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Enclosed information material is submitted by the European Association of Jehovah's Witnesses

European Association of Jehovah's Witnesses

A Z E R B A I J A N

RELIGIOUS FREEDOM ISSUES

STATEMENT BY THE
EUROPEAN ASSOCIATION OF
JEHOVAH'S WITNESSES

**OSCE Human
Dimension
Implementation
Meeting, Warsaw**

16-27 SEPTEMBER 2019

Azerbaijan

During this past year, authorities in Azerbaijan have shown an increased respect for Jehovah's Witnesses' right to freedom of worship. The Witnesses report the following positive developments:

- On **8 November 2018**, the State Committee for Work with Religious Associations (SCWRA) granted registration to the Baku Religious Community of Jehovah's Witnesses (RCJW).
- Following recent changes in the Law on Freedom of Religious Beliefs and with assistance from the SCWRA, the Witnesses were able to invite foreigners to participate in their religious services—including a convention in a rented venue.

However, Jehovah's Witnesses in Azerbaijan continue to experience the following violations of religious freedom:

- Government denial of registration nationally and in any location outside of Baku
- Police disruption of religious services
- Police interference with public manifestation of beliefs
- Government refusal to provide for alternative civilian service.

CASES PENDING BEFORE INTERNATIONAL TRIBUNALS

The unresolved abuses of religious freedom rights have prompted Jehovah's Witnesses to seek relief by submitting applications to the European Court of Human Rights (ECHR) as well as complaints to the UN Human Rights Committee (CCPR).

Witnesses engaging in peaceful religious activity outside of Baku are exposed to harassment.

	18 APPLICATIONS PENDING WITH THE ECHR	11 COMPLAINTS PENDING WITH THE CCPR
	APPLICATIONS	COMPLAINTS
Police Raid	4	6
Re-registration	1	—
Manifesting Religious Belief	3	4
Censorship	4	1
Deportation	2	—
Conscientious Objection	4	—
Total	18	11

Abuses and Restrictions of Religious Freedom

LEGAL RECOGNITION WITHHELD

Although the SCWRA granted registration to the Baku RCJW on **8 November 2018**, the Witnesses have not as yet been able to obtain national registration or local registration in any city or region outside Baku. Because of the lack of legal recognition, Witnesses engaging in peaceable religious activity are exposed to official interventions and harassment.

CENSORSHIP OF RELIGIOUS LITERATURE

Religious organisations can import religious literature only after receiving SCWRA approval. Article 21 of the Law on Freedom of Religious Beliefs provides that such literature may be used only after it is labelled with a control stamp, which must be requested from the SCWRA. However, since November 2015, the SCWRA has approved all of the Witnesses' requests to import literature.

Interference With Manifestation of Religious Belief

Azerbaijan's Law on Freedom of Religious Beliefs (Article 12) confines the activity of religious communities to a registered legal address. This contradicts the European Convention on Human Rights, which recognises the right in democratic societies to manifest one's religious belief, whether individually or collectively, publicly or privately.

INTERFERENCE WITH MEETINGS FOR WORSHIP

- 1. Ganja suburbs.** On **16 September 2018**, around 70 Witnesses attended an outdoor religious meeting in **Khanlar**. Shortly after the meeting concluded, five police officers arrived, including the Deputy Chief of Police. The police contacted the SCWRA, and an SCWRA representative arrived with a colleague. The police detained all of the Witnesses for about an hour and a half, recorded their personal details and checked their publications for control stamps. The officers told them not to conduct meetings in this location in the future. However, the police also told one of the Witnesses that he should inform the police in advance when a meeting would be held, stating that they wanted to have everything under control and would appoint officers to ensure the safety of the Witnesses. The SCWRA official commented that it would be good if the Witnesses in Ganja had a meeting place and offered to put them in contact with an appropriate SCWRA official.
- 2. Mingachevir.** On **23 June 2019**, at approximately 12:30 p.m., a man called the police when he observed several Witnesses visiting other Witnesses in their private home. Three police officers went to the home, recorded the Witnesses' personal details and tried to conduct a home search. When the Witnesses objected to the search, the police said they would obtain a warrant, but they did not return.
- 3. Lankaran.** On **28 June 2019**, two female Witnesses were summoned to the Lankaran Police Department. The Police Chief ordered one of the women not to receive visitors or conduct religious meetings at her home. The chief stated that her house was under police surveillance and that if anyone visited her, he would send police to her home. After detaining them for about an hour and a half, the police ordered the women not to share their religious beliefs with others and told them that they needed to obtain a document (likely for permission to share their beliefs and conduct religious meetings) from the SCWRA. The women completed written statements and were released.

POLICE HARASSMENT OF PERSONS PUBLICLY MANIFESTING BELIEF

Between **September 2018** and **August 2019**, there were 17 reported cases in which police interfered with the Witnesses while they were sharing their religious beliefs with others. Typically, police officers stop the activity of the Witnesses, take them to the police station and threaten them with administrative charges and heavy fines. However, no fines were imposed during the reporting period.

The following are three examples of police intimidation:

- 1. Khachmaz.** In **February 2019**, two police officers forcibly escorted a male Witness to the police station for interrogation. Officers confiscated his literature, mocked his religious beliefs, threatened to fine him, demanded a certificate of community registration and required that he write two statements. An SCWRA representative asked him why he talks to others about the Bible instead of the Koran. One police officer threatened to harm him physically. The Witness was detained for more than 12 hours without being provided food or water.
- 2. Baku.** In **March 2019**, police officers summoned two Witness women to the police station. The officers made derogatory comments about their beliefs, ordered them to empty their bags and asked them why they did not spread the message of the Koran. The officers also stated that the women did not have permission to carry out their religious activity and that they would be 'exterminated'.
- 3. Lankaran.** In **April 2019**, a police officer went to the home of a female Witness and forcibly escorted her to the police station for interrogation. Police officers insulted her, threatened to send her to a mental hospital, questioned her about her beliefs and fellow believers and demanded that she provide her family members' personal data. One officer made a vague threat that he would harm her children. She was detained for five hours before being released.

Five other incidents not listed above occurred in Baku, three in Siyazan and one each in the cities of Gusar, Hajigabul, Lankaran, Shamakhi, Shirvan and Yevlakh.

Denial of Right to Conscientious Objection to Military Service

Although a signatory to the European Convention on Human Rights since 2001, Azerbaijan ignores the ECHR judgments that recognise the right of religiously motivated conscientious objection to military service as fully protected under Article 9 of the European Convention.

Despite having informed the CCPR on 14 July 2016 that “alternative service is an option provided by the law”, Azerbaijan has no provision for alternative civilian service. Thus, Jehovah’s Witnesses face criminal prosecution as conscientious objectors.

1. Aghdam. On **31 May 2017**, **Vahid Abilov** reported to the Aghdam District Department of the State Service for Mobilisation and Conscription (SSMC) and presented a written statement explaining his conscientious objection to military service. On **10 January 2018**, he was called to the SSMC again, and he wrote another statement. On **12 March 2018**, he reported to an investigator from the Prosecutor’s Office and explained his reasons for refusing military service based on his religious beliefs. On **9 July 2018**, Mr Abilov was indicted on the criminal charge of evading military service. On 6 September 2018, the Aghdam District Court convicted him under Article 321.1 of the Criminal Code of the Azerbaijan Republic and sentenced him to one year’s probation. The Ganja Court of Appeal upheld the verdict on 31 October 2018. On **24 April 2019**, the Azerbaijan Republic Supreme Court denied his appeal. Mr Abilov received a copy of the decision in **July 2019**.

2. Khachmaz. Two brothers, Kanan and Fuad Hasanaliyev, were summoned to report to the SSMC: Kanan in **July 2017** and Fuad in **June 2018**. They were called to the SSMC repeatedly and underwent medical examinations many times. From the outset, they informed the SSMC that they are conscientious objectors to military service and requested alternative civilian service.

On **4 July 2019**, Kanan and Fuad reported to the SSMC, and the officers told them that alternative service in one of the military units had been arranged for them. The brothers explained that they could not perform alternative service under military control and refused to sign a document warning them that they could be liable for evading the military. After undergoing another medical examination, they returned to the SSMC and were told that they were fit for service and would be assigned to a military unit in Baku, where they could perform alternative service. On **5 July 2019**, Kanan and Fuad reported to the SSMC and were told that they could go home and that they would be contacted when necessary.

On **29 July 2019**, Kanan and Fuad were called to the SSMC. The officers told them that they were being sent to the SSMC headquarters in



Vahid Abilov

Mr Abilov was unjustly convicted of evading military service and was sentenced to one year’s probation.

Baku to meet with the chief. However, at about 1:00 p.m., they were taken to a military unit in the Garadagh District of Baku. Kanan and Fuad refused to enter the barracks, but the SSMC officers insisted that the brothers comply and told them that the SSMC headquarters had been moved to that unit. At each checkpoint in the unit, Kanan and Fuad repeatedly informed the officers that they refuse to perform military service. The SSMC officers threatened to call the police and have them arrested. They ordered the brothers to write statements and stated that the SSMC would initiate charges against them. At 8:00 p.m. the brothers were released.



Emil Mehdiyev

Mr Mehdiyev was unjustly convicted of evading military service and was sentenced to one year's probation.

3. Barda. On **5 December 2017** and in **January 2018**, Emil Mehdiyev reported to the Barda District Department of the SSMC. He spoke with officials about his conscientious objection to military service, provided a written statement and requested alternative civilian service. He was told that this option had been suspended in 1992 and that his case would be sent to the Prosecutor's Office. On **6 July 2018**, the Barda District Court unjustly convicted Mr Mehdiyev of evasion of military service and sentenced him to one year's probation. On **8 October 2018**, the Ganja Court of Appeal denied Mr Mehdiyev's appeal. On **10 April 2019**, the Azerbaijan Republic Supreme Court upheld the lower court ruling.

4. Ganja. Fakhraddin Mirzayev was imprisoned as a conscientious objector in 2012 and is awaiting the outcome of his appeal to the ECHR (No. 76127/13). On **1 March 2019**, he received a letter (dated 7 January 2019) from the Ganja Kapaz District Department of the SSMC alleging that he had deliberately failed to report to the SSMC and threatening that if he failed to report, his documents would be sent to law enforcement agencies.

On **4 March 2019**, Mr Mirzayev went to the SSMC and explained his religious position, underwent a medical examination and was given a draft notice for **1 April 2019**. An employee of the SSMC asked Mr Mirzayev to write a new statement and informed him that his case would be sent to the Prosecutor's Office. On **13 March 2019**, Mr Mirzayev provided his statement and a certificate confirming that he is one of Jehovah's Witnesses. On **2 April 2019**, Mr Mirzayev attempted to travel to Georgia, but he was informed that the SSMC had ordered a travel limitation be put on him. On **13 May 2019**, he sent a letter to the SSMC requesting that the restriction be removed, but he has yet to receive a response.

5. Aslan Aliyev attempted to visit Georgia on **20 April 2019**, but he was not permitted to leave the country because a travel limitation has been put on him by the SSMC. On **30 May 2019**, Mr Aliyev sent a letter to the SSMC requesting that the restriction be removed, but he had not received any response by **10 July 2019**.



Mark Sanderson

A member of the Governing Body of Jehovah's Witnesses was invited to participate at the 2019 convention in Baku.

Positive Developments

- **Registration of the Baku RCJW.** On **8 November 2018**, after almost nine years of applications, the Baku RCJW received State registration and appears on the SCWRA website among the names in the list of 'Non-Islamic Religious Communities'.
- **Large religious assemblies held successfully.** For many years, it was impossible for Jehovah's Witnesses to hold religious assemblies in large rented venues. However, since 2016, the Witnesses have received assistance from the SCWRA and have been able to rent large venues in Baku to hold religious events, including a special event in **July 2019**.
- **Foreign citizen participation in religious meetings.** In May 2017, Article 1 of the Law on Freedom of Religious Beliefs was amended to allow foreigners to "conduct religious propaganda" at the invitation of a religious centre. Previously, this law prohibited foreigners and persons without citizenship from engaging in this activity. With the assistance of the SCWRA, the Witnesses in the Baku RCJW were able to invite Mr Mark Sanderson, a member of the Governing Body of Jehovah's Witnesses, to participate in a convention held from **26–28 July 2019** at the Darnagul Ceremony House in Baku.
- **Importation of religious publications.** The SCWRA has not refused import of any new publications of Jehovah's Witnesses since November 2015.
- **Issuing control stamps.** The Baku RCJW has been able to obtain control stamps from the SCWRA for their literature as needed.

Meetings With Officials

On **28 March 2019**, representatives of The European Association of Jehovah's Witnesses (EAJW) and a local representative of the Witnesses met with a number of representatives of the National Commissioner for Human Rights (Ombudsman), including Mr Aydin Safikhanli and Mr Faig Aghayev. The discussions centred on the need for the provision of alternative civilian service in lieu of military service. Although willing to assist, Mr Safikhanli stated that any change was a matter for parliament. The meeting ended on a positive note.

On **5 April 2019**, EAJW representatives and a local representative of the Witnesses met with the Deputy Chairman of the SCWRA. The meeting focused on the registration of the Witnesses' religious communities. The Deputy Chairman warned that registrations of Witness communities would not be granted if the Witnesses continue to speak to others about their faith and are unwilling to join in events that involve other religious organisations.

RELIGIOUS FREEDOM OBJECTIVES

JEHOVAH'S WITNESSES RESPECTFULLY REQUEST THE GOVERNMENT OF AZERBAIJAN TO:

- **Grant full registration to Jehovah's Witnesses throughout Azerbaijan;**
- **Recognise the right to conscientious objection and provide an alternative civilian service programme conforming to international standards; and**
- **Stop police interference with their worship and public manifestation of belief.**

Representatives of Jehovah's Witnesses welcome the opportunity to engage in constructive dialogue with representatives of the Azerbaijan government.

For more information:

Please contact the Office of Public Information for Jehovah's Witnesses at OPIGov@jw.org.



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