

Jehovah's Witnesses in

Azerbaijan

Religious Freedom Concerns

Statement by the European Association of Jehovah's Christian Witnesses

OSCE Human Dimension Implementation Meeting, Warsaw

21 September 2015 – 2 October 2015

Azerbaijan severely restricts the religious activity of Jehovah's Witnesses

Jehovah's Witnesses in Azerbaijan experience many violations of their fundamental freedoms.

The Ministry of National Security (MNS) has unjustly jailed two women for sharing the Bible's message with their neighbours. Irina Zakharchenko and Valida Jabrayilova have been in pretrial detention since 17 February 2015, and the MNS has delayed their hearing for the third time, until 17 December 2015.



19

Applications submitted to the European Court of Human Rights (ECHR) since 2007

CAUSE FOR APPLICATION	TOTAL
Police Raid	5
Reregistration	1
Manifesting Religious Belief	2
Censorship	5
Deportation	3
Conscientious Objection	3
Total	19

Lawyers, family, and friends are concerned for the women's physical and emotional health and well-being, which they believe is worsening. In particular, Ms. Zakharchenko, 55 years old, is neither sleeping nor eating well and has become thin and weak. Doctors classify her as being 80 percent disabled because of severe arthritis and a previous leg injury.

The MNS allows only the women's attorneys to visit them. Relatives can forward necessary items such as clothes, medicines, and soap only once a month. Family members have tried to provide them with a Bible, but the MNS has refused permission.

Abuses and Restrictions of Religious Freedom

Harassment and Raids on Religious Services

- (1) **Ganja.** On 12 October 2014, more than 10 police officers raided a peaceful religious meeting of about 20 people in the home of Saladdin Mammadov. The police did not produce a search warrant and videotaped all present. The police took them to the Kapaz

District Police Station, insulted them, and confiscated their religious literature. Each detainee was interrogated and ordered to write a statement.

On 14 October 2014, the Nizami District Police Division in Ganja convicted Sadagat Abbasova, Rashad Niftaliyev, and Saladdin Mammadov under Article 299.0.2 of the Administrative Violations Code (AVC) and fined them each 2,000 manat (1,700 euros). They filed appeals with the Ganja Nizami District Court, but on 6 November 2014, the court dismissed their appeals. They appealed to the Ganja Court of Appeal. However, on 28 November 2014, the appeal court dismissed the appeal of Sadagat Abbasova and Saladdin Mammadov, and on 1 December 2014, the same court dismissed the appeal of Rashad Niftaliyev.

On 8 June 2015, Rana Sadigova, who was also present at the religious meeting on 12 October 2014, received a copy of a 14 October 2014 decision convicting her under Article 299.0.2 of the AVC and imposing a fine of 2,000 manat (1,700 euros). On 18 June 2015, she filed an appeal with the Ganja Nizami District Court, but on 7 July 2015, the court declared her appeal inadmissible, since she allegedly missed the deadline to appeal.

- (2) **Lokbatan.** On 9 April 2015, approximately ten police officers raided a peaceful religious meeting in the home of Rovshan Mursalov. The police confiscated personal belongings, such as mobile phones, tablets, Bibles, and religious literature. The police took 14 people to the police station for questioning.

In a closed hearing on 6 July 2015, the Baku Garadagh District Court convicted Goderdzi Kvaratskhelia, a Georgian citizen, under Article 300 of the AVC. He was then deported to Georgia from Azerbaijan. At hearings conducted on 8 and 9 July 2015, the same court convicted all the others under Article 299.0.2 of the AVC and gave them official warnings.

- Azerbaijan law prohibits “foreigners and persons without citizenship ... from participating in religious propaganda.” Legislation is so vague that foreigners can be arrested and deported for merely attending a religious meeting of Jehovah’s Witnesses.

Police Interference With Manifestation of Belief

The Law on Freedom of Religious Beliefs (Article 12) confines the activity of religious associations to their registered legal address. This provision contradicts the jurisprudence of the ECHR, which recognizes the right to manifest religious belief in democratic societies.

- (1) **Zagatala.** On 9 November 2014, police detained Matanat Gurbanova and Saadat Muradhasilova for sharing the Bible’s message with others. On 15 May 2015, the Zagatala District Court convicted both women under Article 299.0.4 of the AVC for their religious activity and fined them each 1,500 manat (1,280 euros). They appealed these decisions, but on 15 July 2015, the Shaki Court of Appeal upheld the decisions of the lower court.
- (2) **Baku.** On 5 December 2014, Irina Zakharchenko and Valida Jabrayilova were talking to residents of an apartment complex in Baku about their Bible-based beliefs when the police stopped them. The women were released after a few hours, but investigators repeatedly summoned them for interrogation at the MNS. On 17 February 2015, MNS agents unexpectedly brought the women to a closed hearing to be criminally charged. The judge characterized them as a “threat to the public” in order to justify their sentences to pretrial detention.

Since then, MNS agents have conducted an extensive search of their homes, confiscating religious literature, personal notebooks, a laptop, and a mobile phone. The court has dismissed every appeal on behalf of the women and refuses to grant house arrest as a replacement for pretrial detention. On 7 May 2015, the Sabail District Court approved the request of the MNS to extend the pretrial detention of these women for another two months so that the investigation could be completed. On 4 July 2015 and on 4 September 2015, the Sabail District Court again extended the pretrial detention, thus postponing the hearings and promised release of Irina Zakharchenko and Valida Jabrayilova until 17 December 2015.

As part of the investigation, the MNS has summoned and interrogated at least 20 other Witnesses and searched at least ten homes. Additionally, officials representing the MNS, agents from the State Committee for Work with Religious Associations (SCWRA), and the police searched the Kingdom Hall of Jehovah's Witnesses in Baku.

- (3) **Baku.** On 8 December 2014, police detained Rahima Huseynova for talking about the Bible in public. On 26 December 2014, the Sabunchu District Court of Baku convicted Rahima for her religious activity under Article 299.0.4 of the AVC and fined her 1,500 manat (1,280 euros). She appealed the decision, but on 29 January 2015, the Baku Appeal Court dismissed her appeal.
- (4) **Barda.** On 19 December 2014, police detained Rza Babayev and Ilham Hasanov for sharing the Bible's message with others. On 2 February 2015, the Barda District Court convicted them under Article 299.0.2 of the AVC and gave them a warning. Rza Babayev and Ilham Hasanov filed an appeal against the decision, but on 12 March 2015, the Ganja Appeal Court dismissed their appeals.
- (5) **Ganja.** On 5 January 2015, police detained Zhala Niftaliyeva for discussing the Bible with others. She was accused under Article 300 of the AVC, but on 12 January 2015, the Ganja Nizami District Court dismissed the case against her.
- (6) **Lokbatan.** On 21 January 2015, a security guard detained Ismayil Baghirov and Mahluga Ahmadova for talking about the Bible in public and took them to the police station. The Garadagh District Court dismissed the case against Mahluga Ahmadova but convicted Ismayil Baghirov under Article 299.0.2 of the AVC. He was fined 1,500 manat (1,280 euros). He appealed that decision, but on 27 February 2015, the Baku Court of Appeal upheld the conviction and the fine.

The court punished Ismayil Baghirov primarily for distributing literature that did not bear the control stamp of the SCWRA. The Law on Freedom of Religious Beliefs (Article 22) stipulates that religious literature must be "labelled with a control stamp" upon import and afterwards may be "freely distributed." On 5 February 2015, the Religious Community of Jehovah's Witnesses (RCJW) wrote the SCWRA, inquiring about the labelling procedure. The SCWRA replied on 18 March 2015 that "at present, work on making the control stamp is still in progress." There is no mechanism to apply the law.

- (7) Between January and August 2015, police detained and questioned 16 additional Jehovah's Witnesses for sharing the Bible's message with others.

Denial of Right to Conscientious Objection to Military Service

Although a signatory to the European Convention of Human Rights (since 2001), Azerbaijan has ignored the 7 July 2011 *Bayatyan v. Armenia* judgement of the Grand Chamber of the ECHR, which recognized the right of conscientious objection to military service as fully protected

under Article 9 of the European Convention. Azerbaijan has no provision for alternative civilian service.

- (1) Farid Mammedov (2010) was criminally convicted and imprisoned for nine months. He has applied to the ECHR.
- (2) Fahkraddin Mirzayev (2012) was criminally convicted and imprisoned for one year. After serving nine months' imprisonment, he was released on the basis of an amnesty. He has applied to the ECHR.
- (3) Kamran Mirzayev (2013) was criminally convicted and imprisoned for nine months. The State Service for Mobilization and Conscription informed him that there is a law for alternative service but that it is not in force. He has applied to the ECHR.

Legal Recognition Withheld

In compliance with the May 2009 amendments to the Law on Freedom of Religious Beliefs, the Religious Community of Jehovah's Witnesses in Baku applied for re-registration prior to the deadline in January 2010. Since then, the SCWRA has refused re-registration on technicalities, leaving the community without full legal status. The community's current legal status remains uncertain, and the SCWRA excludes Jehovah's Witnesses from the list of registered religious associations posted on its official website, www.scwra.gov.az.

State Censorship of Religious Literature

Azerbaijani law stipulates that religious literature may be imported only with prior permission by the SCWRA. Moreover, all imported literature must have the SCWRA's control stamp on it, even though the SCWRA informed the RCJW that there is no mechanism ready for labelling literature.

- (1) Between January and August 2015, the SCWRA banned nine publications of Jehovah's Witnesses in various languages. Jehovah's Witnesses have five cases in the administrative courts, challenging the SCWRA's outright refusals to allow the importing of religious literature.

Meetings With Officials

On 21 January 2015, representatives of the European Association of Jehovah's Christian Witnesses (EAJCW), along with a local representative, met with the chairman of the SCWRA, Mr. Mubariz Gurbanli. Though the discussion covered all current problems, it resulted in no improvement. The representatives of the EAJCW were unable to arrange a meeting with the presidential administration.

Jehovah's Witnesses respectfully request the government of Azerbaijan to:

- (1) Release immediately all of Jehovah's Witnesses currently imprisoned for their religious activities and beliefs
- (2) Stop interfering with their worship and manifestation of belief
- (3) Recognize the right to conscientious objection and provide an alternative service programme, conforming to international standards
- (4) Recognize the right to religious freedom and fully register Jehovah's Witnesses
- (5) Allow Jehovah's Witnesses the unhindered use of their religious literature

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

For more information:

Please contact the Office of General Counsel of Jehovah's Witnesses at generalcounsel@jw.org

Visit the Newsroom at jw.org or scan the QR code below to learn more about legal developments and human rights affecting Jehovah's Witnesses in Azerbaijan.



Scan the QR code below to read the special report "Imprisoned for Their Faith—Azerbaijan"

