

RELIGIOUS FREEDOM CONCERNS

STATEMENT BY THE EUROPEAN
ASSOCIATION OF JEHOVAH'S
CHRISTIAN WITNESSES

OFFICE OF GENERAL COUNSEL
WORLD HEADQUARTERS OF JEHOVAH'S WITNESSES

OSCE Human
Dimension
Implementation
Meeting, Warsaw

11-22 SEPTEMBER 2017



Azerbaijan

Jehovah's Witnesses in Azerbaijan continue to experience severe restrictions of their activity

With sparse improvements, Jehovah's Witnesses endure a number of serious violations of basic religious freedoms

- ↘ **disruption** of religious services
- ↘ **interference** with publicly manifesting belief
- ↘ **denial** of registration
- ↘ **denial** of right to conscientious objection

The unrelenting 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) Restrictions of Religious Freedom

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Seeking Relief Through International Tribunals:

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

Abuses and Restrictions of Religious Freedom

ILLEGAL AND ABUSIVE DETENTION

Irina Zakharchenko and Valida Jabrayilova, who a year earlier were convicted of a criminal offence for sharing a Bible message with others, were exonerated on 8 February 2017 by the Supreme Court

From 17 February 2015 to 28 January 2016 authorities unjustly held Irina Zakharchenko and Valida Jabrayilova in pre-trial detention for sharing the Bible's message with their neighbours.

On 28 January 2016, Pirallahi District Court Judge Akram Gahramanov found the two women guilty and fined them each AZN 7,000 (EUR 3,945). The fines were cancelled because of the time they served in pre-trial detention.

On 29 March 2016, the Court of Appeal summarily dismissed their complaints. The women filed cassation appeals with the Supreme Court of Azerbaijan.

On 8 February 2017 the Supreme Court of Azerbaijan acquitted Irina Zakharchenko and Valida Jabrayilova of their convictions for distributing religious literature without State permission. Judge Hafiz Nasibov, Chairman and Speaker of the Panel of the Criminal Board of the Supreme Court, announced that the Court had found no crime in the actions of the two Witness women and annulled the decisions of the lower courts. On **4 August 2017** the Nasimi District Court partially satisfied a compensation claim.

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 (Community) applied for reregistration prior to the deadline in January 2010. Since then, the State Committee for Work with Religious Associations (SCWRA) has refused reregistration on technicalities, leaving the Community without full legal status

On 8 February 2017, after months of negotiations and consultations with the State Committee's representatives, the Community again applied for registration. 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 Web site, www.scwra.gov.az.

Ganja. The SCWRA has refused to grant Jehovah’s Witnesses regional registration in Ganja.

- **1 July 2010** — Ganja Religious Community applies for registration; SCWRA rejects it
- **8 June 2011** — Ganja Religious Community applies for registration; SCWRA does not act
- **1 September 2015** — Community files a new application with the SCWRA
- **23 October 2015** — SCWRA informs the Community of technical flaws
- **10 November 2015** — Community submits corrected documents
- **March and May 2016** — Community corrects more supposed technical flaws

The SCWRA has not answered the May 2016 application, although the Law On State Registration and State Register of Legal Entities stipulates that state registration of non-profit legal persons must be performed within 40 days.

HARASSMENT BY OFFICIALS AND INTERFERENCE WITH RELIGIOUS SERVICES

1. Barda. On 1 January 2017, 18 persons were gathered for a religious meeting at the home of Ms. TM when approximately 15 police officers raided the home. The officers pushed aside the minor child who opened the door and entered without permission. The officers did not identify themselves or their purpose but filmed all in the room, shouted insults, and seized all religious literature. The officers then brought all attendees to the Barda District Police Department—but did not permit attendee Mr. RB to put on a coat or shoes. Everyone was held by police for approximately four hours.

At the police department, Ms. YI tried to take a photograph with her phone of Mr. RB without his shoes. When Officer Vugar Mammadov grabbed her by the collar and started shaking her, Ms. GM tried to pull his hand away from Ms. YI. Officer Mammadov pulled Ms. GM into an office and threw her to the floor. He threatened to sodomize her, hit her in the face, head, and body, and pulled her hair.

Police took statements and then released the attendees. Later, they started administrative offence case proceedings against the householder Ms. TM, who was fined 1,500 manat (890 USD) by Judge Javid Taghiyev of the Barda District Court under Article 515.0.2 of the Code of Administrative Offences: “Violation of rules established by the legislation concerning organising and conducting religious meetings, street processions, and other religious ceremonies.” On 29 March 2017 Judge Elshad Babayev of the Ganja Court of Appeal upheld the first instance court decision. The decision is final.

2. Lokbatan. On 9 April 2017, a religious meeting held at the apartment of Ms. SO was raided by approximately eight police officers, who presented a court order to enter the apartment. All religious literature, tablets, and a notebook were seized (but later returned). Some attendees were taken to the police station, where officers interrogated them with questions such as: “Why do you not read the Koran, or go to the mosque? Why do you not go to the army?” Police took statements and then released the attendees after about five hours. Administrative offence case proceedings are underway against the householder Ms. SO under Article 515.0.2 of the Code of Administrative Offences: “Operation of a religious association outside the legal address of its registration.”

3. Lokbatan. On 9 April 2017, six of Jehovah’s Witnesses gathered at the home of Ms. SA. Soon after their religious meeting started, about seven police officers interrupted. Since only one was in police uniform, Ms. SA asked them to show identification. They refused. The officers humiliated and insulted the Witnesses, searched their bags and the home, seized their religious literature and other personal items, such as tablets and IDs, and took pictures of the home. The Witnesses were brought to the police station and interrogated, and released about four hours later.

On 23 June 2017, a district police officer called Ms. SA to ask her to come to the police station. When she asked the reason, the officer replied that it had to do with the religious publications and a fine of a few thousand manat. When she came to the police station on **26 June**, the police officer told her that he was going to submit her case to court.

INTERFERENCE WITH MANIFESTATION OF BELIEF

Azerbaijan’s Law on Freedom of Religious Beliefs (Article 12) confines the activity of religious associations to their registered legal address. This contradicts the European Convention on Human Rights, which recognizes the right to manifest religious belief in democratic societies.

In addition, Azerbaijan law prohibits “foreigners and persons without citizenship . . . from participating in religious propaganda.” In December 2015, the Criminal Code was amended to stiffen penalties for foreigners who engage in “religious propaganda”—imprisonment for one to two years and up to five years of imprisonment in cases involving a prior arraignment or a repeated violation.

Between **October 2016 and July 2017**, Jehovah’s Witnesses reported ten cases of police interference with their manifestation of belief in sharing a Bible message in public. Typically, police officers stop the activity of the Witnesses, bring them to the police station, verbally abuse them, and threaten them with administrative charges and heavy fines.

Article 12 of
Azerbaijan’s Law
on Freedom of
Religious Beliefs
contradicts
the European
Convention on
Human Rights

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- 1. Binagadi. On 10 April 2017**, Ms. IK received a call from Binagadi Police Department No 6, asking that she report to the police department the next day. The police claimed that they had received an anonymous complaint about her. The chief of the police department told her that Jehovah's Witnesses have no registration in Binagadi District and therefore her activity was illegal; he did not specify what "activity." Ms. IK wrote a statement, signed it, and was released in three hours.
 - 2. Lankaran. On 1 June 2017**, police officers came to Ms. TH's home and showed her a search warrant signed by Judge Mahammadali Rzayev. A State Security Service employee and Prosecutor Office employees also took part in the raid, searching the house thoroughly and seizing all religious publications they found. The officers left at 12 a.m.
 - 3. Shamkir. On 23 June 2017**, Ms. KS was summoned to the police station because her son complained about her, and alleged that her daughter had brought many religious publications from Russia. With her written consent, police conducted a search in her home and confiscated all religious publications in sight, despite the fact that all were marked with Azerbaijan's control stamps.

On 5 July 2017, Ms. KS received a call asking her to again come to the police station and give a statement about the confiscated publications.

On 6 July 2017 Ms. KS was walking down the street when police pulled up beside her and took her to the police station to write another statement. Police alleged that she conducts meetings in her home, distributes religious materials, and speaks to others about her beliefs. The police officer informed her that the seized publications had been sent to the SCWRA for examination.

- 4. Baku. On 23 June 2017**, Mr. EB received a call from police asking that he to come to the police station the next day. **On 24 June 2017**, officers at the station asked Mr. EB about his fellow believers and whether meetings are conducted in their homes. They warned him that if he continued to share his beliefs outside of the Kingdom Hall, he would be criminally prosecuted.
- 5. Barda. On 25 June 2017**, police officers visited at least six Witnesses at their homes. At approximately 6:30 p.m. two police officers (including Mr. Vugar Mammadov) came to the home of three Witnesses and recorded their personal information. Officer Mammadov stated that despite the fact that there is religious freedom in Azerbaijan, he does not recommend that they share their religious beliefs, distribute publications, or conduct meetings in their home. Other Witnesses reported that they received the same message.

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 judgements that recognize 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.

Lokbatan. On 31 January 2017, Mr. AZ and Mr. JA were held overnight at the local police department for allegedly ‘hiding’ from the State Service for Mobilization and Conscription (SSMC). The two men were detained overnight, not provided with any food or a place to sleep, and insulted with obscene words. On **1 February 2017**, police took them to the SSMC. Mr. Ibishov, a SSMC employee, pressured them to serve in the army. Before releasing them, he explained that they will be summoned later.

Positive Developments

- ✎ **Import of religious publications.** The SCWRA has not refused import of any new publications of Jehovah’s Witnesses since November 2015. At present, Jehovah’s Witnesses do not have any claims in Azerbaijan courts against the SCWRA’s censorship of their religious literature.
- ✎ **Control stamps.** In April 2016, the government ran out of control stamps. As a result, the Religious Community of Jehovah’s Witnesses has imported 84 different publications without stamps. The issue has been resolved and the Religious Community in Baku now has no problem obtaining the necessary number of control stamps.
- ✎ **Large religious assemblies.** For a number of years it was impossible for Jehovah’s Witnesses to hold religious assemblies in larger rented venues. However, in 2016 and 2017 they obtained approval from the SCWRA to rent large venues to hold three annual religious events in Baku. **In August 2017**, the SCWRA facilitated Jehovah’s Witnesses holding regular religious meetings in a rented facility in Lokbatan. Over the years, meetings held in private homes in Lokbatan have been raided numerous times by the police.

Meetings With Officials

1. **13–16 September 2016.** Representatives of the European Association of Jehovah’s Christian Witnesses (EAJCW) visited Azerbaijan to meet with the chairman of the SCWRA, other officials in the government, and members of the diplomatic community. The objective of the meetings was to increase understanding and reduce the problems Jehovah’s Witnesses face in Azerbaijan. The discussions highlighted four main concerns:

- ✎ **The matter of registration** in Ganja and elsewhere, and reregistration in Baku
- ✎ **Lacking registration**, authorities convict with administrative violations for “unregistered religious activities” persons who meet peacefully for prayer and worship. In 2015/2016, authorities in Gakh, Ganja and Mingachevir imposed fines totalling more than 73,800 manat (over €40,000 or 45,000 USD), with each individual paying 1,500 or 2,000 manat (approximately 881 USD or 1,175 USD, respectively) per violation
- ✎ **The necessity**, but non-availability, of control stamps for literature approved for import by the SCWRA
- ✎ **The failure** to make provision in law for conscientious objection to military service, despite its being enshrined in Azerbaijan’s Constitution and their commitments to the Council of Europe

2. **18–24 April 2017.** The EAJCW representatives sought to further contacts with the SCWRA and the Council on State Support to Non-governmental Organisations under the Auspices of the President of the Republic of Azerbaijan, with a view to increasing understanding and reducing the problems faced by Jehovah’s Witnesses in Azerbaijan. They discussed:

- ✎ The ongoing failure to reregister the Baku Religious Association despite repeated promises that registration is imminent
- ✎ The continuing harassment of individuals attending peaceful meetings for worship
- ✎ The ongoing arrests and administrative prosecutions of Witnesses sharing their religious beliefs with others
- ✎ The recent communication by the ECHR of four cases, three in connection with neutrality (involving four applicants in total) and one in connection with censorship of religious literature



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

- Grant full registration to Jehovah's Witnesses in Baku and in other parts of the country
- Stop interfering with their worship and manifestation of belief
- Recognize the right to conscientious objection and provide an alternative civilian service programme conforming to international standards
- 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



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