

WRITTEN STATEMENT ON AZERBAIJAN  
BY THE EUROPEAN ASSOCIATION OF JEHOVAH'S CHRISTIAN WITNESSES

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There are over 600 of Jehovah's Witnesses in Azerbaijan who meet weekly in six congregations. For the Memorial of the death of Jesus (the only religious observance held by Jehovah's Witnesses), 1,523 persons attended in 2007. Authorities registered Jehovah's Witnesses in Azerbaijan on December 22, 1999. In harmony with changes in the law, their religious organization was reregistered on February 7, 2002. In spite of their being legally registered, Jehovah's Witnesses are experiencing difficulties exercising their religious freedom to obtain religious literature and to gather together for religious meetings.

***Abuses of Religious Freedom***

A disturbing pattern of police interference with religious meetings of Jehovah's Witnesses has been developing in Baku. Police have used deceit or force to enter the private homes where the religious meetings have been held and have harassed, detained, and fined those in attendance at these meetings. Police have done this despite the fact that the Religious Community of Jehovah's Witnesses is registered in Baku. Occasionally, distorted television programs urge the general public to assist the police who, in turn, have instructed people to call the police if they encounter Jehovah's Witnesses. This has resulted in various arrests and police harassment of Jehovah's Witnesses that violate their right to practice their religion freely.

Some of the human rights violations that occurred during the reporting period are listed below:

Problems at Border Crossing

- On July 16, 2006, over 200 Jehovah's Witnesses in five buses were returning from a large religious convention in Georgia. Around 8:30 p.m., they arrived at the Krasniy Most border crossing between Georgia and Azerbaijan. While proceeding through customs control, the majority had their religious literature, personal notes, and other personal items confiscated, and many were subjected to violent, degrading, and insulting treatment by the customs officials. The officials did not issue any protocols of confiscation confirming the grounds for their actions, the location of the confiscated items, or how the items could be returned to their owners. Although the majority of the Witnesses were women (including some who were pregnant or disabled) and children, the customs officials twisted their arms behind their backs, slapped their faces, groped some of the women, handcuffed several men and women, and caused damage to their clothing and bags. Two Witness men were taken into a separate room, thrown onto the floor, beaten, and kicked by a group of officials. These two Witnesses were detained overnight, together with another male Witness. On the following morning, the three Witnesses were taken to the police department in the city of Kazakh, where they were falsely charged with refusing to obey the orders of military officials.
- On July 18, 2006, the court sentenced the three Witnesses, without their being present, to five days detention.

Police Raid on Religious Assembly and Translation Center

- On December 24, 2006, at 10:30 a.m., armed police raided a meeting of Jehovah's Witnesses being held in a rented building. The raid was orchestrated by the Khatai District Police Department No. 34, the same police department that unlawfully raided an Azeri-language meeting of Jehovah's Witnesses in the same premises on June 12, 2005. Police officers broke down the door to the

auditorium and arrived accompanied by television crews. Nationwide television reports slanderously portrayed Jehovah's Witnesses as dangerous anti-government agents and international spies, banned throughout Europe.

Many of the approximately 200 Jehovah's Witnesses and interested persons in attendance, including women and children, were herded out of the building, into buses, and driven to Police Department No. 34 where they were held for around five hours. At least two of the men were beaten up by police officers.

The police did not produce a search warrant but forced their way into other rooms, breaking open several locked doors causing other damage to the property. They confiscated a contribution box with its contents, records belonging to the congregation, and 18 computers along with the server used by Witnesses in Azerbaijan to translate religious articles into the Azerbaijani language. The police also confiscated large amounts of literature, taking it to an unknown location, and took approximately 300 euros of congregation funds.

- Six foreigners were among those forcibly put on a bus and taken to a police station. Two of the foreigners were not even in attendance when the meeting was raided. All six were held in detention for several weeks and initially denied access to legal representation. Then Manuchar Tsimintia and Giorgi Gogichashvili, both Georgian citizens, were deported on December 26 and 28, 2006, respectively; Faik Lihatskiy and Murshud Kadyrov, Russian citizens, were deported on January 8, 2007; Robert Delahaye, a Dutch citizen, was deported on January 10, 2007; and Chingiz Gouseinov, a British citizen who was born in Baku, was deported on January 13, 2007. All six were in the country legally but were deported for allegedly "engaging in religious propaganda" under Article 300 of the Azerbaijan Republic Code of Administrative Violations. No specific explanation or evidence was produced to support the charge. The deportation order was signed by Hasan Aliiev, Chief of the Khatai District Police Department, on December 24, 2006, the day of the police raid. Contrary to the law, the deportation orders were issued on the basis of administrative violation rulings that had not yet come into legal force, as they had been appealed to the Khatai District Court by the attorney representing the foreign nationals. The court sent the appeals to the police headquarters in Baku, who assured the court that in their opinion the foreign nationals had been deported lawfully.

- On February 16, 2007, the Khatai District Police Directorate in Baku wrote to the Administrative Center in Russia. They state that the actions of the police on December 24, 2006, "were conducted in compliance with all principles of current legislation" and that the foreign citizens were deported from Azerbaijan on the basis of Article 300 of the Code of Administrative Violations. The letter states that the decision to deport the foreign nationals may be reversed only by applying to a court and recommends that an appeal be filed with the Khatai District Court.

- Of the six deported foreigners, only Witness-attorney Manuchar Tsimintia has been allowed to return to Baku. He is handling legal matters for Jehovah's Witnesses in Azerbaijan, particularly as a result of the illegal police actions of December 24. However, when he attempted to leave Azerbaijan on March 3, 2007, he was questioned for over two hours by Azerbaijan customs officials and then released without any charges.

- With regard to the disruption of the religious service, the damage caused by the police to the property and the theft of the congregation funds, the religious organization and the owner of the property filed complaints to the Khatai District Prosecutor's Office requesting that a criminal investigation be instigated. However, no investigation has been carried out, and no ruling was issued to initiate or not to initiate a criminal case.

- With regard to the illegal search of the property, the religious organization and the owner of the property filed complaints to the Khatai District Court requesting that the search be pronounced unlawful. On May 7, 2007, the court upheld the complaint, but the decision was appealed by the police, as a result of which, on May 21, 2007, the Appeal Court of the Republic of Azerbaijan reversed the decision of the Khatai District Court.
- The owner of the property also filed a claim against the police for compensation for the damage caused to the property during the raid, but the Khatai District Court has postponed the hearings for several times so that to date no decision has been issued.
- An individual complaint was been filed to the Khatai District Court by 19 members of the congregation on the grounds that their right to freedom of religion was violated by the police. On July 20, 2007, the court dismissed the claims. The decision was appealed on August 17, 2007.
- On March 6, 2007, Jehovah's Witnesses wrote to the Prosecutor General's Office to inform them that the computer equipment had been returned, but that none of the other items were returned. The letter requested that the Prosecutor General's Office take steps to ensure that the remaining confiscated items, particularly the monetary funds taken by the police, be returned. Copies of the letter were sent to the Head of the Khatai District Police Department, the Khatai District Prosecutor's Office, the State Committee for Work with Religious Organizations, the Ombudsman, and various embassies and human rights organizations in Baku.

#### Problems With Religious Literature

Jehovah's Witnesses have had repeated problems with importing religious literature into Azerbaijan. The regulations of the State Committee for Work With Religious Organizations (Committee) stipulate the rights of the Committee. In Article 9.2, it is stated that the Committee "takes control of the production, import, and distribution of religious literature, items, and other religious informational materials, and gives its consent on the basis of the appeals of religious institutions and relevant state bodies in accordance with the established procedure."

Every time permission is given to import specific religious publications, the permission is limited by a clause that prohibits the literature from being given to anyone who is not a member of the congregation of Jehovah's Witnesses. Additionally, the Chairman of the Committee for Work with Religious Organizations, Idayat Orujiev, continues to instruct the police that Jehovah's Witnesses do not have the right to distribute their literature. Consequently, the police have arrested and fined Witnesses for distributing their literature. Additionally, Mr. Orujiev and his predecessor, Mr. Rafik Aliev, have both given television interviews in which they encourage the public to treat Jehovah's Witnesses as if they had no right to distribute religious literature. The religious literature that was seized during the December 24, 2006, police raid on the assembly and translation center of Jehovah's Witnesses was sent to the Committee for an "expert" evaluation.

- On March 30, 2007, some of the seized literature was returned to the Witnesses, but the remainder has still not been returned.

#### Conscientious Objection to Military Service

All young men in Azerbaijan are supposed to appear before their respective conscription boards at certain periods of time and if they fail to do so they may receive a visit from the local district police officer. Some young men live in another place for a while at these check-up times and when the police officer does not find them at home, they are left in peace until the next check-up. In some

cases the conscription boards have sent summons to the conscript but this is quite rare. Conscientious objectors have informed military authorities about their request for alternative civil service as guaranteed in the Constitution. Since no such service is available at this time, the conscription boards try to contact the conscientious objectors from time to time but in general do nothing more with them. However, there are exceptions where conscientious objectors have been arrested and convicted.

- On June 21, 2006, conscientious objector Mushfiq Mammedov, who was studying to become one of Jehovah's Witnesses, was found guilty of violating Article 321.1 of the Criminal Code for draft evasion, which carries a maximum sentence of two years of imprisonment. He was sentenced to a conditional sentence of six months. Mammedov was beaten during his time in pretrial detention and stated that he would accept military service. However, during the court case, he asked the judge to overlook his statement accepting military service because it was made under duress. The judge complied.

- On September 25, 2006, Mammedov's appeal was dismissed by the Court of Appeals. This decision was appealed.

- On February 20, 2007, Mammedov and his lawyers reported to the Supreme Court for the hearing of Mammedov's cassation appeal. The court informed them that the hearing had been postponed and the new hearing date had not yet been determined. When Mammedov's attorney called the secretary of the Supreme Court's Judge in July to inquire the date of the hearing, he was told that the decision on Mammedov's case was already issued and it could be collected at the Clerk's Office of the Supreme Court. Neither Mammedov nor his attorney had been informed about the date of the hearing in the Supreme Court or the fact that the decision had already been made. Mammedov has not yet received the written decision and the Clerk's Office refuses to hand out a copy.