but some of these have had their passports confiscated, while others are being denied essential identification documents. They are being punished even out of prison.

On January 25, 2001, Armenia's accession to the Council of Europe was granted on the condition, among other conditions, but on the condition that within three years Armenia would adopt a law on alternative service and in the meantime pardon all in prison conscientious objectors. In December 2003, the Armenian parliament did adopt a law allowing three-years military service not involving the use of arms, or alternative service of three-and-a-half years. However, in its resolution 1361, the Council of Europe stated that the three-and-a-half years of alternative service was, quote, "unacceptable and excessive." It was really punitive, and should be reduced to three years.

Additionally, the resolution demanded that imprisoned conscientious objectors be, quote, "released immediately by presidential pardon pending the entry into force on July 1, 2004 of the law on alternative civilian service," end of quote. Armenia has ignored these demands. The prisoners remain in prison.

Furthermore, the alternative service arrangement provided for by new legislation, it is not known at this time how and under whose supervision this service would be carried out. Is it truly alternative civilian service? It is impossible to answer that question at the present. Regardless, no prisoners have been released under the new legislation.

In referring to the recent arrests and imprisonment, a spokesman for Jehovah's Witnesses in Armenia stated, and I quote him, "What makes it especially unsettling is that these are honest, hard-working young men who are willing to perform alternative civilian service, and thereby be productive members of society, without going against their conscience. These young Witness men do not evade the responsibility. In fact, they themselves, they turned themselves in knowing the law as it stands now. But as long as the process continues, they are criminalized," end of quote.

So we are saddened and dismayed by the fact that the Armenian government continues to imprison Jehovah's Witnesses who are conscientious objectors. This is in direct contradiction to our Armenia's human rights commitments to the Council of Europe that requires them to release all those in prison as conscientious objectors.

We remain hopeful that the Armenian Government will abide by its human rights commitments to establish genuine alternative civilian service for conscientious objectors such as Jehovah's Witnesses. At this time we would also add that three applications have been filed with the European Court of Human Rights regarding the issue of conscientious objectors.

So in conclusion, on behalf of Jehovah's Witnesses, we wish to thank the U.S. Helsinki Commission for its continued interest in the plight of Jehovah's Witnesses in the Caucasus and in particular in Armenia. Jehovah's Witnesses in Armenia are peaceful, law-abiding citizens whose only desire is to worship God without persecution or restriction they endured for decades under the former Soviet regime. We continue to express our confidence that the government of Armenia will not deny its own citizens the fundamental human rights that belong to all citizens.

Thank you.

Ms. PRYOR: Thank you very much.

I would now like to turn the floor over to Dr. Crego. You have the floor, sir.

DR. CREGO: I am Paul Crego. I work at the Library of Congress, but we always have to say when we speak in such venues that I do not represent the Library of Congress with my opinions, particularly in this field.

I have recently returned from a two-week stay in the Republic of Georgia, where my primary task this time was to obtain as much religious periodical literature as I could, in part to compare with what I was able to obtain in October 2002, and also in comparison to what the situation was when I was there in the summer of 1990.

This time, I was able to collect more than 40 different titles. Most of these were Orthodox and most of them were publications that had the blessing of the Georgian Orthodox Church under the patriarchate of Ilia II. The only place you could find any Jewish literature was at the synagogue. The only place you could find any Roman Catholic literature was at the Roman Catholic Church.

On the streets, you could find Orthodox material that did not have the blessing of the official church, some of it of some sort of independent nature and some of it belonging more directly to two schismatic Orthodox groups within Georgia, one of which includes the notorious Father Basil.

In the several years of its independence, the new republic of Georgia has experienced a whole series of conflicts, political battles including the removal of two sitting presidents, ethnic strife, particularly in the breakaway regions of South Ossetia and Abkhazia, severe economic hardships and interference by imperial powers. All of these have beset the Georgian nation. Despite these conflicts, many have worked for the establishment of a civil society and a democratic state in which basic human rights, including the freedom of religion, are recognized and encouraged.

During this time, however, religious freedom has been a concept that has sometimes been more a matter of lip service than reality. The dominant Georgian Orthodox Church is still working to fix its place in the new definition of this nation, a striving that has been complicated by its own internal dissensions, schisms, the presence of a variety of other religions and Christian denominations, some historically present in Georgia and some not.

At the present time, one must also ask what the new government, born of the Rose Revolution in November 2003 and headed by President Saakashvili, Prime Minister Zhvania, and Parliament Speaker Burjanadze, means for the development of human rights and specifically for the principles and practice of religious freedom.

The new government has given some mixed signals. Certainly, the arrest and detention of Father Basil Mkalavishvili in March, a defrocked priest relating to schismatic Greek Old Calendarists, was sure sign of progress. His campaign of physical violence and intimidation against non-Orthodox, especially against Jehovah's Witnesses, Pentecostals, and Baptists and his impunity during Shevardnadze's presidency, were sure evidence that Georgian society had some way to go to match its self-claims of tolerance.

If it were only the schismatic followers of Father Basil who promoted violence with their actions and rhetoric, we would be looking now more hopefully for a time of peaceful religious coexistence. Priests of the Georgian Orthodox Church itself, that is the one under Patriarch Ilia, have sometimes participated in violent activity, and such an incident occurred while I was in Georgia, after some Orthodox Christians had try to prevail on the patriarch and the church to move out of its isolation into a broader participation in the ecumenical movement.

Deacon, I will get the name later if you want to ask more details about that, with some of these individuals had gone on Rustavi 2, which is one of the most watched TV stations in Georgia, and they had made a public request for the church to be more open. In fact right after this appearance on television on Friday the fourth of June, they were followed by what is described in the article as a deep red Opel car that followed them around and hit them several times after this appearance. They have also had direct confrontations with some of the priests of the Orthodox Church.

On the other hand, there are some individuals who assured me not take these fanatics as representative of the Georgian church. One of them in particular was Mother Theodora, who is abbess of the convent at the Cathedral of Bodbe, which is in eastern Georgia. Her own example of praying with a group of us, including some who would be called infidels from their perspective, was something that a lot of Orthodox just would not have done in Georgia.

Returning to the new government: Saakashvili, in his inaugural speech and elsewhere, has promoted the idea that Georgia's primary identity as a Christian nation makes it a part of Europe and European civilization. I quote from his inaugural address: "At the same time let the return to our

rightful place, lost several centuries ago, to the European family, to European civilization, not be forgotten. As a country of a very old Christian civilization, we will most certainly return to this place.”

Two flags fly now in the Republic of Georgia: the new explicitly Christian five-cross flag and the multi-starred flag of the European Union. Saakashvili makes reference to the European flag in his inaugural address. This new Georgian flag already leaves out Jews and Muslims. Significantly, Saakashvili does not refer specifically to Orthodox Christianity when he speaks of the ancient Christian civilization to which Georgia belongs, in a sense finessing the issue as to how European Orthodox Christian nations have been or are now.

Among the hopeful signs under the new government is the creation of a human rights council announced by Saakashvili on July 19 to monitor human rights violations in Georgia and to report to him directly in a monthly meeting. The jury is really still out on whether the practice of the Saakashvili government can meet its talk in the area of human rights, including religious freedom. Perhaps we will learn more if the Georgian parliament works soon on legislation concerning religion, which has been in the works for several years.

One of the troubling signs from the new government is its rehabilitation of Georgia's first president, Zviad Gamsakhurdia, in which President Saakashvili has participated. This has implications for the practice of religious tolerance in the republic of Georgia. In a statement in one of the newspapers I picked up while I was there, Saakashvili was reaching beyond the Shevardnadze government to claim some legitimate succession from Gamsakhurdia, referring to the takeover by Shevardnadze and his associates as a reestablishment of the old Soviet nomenklatura.

Gamsakhurdia himself, although his self-proclaimed Orthodoxy was overlaid with the anthroposophy of Rudolf Steiner, promoted a distinct program of Orthodox church-Georgian state cooperation in such spheres as education. It is interesting now that anthroposophy and Steinerism have come under attack in *Madli*, which means “Grace,” the monthly newspaper of the Georgian Patriarchate. In any event, Gamsakhurdia's “Georgia for the Georgians” ideology included, for the most part, an insistence on Orthodoxy as a part of Georgian identity.

Baptist Bishop Malkhaz Songhulashvili, with whom I talked while in Georgia, expressed his concern over Gamsakhurdia's rehabilitation. He is quite convinced that the current government's profession of democratic principles and upholding of human rights are contradicted by this activity.

The most intolerant strains of Orthodoxy claim Zviad Gamsakhurdia as their own. One small religious magazine in particular, called *Metexi*, which is named for a church in Tbilisi, has articles by and about Gamsakhurdia, and also articles on the Jewish-Masonic conspiracy that runs the United States. It is likely that this magazine represents a small number of people. One can also make the same claim that Father Basil and his thugs are also a small group of people, but they have had influence far outside of their numbers, and seem to have been representing some very powerful people.

Gamsakhurdia himself was a lesson in how we should have paid closer attention to some of the more offbeat religious ideas of a would-be national leader. It should also be noted that such “conspiracies” against Orthodoxy and true religion are not just in the unsanctioned publications. While I was there I picked up a small book by Eldar Nadiradze called “Who Are the Jehovah's Witnesses and How Do They Do Battle Against Orthodoxy?” His book starts out by promoting a context of a Masonic conspiracy for the rise of the Jehovah's Witnesses. This book has the imprimatur of Metropolitan Anania Japaridze, the house historian among the hierarchs of the official Georgian Church.

Attention to the internal debates within the Georgian Orthodox Church itself is very important as we consider the future of religious tolerance in the republic of Georgia. The current Patriarch,

Ilia II, has continually lobbied for the preeminence of the Georgian Orthodox Church within his country. The Concordat of October 2002, which has been mentioned, is testimony to this.

Ilia has been pressured, and has sometimes given in to the pressures of conservatives within the church. The exit of the church from various ecumenical bodies in 1997 is an example of his giving into the pressure. Some give him the benefit of the doubt on this and related matters, but a reading of Ilia's own writings would indicate that he is sometimes more on the side of the conservatives and not completely comfortable with the norms of Western democratic freedoms and a pluralistic society. He is fearful of the moral and ethical implications of what he considers to be pseudo-freedoms. The Patriarchate openly urges suppression of those sects and movements that are not historical to Georgia. The historical list in Georgia is: Orthodoxy, the Armenian Church, Islam, Judaism, Baptists, Lutherans and Roman Catholics.

This is done, to some extent, on theological grounds, but also on the premise that non-Orthodox, whether historically a part of the Georgian nation or not, put the identity of the Georgian nation at risk. This is especially true when the Jehovah's Witnesses are under consideration. This criticism is also to be kept in mind when the difficult relations between the Georgian Orthodox Church and Roman Catholicism are under consideration. The Patriarch has also been quite outspoken in support of the idea that Abkhazia is historically an inseparable part of Georgia.

That the church is a repository of nationalism is something that is quite noticeable these days. Nowhere was it more visible on my recent trip than in the newly constructed Church of St. Tamar. Tamar was one of the rulers of Georgia at its height in the middle ages. It is under construction on Dolidze Street in Tbilisi. While the fresco program has not been executed, there are several icons with collections of national saints. Most notable were the icon of Georgian ruler-saints, and an icon that went with that of Georgian queen-saints. Copies of these icons are found in other churches as well.

It is interesting that the government is using the consecration of the new cathedral of the Holy Trinity in Tbilisi as a symbol of national unity. While I was there, Saakashvili and Zhvania went to see the patriarch, and I think they were very concerned about the date of the cathedral's consecration being moved too far into the future. They wanted this as a symbol for part of their own agenda.

I made two other observations in the context of religion and nationality while in Tbilisi. The Polish inscription is no longer on the cornerstone on the Roman Catholic Church in Tbilisi, and the sign on the Baptist Church that used to be in four languages, Georgian, Armenian, Ossetian and Russian, is no longer there. My assumption is that these churches do not want to advertise their "foreign" connections.

The struggle for the soul of the Georgian church between those who desire a more open church and those who want to continue and strengthen its isolation will likely become more intense in the near future. The patriarch's age means that people will be handicapping the election for his successor. While the contest for the Bishopric of Rome cautions us not to make too many assumptions about the longevity of the incumbent, the jockeying for position can still be instructive. Those who have been described as fundamentalists, a term used by Baptist Bishop Malkhaz, would promote less tolerance and would take it upon themselves in the future, as they have in the past, to suppress, sometimes violently, other religions. Others such as Archpriest Basil Kobakhidze, and that is the name I was looking for before, are outspoken in their calls for more discussion and promotion from within the church of such issues as religious freedom and a democratic and pluralistic society.

Conclusions. Saakashvili wants Georgia to appear tolerant to the West. He knows that this is necessary for both political and financial reasons. Father Basil's detention is certainly in support of this. Does he believe other matters are off the radar screen? Perhaps. I think it is important to note that at this point in time that the Georgian leaders know English very well, and that they can make their case in English and do not have to rely on translations. I think it behooves our government to find out also what people are writing and saying in Georgian, to which people in this country have very, very little access. I make the claim that I am the only person in the United States who has both theology degrees and a reading knowledge of Georgian. I have not been challenged on that yet.

It is too early to give a firm answer about the new government. But more important, I believe, is the struggle within the Georgian Orthodox Church itself and among its future leaders and this in the context of how the church continues to insist that it is a primary denominator of national identity.

Thank you.

Ms. PRYOR: Thank you very much.

I want to thank all three of our speakers for the really very interesting and provocative statements that they have given us today.

We are going to open the floor now for questions. You should come up to the microphone here if you want to ask a question. If we could ask you to please identify yourself and your affiliation so that we know who is asking questions.

I am going to take the prerogative of the chair and ask the first question here. I am going to direct it to Mr. Rassbach. In your discussion of many of the problems at the Juma Mosque community, the Adventists and so on, have had, it would appear that the Government of Azerbaijan was contravening many of the OSCE commitments that it has undertaken. You noted a number of things that you thought the United States Government and other governments could do to encourage them along a different path. Are there specific steps that you think either the United States embassy in Baku or the State Department or the U.S. Government in general can take, or possibly the U.S. Committee on International Religious Freedom, could make that would further the process?

MR. RASSBACH: I think that, as I mentioned, just an unequivocal statement that kicking people out of their house of worship and jailing them for attempting to worship there is wrong. I think that would be a good start. Actually, I should say that Ambassador Harnish, who is the U.S. Ambassador to Azerbaijan did show up at the mosque at one of the time periods after the police invasion, but before they closed it down completely, and that was very helpful.

So I think there is willingness, as far as I can tell, to be involved, but not to be necessarily unequivocal about it. I think that if we can just be very clear from the top on down that religious freedom is something that we really value in Azerbaijan, and we are not just giving lip service to it, that that would be something very helpful.

I believe you also mentioned what the USCIRF could do. I think that there is definitely just the idea of asking the State Department to put them...they have the watch list and if you could put Azerbaijan on the watch list. Frankly, I think that they probably have enough under the way the law is written to be designated as CPC now, but there is the watch list step before that. As Chairman Smith suggested, I think that that would definitely be a good first step.

I think it would also be a wake-up call to the Government of Azerbaijan that this is not just something that someone is doing to placate a constituency here in the United States, but it is something that actually is U.S. Government policy.

Ms. PRYOR: Thank you very much.



We are going to open it to the floor now. Who would like to ask the first question? I see a hand here.

QUESTIONER: I am Elman Salaev, Azerbaijan Democratic Party. My question is to Mr. Rassbach. The closure of Juma Mosque is a tragedy. The way people of that congregation were dealt with is a tragedy. But I want you to comment more on the general political situation in Azerbaijan, because while speaking about Ilgar Ibrahimoglu, who is the imam, you fail to mention the fact that he was sentenced for five years conditional in Azerbaijan for allegedly organizing the violence after the elections. It is very important because after the elections, the old political freedoms in Azerbaijan have been suppressed. Hundreds of people were jailed. The members of election committees were jailed. Ilgar Ibrahimoglu is one of them. The reason why Juma Mosque was closed, the first reason is that Ilgar Ibrahimoglu is perceived as an opponent of the government.

The second thing is that any not subordination is considered in Azerbaijan, especially now, as a bad thing. This particular mosque is not subordinated to the organization of Caucasus Muslims or whatever the name is. I want to hear your comments on that.

There is a second question, which I want to ask. It has to do generally with religious freedoms in Azerbaijan. Azerbaijan has always been perceived as religious a very tolerant society. There has never been any problems with regard to, let's say, the Jewish community or preaching, nothing with regard to religious freedom has ever been done. Azerbaijan now in September, two resolutions of the Council of Europe on Azerbaijan will be discussed. One on political prisoners, and another on democratic institutions in Azerbaijan.

There are several recommendations, around 12 on the second resolution. It has to do with investigation of the flawed presidential elections. It has to do with political prisoners, the creation of the public to admit many things. There is not a single one mentioning the religious tolerance of Azerbaijan because whatever is happening is a part of the bigger, broader problem which is the political freedoms in Azerbaijan. It is not just the religious manifestations which are not allowed any protestations, which are now not allowed.

Three days ago, the editor-in-chief of one of the most influential newspapers was kidnapped, beaten. They asked him whoever did that, and they certainly believe that it is connected to the government. They asked him to stop all his journalism activity.

So when you said that maybe it is a very good idea, and I agree with you, to ask as many as possible members of Congress to write to the government that the religious freedom should be respected, I wonder if you could put it in the context of the whole thing. The political freedoms in Azerbaijan should be respected. The problem with the religious freedoms is that they are just a part of that broader problem.

Thank you very much.

MR. RASSBACH: Thanks for the questions.

First off, I would encourage everyone to pick up some of the materials out there. I have some extended remarks in which I talk about the five-year suspended sentence and our activities on behalf of Imam Ilgar in that regard. I just tried to shave it down a little bit for the speaking part of this presentation. I hope I met my limit.

In any case, I do not mean to ignore the political aspect of the oppression of religious groups in Azerbaijan. I think that the two are clearly intertwined. However, what I specialize in as a lawyer is religious freedom. What we are representing the mosque on is their ability to worship. There are other wrongs that are being done against them and they are being targeted for their alleged political

associations. But I do not think that you can reduce it to a political problem. I think that religious freedom is the reason this country exists, because people came over here to escape these kinds of problems in Europe in the 17<sup>th</sup> century.

I think that the ability to express a world view, to live one's life out according to the values that one feels that God, or some other divine aspect influences one to do; that, I think, is at the core of what it means to be human. So I do not want to reduce this to a political conflict and Ilgar is just one side or the other. He is actually very much religiously motivated in this. I want to emphasize that.

That said, everything that is happening in Azerbaijan, it is clear that religious freedom is just one of many different freedoms that are currently being violated, and that there are a lot of problems with due process, democratic institutions and other things. I think it is probably outside the scope of this briefing, but I certainly do not want to downplay that or say that The Becket Fund or Eric Rassbach says that there are no political problems in Azerbaijan. There are very deep political problems, and this is one manifestation of that.

I do think that what you said about no insubordination is correct. They are not joining the religious hierarchy. That, is probably the main reason that they are being targeted by the Azerbaijan government is that they refuse to join the Caucasus Muslims Board, which basically says we are going to run all of Muslim worship within Azerbaijan. That just does not comport with basic human rights. You do not force a church on someone. Actually, we have a letter that we wrote to the Azerbaijan appeals court outside on the table in which we point out that European Court of Human Rights case law is very clear that you cannot force people to join one religious organization. These cases, unfortunately, tend to come up in post-communist societies.

I hope I answered everything.

Ms. PRYOR: Thank you very much for that response. I might also say that those people who are interested in the broader range of political issues in the Caucasus might want to look at some of the materials we have both on our Web site, where we have country-by-country sets of information. And also on the table outside we have reports on the recent elections in Armenia, Azerbaijan and Georgia that you may want to take a look at. Those are Helsinki Commission reports.

Now, who else has a question? In the front row here?

QUESTIONER: Hello. I am Eugenia Sidereas from the State Department. I thank the witnesses for their testimony today.

I have a question for Mr. Carbonneau. Sir, the Government of Armenia told our embassy in Yerevan that they at the time of the adoption of the law on alternative service for conscientious objectors, that they did not have administrative regulations in place, and had not yet considered how to write administrative regulations in order to implement the law. They told us that they were welcome to get legal advice and counsel from outside groups and consult with NGOs on this matter.

I wonder if you or other members of the Jehovah's Witness organization have taken advantage of that? I would be very interested to hear what the responses of the government if you or other such nongovernmental organizations were to go in and offer specific recommendations for these regulations.

MR. CARBONNEAU: I have no knowledge of the Jehovah's Witnesses having been approached on the issue.

QUESTIONER: No, sir, the government I do not think is openly soliciting them. They are sort of "we welcome," so they are not. I do not think that is going to happen anytime soon. But what I am saying is, it would be useful to know if your organization does approach perhaps with the help of the

human rights ombudsperson to provide specific recommendations in order to implement the law in an effective way.

We understand what the complaints are of the Council of Europe. We hope that the government of Armenia takes that under advisement and reduces the length of alternative service for conscientious objectors. But until that time, they are kind of looking around for a way to construct these administrative regulations. The input of this organization would undoubtedly be helpful.

MR. CARBONNEAU: I understand they have had input from the Council of Europe that has worked on this issue in Greece extensively, where they have implemented alternative service and adequate laws. The basic ingredient is simply real civilian alternative service separated from the military, from the point of view of Jehovah's Witnesses. I believe from our conversation, the government has that information. Obviously if there is more that we could supply them with, we would be happy to do so.

MS. PRYOR: I see a hand over here.

QUESTIONER: Hi. My name is Abraham Niziblian. I am with the Armenian National Committee of America here in Washington, D.C. I thank all three panelists for the briefings.

My question is, first, Mr. Carbonneau, I unfortunately missed and I am trying to read your whole presentation, but I would like to know, you work on the Jehovah's Witnesses issue, but is there any other religious freedom issues that you would like to share with us here? I know that Armenia is usually an open society. Jehovah's Witnesses have been an exception, unfortunately, but what about other religious freedoms in Armenia? If there is any way you can address that, I would greatly appreciate it. Thank you.

MR. CARBONNEAU: Basically, being denied registration pretty well limits you to any open manifestation such as rental of premises, holding of conventions. The Jehovah's Witnesses do have congregational meetings. These have not been interfered with by police. However, they do not own any building. These are done in private homes and the like. They do preach openly and are occasionally harassed, but by and large they enjoy more freedom in that area than they did, for example, in Georgia during the time of the violence in Georgia.

But on the very basic element of being registered, being able to import their literature and being able to have conventions, rent premises, this is absolutely denied. And any attempt to do it has immediate intervention by police forces.

MS. PRYOR: Let me just also ask the Helsinki Commission Council Knox Thames to comment on the broader range of the religious situation in Armenia.

MR. THAMES: I would just highlight for the audience here today that there is a Congressional Record statement from Chairman Smith from about a year ago where he highlighted some other concerns in the legal sense in Armenia, specifically their religion law and article 14 and the four-prong test that the government created in determining if a group applying for registration is in fact religious. Congressman Smith pointed out that it is problematic in the way that it places the government in the role of determining what is or what is not a religion.

Three of the prongs I will highlight. One, it asks if the religion is based on a historically canonized holy book, and asks if the faith belongs to a system of modern worldwide religious church communities. Then lastly, it has a numerical threshold of 200.

So in addition to the Jehovah's Witnesses experiencing problems meeting this test, smaller communities that do not have 200 members such as Baptists or Hare Krishnas, I am told, cannot even begin the registration process because they do not meet the numerical threshold.

So to your question, sir, that is just one of the legal issues that the government could address to bring this law into conformity with its OSCE commitments.

MS. PRYOR: Further questions?

QUESTIONER: Yes. Ron McNamara with the Helsinki Commission.

We have just touched on the question of the legal framework. I wonder if the panelists might elaborate a little further with respect to Armenia. You have touched on the registration requirements. In fact, I think it was in this very room that the Commission held a briefing several years back on the question of registration.

As Americans, I think it is hard for us to appreciate the consequences of having laws on religion as all of the countries do, and the question of registration and what the limitations are if you do not have that kind of a status. With respect to Azerbaijan, certainly under the prior President Aliyev I imagine once he heard criticism he picked up the phone and told whoever the bureaucrats were to do whatever they needed to do to fix it.

One of the concerns that I always have in that kind of a scenario, and I am not sure whether the current President Aliyev is following that model or not, is the question of the rule of law. It is one thing to get a powerful leader to pick up the phone and get the bureaucrats to ease off at least temporarily, but it is a whole other question in terms of the legal framework within which individuals or communities of believers are allowed to pursue their faith in conformity with the OSCE commitments that each of the states has undertaken. I wonder if you might elaborate a little further.

And then one question for the expert on Georgia. You mentioned sort of an anti-Semitic component of one of the booklets of one of the perhaps fringe groups. I wonder if there are any elements reflected in the documents with the imprimatur of the head of the Georgian Orthodox Church.

MR. RASSBACH: OK. Thanks for that question.

I do think, perhaps because I'm a lawyer, that the legal implications are very important in Azerbaijan. Traditionally in Azerbaijan, the way things get done, and when I am saying "traditionally," I am probably actually talking about during the Soviet period as well, but certainly since independence generally speaking if the president says to do X, then everyone does X. If it is a question on which the president has not yet expressed his opinion, everyone tries not to do anything.

So there is a real problem with establishing the rule of law there because they definitely have sort of a strongman idea of government there. I think in particular when you have this leftover Soviet system where you have, first of all you have a registration requirement, so to have any ability to do anything under the law, you have to be registered as a religious organization. That is the same problem that Mr. Carbonneau was talking about in Armenia.

But then there is also both sort of an official state church, so there would be an official state Russian Orthodox Church, an official state Muslim Board, in this case the Muslim Board of the Caucasus. And then even above that, there is a special ministry that I mentioned in my remarks called the State Committee for the Affairs of Religious Organizations, or SCARO as I like to call it. Basically, that organization has a vested interest under the law in putting in all kinds of permits and registration requirements and various other things, because if you have the situation that you have in the U.S. with complete religious freedom, they would have no reason to exist.

So for them to have any reason to exist, or probably to make some money, they have to go in and restrict religious activity. Otherwise, there is no point to them. That is a real problem and it is a real problem in a lot of different places - communist countries - in my experience.

So I guess I would say that in terms of the legal superstructure, first of all, just a generalized respect for rule of law would be helpful. Second, getting rid of something like the State Committee would be very useful because there is not really, under Azerbaijan's international law legal commitments, any point to having such an organization.

And then third, this permit requirement. I am not against registration in the abstract, but as it tends to get applied, especially in post-communist countries, it does not work. Here, we only have registration if you want tax-exempt status, and there all you have to do is just prove that you have some good-faith religious activity going on. You cannot pretend to be religious and get the religious charitable exemption under the Internal Revenue Code, but that is essentially the closest thing we have to registration. Often, churches or mosques, they will register with the state, too, as a corporation, but it is nothing like in the post-Soviet world which is just arcane and Byzantine, as I am sure Mr. Carbonneau can probably tell us at length.

So I would just say getting rid of registration would be great, but if you do have it, do not require membership in the state church as a precondition to being registered. Registration should be a neutral process that is applied to all different religious groups equally.

MS. PRYOR: Mr. Carbonneau, do you want to comment?

MR. CARBONNEAU: I will make a very brief comment on both of those questions.

The existence of a law on religion is foreign to our Western concept. We are under a constitution and religion exists according to the laws of the country, the constitution, basic religious freedoms.

In these countries, it is my perception that the law on religion is used or hoped to be used as a control factor. They will control religious groups that are not the national religion, through these laws on religion. The Armenia experience is quite clear. Using the law on religion, it is hoped now for several years that any legality can be denied to groups such as Jehovah's Witnesses, in spite of the fact that the constitution guarantees religious freedom.

So the law on religion becomes a barrier, making it much more difficult in these post-Soviet countries where the rule of law is very difficult to implement. Then, officials do what they want ultimately with the law. So by the 11 denials of the registration, if one reads every one of the denial letters, it is simply using something in the law on religion that can be twisted to mean this, you forgot to put your three copies. I must deny you. Whereas under a constitution guaranteeing freedom of religion, you could not do that.

And with regard to the rule of law, well we have had experience in the courts in Armenia with the issue of conscientious objectors. We have been totally unsuccessful. That is why the cases are in front of the European Court. There was a trial a few years ago of Lyova Magaryan, I believe. Attempts were made to imprison him under an old Soviet law for his activities in the congregation. It was mainly due to the presence of foreign officials such as the OSCE who were in court at every hearing that the judge had the courage to apply the law. The rule of law worked in that instance.

The prosecutor attempted on appeal in the Supreme Court to reverse the decision, but failed, but there was lots of publicity given to the case. So the rule of law will work if the eyes of the international community are on the country. If the international community is not looking, then the rule of law becomes quite meaningless.

MS. PRYOR: Thank you.

Dr. Crego, would you like to comment?

DR. CREGO: The legal situation in Georgia is still in flux. There are constitutional guarantees, and certainly the Concordat with the Georgian Orthodox Church puts them at a distinct advantage in relation to all of the other religion, sects, denominations and such. We are still waiting, really, for a law on religion that will define some of these things.

I know that if you are not the Georgian Orthodox Church, you would have trouble getting property and buildings. Sometimes it has been a case, though, where it is not so much government suppression, but it is suppression by other members in the society.

The question about whether or not some of the more official literature has anything to say about Jews. No. I have not read everything. I have not read the stack of things I brought back yet. That is becoming more and more of a moot point in Georgia. About 90 percent of the Jews have now immigrated, mainly to Israel, since Jews could start leaving the Soviet Union in the 1970s. So the Jewish population of Georgia, one which is quite ancient going back 2,500 years or so, has changed radically.

So when some of these books do talk about Jewish this and that, it is for them now more of an abstraction than it ever was. It is not something they meet on the street. The synagogue in Tbilisi seemed to be flourishing. It was all fixed up, all painted and decorated and they were, I supposed you might call him the beadle, I am not sure what, the sexton or maybe he was just an old man waiting for visitors. He was quite anxious to have two of us take the tour of the synagogue, upstairs in the synagogue, downstairs. I am not quite sure why there was one on top of the other. His Russian and his Georgian were both somewhat dialectical compared to what our Russian and Georgian was. So I have to answer that question for myself.

MS. PRYOR: Thank you.

More questions?

QUESTIONER: Cathy Cosman, U.S. Commission on International Religious Freedom.

While I personally agree that the situation in Azerbaijan unfortunately is taking a distinct turn in the wrong direction, I do not believe that under the IRFA criteria Azerbaijan is near reaching CPC status. Perhaps it would rise, or I might say fall to the status of watch list, and I hope my commission will take that under consideration.

I wanted to call to your attention also one legal aspect regarding Azerbaijan. That has to do with the fact that in 1993, as I understand it, the religion law was fairly liberal, but in 1997 there was an amendment passed which only at that point were the mosques required to come under, so-called voluntarily, put themselves under the supervision and control of the Spiritual Board of the Caucasus. The Spiritual Board of the Caucasus, as I understand it, dates back to tsarist times and it is rather significant that that control mechanism, the government at that point in Azerbaijan deemed it necessary to call it back into life.

Of course, what is going on with the Juma Mosque is particularly unfortunate. I think the potential contributions that Azerbaijan could make and is making in various ways to liberal Islam and how Islam can function and make very positive contributions in the secular society is something that the U.S. Government and the OSCE countries as a whole should take into account.

Apropos of Georgia, I wanted to ask what you think the U.S. Government could be doing to encourage the Georgian Government to adopt a liberal law on religion. I have gotten indications from the Foreign Minister of Georgia that they are very concerned about the issue of freedom of religion and they are doing their best to see that that is actually brought about in practice and in law.

Thanks.

MR. RASSBACH: Thanks. I appreciate the suggestion that this might be taken up on the watch list examination. I agree that the situation became a lot worse. The initial situation immediately post-independence for religious freedom in Azerbaijan was much better than it is today, in part because of the amendment to the state law on religion in the mid-1990s.

We actually have some argument about that in our brief that is outside on the table, if you want to plow through some European Court of Human Rights case law. But yes, they actually required everyone to re-register. In our case, the mosque attempted to re-register, but they did not want to re-register with the Muslim Board of the Caucasus. So what the government has said is that that essentially meant that the mosque as a separate religious organization, as a legal entity, ceased to exist, even though it had previously registered in 1992 and in 1993 with both the Baku city government and the ministry of justice.

All that is just to say that they did register and they essentially tried to yank the registration later to force them to come under this religious umbrella organization, the immediate predecessor to which is the Spiritual Board of Trans-Caucasia, which Stalin founded in 1944. So, great lineage there.

I guess the other thing that I really think should be highlighted in what you just said is the idea of moderate Islam being here. Ilgar is not a fire-breathing mullah in the stereotypical sense that we often see in newspapers about Islamic imams over here. I was glad that you pointed out that Azerbaijan could make a real contribution to moderate Islam. Ilgar is somebody who wears turtlenecks around and talks to me about his bicycling habit he wants to take up because he had some health problems due to his incarceration in prison.

If you read anything he has written, of which there is quite a lot on his Web site, he really is trying to reconcile Western liberal thinking with the tenets of Islam in a very creative way. That is the reason that so many people support him. Every foreign embassy in Baku favors him, and it is why he gets involved in various human rights conferences, why he was under consideration for Special Rapporteur at the United Nations on freedom of religion. It's because he is a very rare bird; an extremely moderate Islamic cleric. And I think that to really support him would be something very much in the U.S.'s interests on Islam.

So I'm glad you brought that up. Thanks.

MS. PRYOR: Anybody else like to comment on that?

DR. CREGO: In terms of what the United States Government can do in encouraging liberal religious law in Georgia, I think partly it is [to promote] education on both sides, the United States and Georgia, paying particular attention to where the Georgian Orthodox Church is in its own internal discussions, and from our point of view encouraging those who within the church are taking a more liberal stance.

I think sometimes the government in Georgia, I think particularly when there is a concordat about to be signed with the Vatican, had ignored the Georgian Orthodox Church altogether. I still cannot figure out what they were thinking on any side of that issue when they did that. Of course, the whole thing went up in flames.

We need to be cognizant of where the church is on this issue, because it claims a very, very real hold on Georgian society, with all of these new churches being built and with a very real attitude [of attachment] about it. I always put it this way: the very soil in Georgia is holy. I brought some back from a monk's grave. I did not bring it today with me, but at [the grave of] one monk, who will probably be canonized in the near future, there were just busloads of people coming in and getting

some resonance off of that grave in the old capital of Mtskheta. And the poor nun who was sitting there telling people not to take too much dirt was fighting a losing battle. I think she was in charge of replenishing it.

So we have to be very aware of how deeply religious the Georgian people are when we talk about liberal law. I was in Armenia for two weeks before I was in Georgia for two weeks. The contrast in religiosity was remarkable, with the Armenians being less so and the Georgians just being much more. I went to one church for a Pentecost liturgy and never got in the church because it was so full, that sort of thing.

So it is going to be very difficult for the government to do that. It is not something they will be just able to propose and impose on their own principle of democratic reform.

MR. THAMES: If I could just make an addition. As far as Georgian law concerning religious freedom, I personally think a specific law on religion is not the right way to go, but rather many of the issues or many of the concerns that exist in Georgia can be handled through amendments to the civil code. Of course, I am biased with our own system here, but to get nonprofit status under the U.S. law, it is the same law that handles whether you are a religious group, a political group or a nonprofit group.

Albania is an interesting country to look at that also has taken up this method or this approach where it is one law that handles many aspects of legal status. I would pick up on what Eric mentioned about registration. It is not per se bad. The question to ask is, does this registration regime facilitate religious freedom or limit it? I look at Azerbaijan where they have had four, I believe, re-registration campaigns where the number of registered communities has decreased each time, from the beginning I believe it was over 2,000 and now it is in the low hundreds.

It would seem that this places religious communities in a precarious position where if they fall out of favor or if they raise their head too high, the government can then crack down on them.

One question I would like to ask to Mr. Carbonneau, I know you spend a lot of time in Tbilisi. With the arrest of Father Basili, what is the climate like there now? Do Jehovah's Witnesses feel more comfortable participating in certain events? Are there any lingering legal issues that need to be addressed in the context of Georgia?

MR. CARBONNEAU: I was in Tbilisi for five weeks, but I came back two weeks ago. Definitely, the climate has changed. The very strong action by the government against Mkalavishvili and eight of his supporters was seen nationwide. The group of religious fanatics that imitate Mkalavishvili are quite limited in number. Maybe there are 1,000 throughout the country. That seems to have put a stop on any further attempt by other religious extremists.

While I was there, several conventions of Jehovah's Witnesses were held. One was in Zugdidi, a site that had been destroyed by 100 policemen, by organized government activity. Another convention was held in Marneuli which was attacked twice, both times by Mkalavishvili, and both times with the assistance of policemen. There were over 3,000 people in attendance. There was absolutely no problem, absolutely none whatsoever.

I think it comes back to my observation of the Georgian people. They are a tolerant people if not roused to religious fanaticism. In this case, the government seems to have taken the lead in having a measure of law and order being respected. As a result, I have been going back and forth for four years, and I can say it is the first time I could walk around feeling relatively secure and not in danger. So there has been quite a major transformation. Whether or not it will last is another thing.



With regard to Jehovah's Witnesses, the violence has definitely stopped completely, absolutely. We do have our cases in the European Court, the first of which was declared admissible a couple of weeks ago. So we hope to embed in law the basic religious freedoms that should have been respected all along. But definitely the situation has improved.

There are problems with, as my colleague mentioned, ownership. There are problems with owning churches, building churches. These may be administrative problems and it has to work its way down the chain. But by and large, it is 100 percent better.

Ms. PRYOR: Thank you.

Further questions? I see one in the front row.

QUESTIONER: Good afternoon. I am James Standish. I am representing Dr. John Graz, who is secretary general of the International Religious Liberty Association. I want to thank the Helsinki Commission for holding this event, particularly because Imam Igar is, as I think many of you know, heads our affiliate in Azerbaijan and I have a chance to meet him here in Washington, also in Vienna, and just a little over a month ago in Kiev at a religious liberty conference. I would like to confirm what was said earlier, and that is that he has impressed me with his understanding of religious liberty and his dedication to that essential principle.

I would like to ask the three experts whether you have dealt with the issue of the use of either state or private media to slander or spread misinformation about religious groups in the region.

Ms. PRYOR: I want to start here at this end.

MR. RASSBACH: I have no personal experience in dealing with that. However, it is something that happens and right now, I should say I have no personal experience of challenging it. I may yet be challenging it in the near future because there is a bit of a media campaign being orchestrated against our client in Azerbaijan.

It is interesting because there are just these various voices that are competing and you do not want to trample on someone's free speech. On the other hand, if the government is essentially controlling and orchestrating something, then I think you have a real problem with that kind of organized campaign where the government is essentially trying to drown out any other expression. But that is pretty much all I can say about it at this time.

MS. CARBONNEAU: My experience is that where they can do, they will do it. They will use the media to slander, to portray the least beneficial light possible. Recently in Azerbaijan, some meetings of Jehovah's Witnesses were broken up, and the state media was present and portrayed a very negative, negative image throughout the country. The same thing was done regularly in Georgia in the past year. So it is a powerful tool being used to sway public opinion.

DR. CREGO: Yes, I am fairly certain that Father Basil, when he and his thugs set out to do whatever it was they were going to do, would call the television stations ahead of time because there always seemed to be video of book burnings and disruptions of meetings. So I am quite sure that that was part of it. They thought that by showing this, that it would get support. I am not sure if that was necessarily the case.

Also in terms of media, this is actually just the Republic of Georgia, the official state newspaper. There is an article about monasticism in Javakheti, which is the primarily Armenian part of Georgia in the south. Though there is nothing particularly about the Armenians here, the tone of this article was quite negative toward non-Orthodox. It starts out by saying, in the past few years in Georgia, or on Georgian territory, a multitude of sects have sprouted like mushrooms. It goes downhill from there. This was just June 8.

This does not indicate anybody, I don't think, who is a part of the government, but it is still in the most official newspaper of the country. So it goes both ways.

Ms. PRYOR: Thank you very much.

Who else has a question? No further questions?

If there are no further questions, then we will conclude the briefing. I want to thank our speakers today for their insights, for the work they are doing on these issues. Thank you very much for your time today.

To everybody else who has come, we appreciate your coming also.

Let me just again direct you to our Web site. If you have a broader interest in the issues in these countries, it is <[www.csce.gov](http://www.csce.gov)>. It has country-by-country assessments, as well as overviews on the OSCE commitments in general.

Thank you very much.

[Whereupon, the briefing ended at 12:37 p.m.]



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