

RELIGIOUS FREEDOM CONCERNS IN AZERBAIJAN

STATEMENT by the EUROPEAN ASSOCIATION OF JEHOVAH'S CHRISTIAN WITNESSES

For the OSCE Human Dimension Implementation Meeting, Warsaw, 22 September to 3 October 2014

Azerbaijan continues its severe restrictions on the activity of Jehovah's Witnesses

Jehovah's Witnesses in Azerbaijan endure many violations of their fundamental freedoms. The unrelenting abuses of religious freedom rights have prompted Jehovah's Witnesses to seek relief by submitting 19 applications to the European Court of Human Rights (ECHR) since 2007, with the most recent application filed in January 2014.

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Denial of right to conscientious objection

01 October 2014

Although a signatory to the European Convention of Human Rights, Azerbaijan has ignored the 7 July 2011 *Bayatyan v. Armenia* judgment 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.

- On 10 October 2013, Kamran Shikhaliyev was called up for military service although he had made known his conscientious objection to military service both verbally and in writing. Kamran has been in detention for more than nine months, deprived of his liberty, subjected to physical and verbal abuse, and unlawful confinement against his will.
 - On **13 February 2014**, the Jalilabad Military Court charged Kamran with evading military service as a soldier, though he was not enlisted.
 - On **16 April 2014** the Jalilabad Military Court convicted Kamran and sentenced him to one year in a disciplinary military unit, and on **16 July 2014** the Shirvan Court of Appeal upheld the conviction and sentence.

Disruption of religious services

In cities where Jehovah's Witnesses do not have registration, police consider their peaceful religious meetings unlawful, disrupt their worship services, and criminally charge attendees.

- **Aliabad.** In December 2013, Rauf and Samira Aghayev were each fined 1,500 AZN (1,427 EUR) by the Zagatala District Court for visiting the home of the Aliyev family shortly before a meeting for worship was about to begin, and which police raided on 21 September 2013. On **10 January 2014**, the Shaki Court of Appeal upheld the convictions and fines against the Aghayevs. Meanwhile, the Aliyev family filed a claim in the Shaki Administrative-Economic Court against the police for carrying out an unlawful raid, search, and seizure. The court has yet to render its decision.
- **Ganja.** On **11 January 2014**, police raided a religious service of Jehovah's Witnesses in the home of Irada Huseynova and took all 36 attendees to the Kapaz District Police Department. The police took five of the Witnesses—Elgiz Aliyev, Irada Huseynova, Elyar Bakirov, Anar Huseynov, and Asif Jafarov—to the Kapaz District Court. On **23 January 2014**, the Kapaz District Court convicted all five and fined them each 1,800 AZN (1,712 EUR). On **13 and 18 February 2014**, the Ganja Court of Appeal dismissed their appeals.
- **Lankaran.** On **2 March 2014**, about 20 police officers raided a religious meeting of 13 people in the private home of Klara Shirinova. The police refused to produce a search warrant and videotaped all present. Several were taken to the police that day and in the days that followed. On 8 May the Lankaran District Court fined Klara's daughter Tarana Huseynova 1,500 AZN and later convicted Klara, giving her an official warning, while fining Klara's granddaughter, Fatmakhanim Huseynzada, 1,500 AZN. On **19 and 23 May 2014**, appeals were filed with the Shirvan Court of Appeal. On 20 August the Lankaran District Court cancelled Tarana's conviction and fine. The other appeals are pending.

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- **Ganja.** On **4 June 2014**, police raided a peaceful religious meeting of about 20 people in the home of Tarana Mammadova. The police did not produce a search warrant and videotaped all present. The police took everyone to the Kapaz District Police Station, insulted them, and confiscated their religious literature. Each detainee was interrogated and ordered to write statements. Police wrote up protocols for Elgiz Aliyev, Akif Aliyev, Tarana Mammadova, and Rashad Niftaliyev, and on **17 June 2014**, the Ganja Kapaz District Court convicted and fined all four—Elgiz 2,000 AZN (1,903 EUR), and Rashad, Tarana, and Akif 1,800 AZN each.
- **Mingachavir.** On **8 June 2014**, police raided a meeting for worship in the home of Asif Bakirov, declared the meeting illegal because the Witnesses did not have registration, and videotaped the raid. The police interrogated those in attendance and took Rza Babayev, Asif, and Asif's son, Elchin Bakirov, to the police station. On 18 June the Mingachavir City Court fined Rza and Asif 1,500 AZN each. Rza and Asif filed appeals in Shaki Court of Appeal on **30 June 2014** but the Court dismissed both appeals.

Interference with publicly manifesting belief

Article 12 of the *Law on Freedom of Religious Beliefs* requires that religious associations engage in activity only at their registered legal address. This provision contradicts the jurisprudence of the ECHR, which recognizes the right of evangelism in democratic societies. (See *Kokkinakis v. Greece*, 25 May 1993, §§ 31, 48, Series A no. 260-A.)

Jehovah's Witnesses face detainment, literature confiscation by the police, and criminal charges for engaging in the public ministry. Police targeted their religious activity in the spring of 2014.

- **Ganja.** On **4 February 2014**, police detained Samir Huseynov and a Witness companion for talking about the Bible in public. The following day the police took Samir to the Kapaz District Court where he was convicted and given a three-day jail sentence. The chief jailer verbally insulted Samir, slapped him in the face several times, and threatened him with sexual violence. On 17 February, Samir appealed his conviction and sentence to the Ganja Court of Appeal, and on **3 March 2014**, the court dismissed Samir's appeal.
- **Baku.** On **13 April 2014**, police arrested Jamala Ibrahimova and Aytaj Amirzada, a minor, for sharing a Bible message in an apartment building and took them to Police Department No. 24. The police later released them without charges, but ordered them to return to the station the next day. On 14 April, police took Aytaj and her mother to meet the director of Aytaj's school. The director pressured her to promise she would stop reading the Bible. When Aytaj refused, the director threatened to expel her if she continued reading the Bible and manifesting her beliefs.
- **Gakh.** On **16 April 2014**, police detained Gulara Huseynova and Elnara Askarova for discussing the Bible with a woman in her home. Police interrogated the two Witnesses and searched their bags, seizing their personal copies of the Bible and other religious publications. The police ordered the two Witnesses to stop sharing their religious beliefs.
- **Baku.** On **23 April 2014**, Irina Khoteyenko visited the home of a woman to talk about the Bible. The woman's son, a police officer, came to the door and accused Irina of distributing forbidden literature. He took her to the police station where she was interrogated for several hours. After hours of questioning, threats, and insults, the police released Irina, having confiscated her personal copy of the Bible.
- **Lankaran.** On **25 April 2014**, police detained Royal Aghalarov and Fatima Ismayilzada for speaking about the Bible in a residential building. At the police station, officers told Royal

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and Fatima that it was forbidden to talk to others about their beliefs and released them after ordering them to write statements. On 30 June, the Lankaran District Court convicted Fatima for her religious activity under Article 299.0.4 of the *Administrative Violations Code* (AVC) and gave her an official warning. On 22 July, the same court found Royal not guilty under Article 299.0.4. On 5 August, the Shirvan Court of Appeal returned Fatima's case to the Lankaran District Court for reconsideration.

- **Gakh.** On **18 May 2014**, police detained Gulara Huseynova a second time (see above), along with 14-year-old Luka Khutsishvili, whose parents are Jehovah's Witnesses, for speaking to people about the Bible. On 19 May police charged Gulara with violating Article 299.0.4 of the AVC and took her to the Gakh District Court, which acquitted her of the charges. Meanwhile, police issued a decision against Luka's mother, Tarana Khutsishvili, stating that she had violated Article 51 of the AVC for improperly bringing up and educating her child because he was talking to others about the beliefs of Jehovah's Witnesses, and that her case would be sent to the local commission for children's rights. On **30 May 2014**, Tarana filed a complaint against the decision in the Gakh District Court.
- **Baku.** On **21 May 2014**, police detained Khuraman Abbasova and a fellow believer named Khanum for sharing their religious beliefs near a shopping center. At Police Department No. 24, police officers insulted them, threatened them with physical violence and criminal charges. After seven hours of detention, police took them to the Nizami District Prosecutor's Office, where the Prosecutor told the Witnesses it was shameful to read the Bible as Muslims. He interrogated and released them without charges.
- **Baku.** On **21 May 2014**, police detained Ayshen Hasanzade and a companion named Ilaha for sharing their religious beliefs near a market. At Police Department No. 24, officers insulted and threatened them, searched their bags, and ordered them to write a statement, after which the police returned their literature and released them.
- **Mingachavir.** On **19 July 2014**, police detained Elchin Bakirov and Sakina Najafova for sharing their beliefs in an apartment building. The next day, the Mingachavir City Court convicted Elchin and fined him 200 AZN (190 EUR). On 30 July, Elchin filed an appeal in the Shaki Court of Appeal. On 21 August, the Court of Appeal dismissed the appeal.

On **19 August 2014**, police detained Elchin Bakirov again, this time with Irada Ismayilova, for sharing their beliefs with their neighbours. The police took both to the police station for questioning, and released them after one hour.

Denial of registration

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 of January 2010. Since then, the State Committee for Work with Religious Associations (SCWRA) has refused re-registration in Baku on technicalities, leaving the community without full legal status. The Religious 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 Web site, www.scwra.gov.az.

The SCWRA has also refused to respond to the Witnesses' application for registration in the city of Ganja, which they filed on 8 June 2011. Meanwhile, the authorities have repeatedly raided meetings of Jehovah's Witnesses in Ganja.

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State censorship of religious literature

Azerbaijani law stipulates that religious literature can be imported only with prior permission of the SCWRA. There are currently five applications pending before the ECHR on this issue.

Between January and July 2014, the SCWRA banned seven more publications of Jehovah's Witnesses in various languages. During the same time, Jehovah's Witnesses litigated nine different censorship cases in the administrative courts of Azerbaijan, challenging the SCWRA's outright refusals, inactivity, and delays on importation of religious literature.

19 applications before the European Court of Human Rights

Since 2007, Jehovah's Witnesses in Azerbaijan have filed a total of 19 applications against Azerbaijan with the ECHR. Causes for the applications are: police raids (5 applications); re-registration (1 application); manifesting religious belief (2 applications); censorship (5 applications); deportation (3 applications); and conscientious objection (3 applications). The most recent application—on the issue of conscientious objection—was filed on **30 January 2014**.

Positive developments

- On **8 April 2014**, the Baku Court of Appeal decided the SCWRA had violated the time limits set out in Article 52 of the *Law on Administrative Procedure*. The SCWRA had taken up to 265 days to answer the Religious Community's requests to import 44 religious publications, including the Bible, whereas the legislated time limit is up to 90 days. Since then, the SCWRA has answered requests to import religious literature within that term.

Jehovah's Witnesses respectfully request the government of Azerbaijan to introduce alternative civilian service in harmony with European standards, stop interfering with their worship and manifestation of belief, register them with full legal status, and allow them unhindered use of their religious literature.

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Police raid of a religious meeting of Jehovah's Witnesses

Jehovah's Witnesses in Azerbaijan Appeal for Justice to the European Court of Human Rights

