

RELIGIOUS FREEDOM CONCERNS IN AZERBAIJAN**STATEMENT BY THE EUROPEAN ASSOCIATION OF
JEHOVAH'S CHRISTIAN WITNESSES**

For the OSCE Human Dimension Implementation Meeting, Warsaw, 24 September to 5 October 2012

Denial of registration

In compliance with the amended *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.

The State Committee for Work with Religious Associations (SCWRA) refused re-registration on technical grounds and offered no assistance to rectify the alleged errors. In fact, the SCWRA has consistently stated there is nothing the Community can do but voluntarily liquidate itself and apply for a new registration with no guarantee that it will be approved.

Jehovah's Witnesses' claim against the refusal went through the domestic courts to the Supreme Court, which has ignored the application of international laws and refused to satisfy the claim. An application (letter of introduction) has been filed in the European Court of Human Rights.

Adverse consequences of no registration

Without registration, citizens cannot secure a place of worship, import religious literature, or even meet together for worship in private homes.

- Jehovah's Witnesses in the city of Ganja applied to the SCWRA for registration in June 2011. The SCWRA has not answered the application.
 - Several Witnesses in Ganja have been ordered to pay exorbitant fines, from 500 to 2000 AZN (upwards of 600 to 2500 USD) for attending peaceful meetings for worship.
 - In some cases the courts have executed the fines. In July 2012, Asim Mammadov was sentenced to three days in jail for not paying his fine. The fact that he cannot afford the fine is irrelevant. Asim's jail time did not cancel the fine; therefore, Asim fears possible criminal proceedings or imprisonment.

Confiscation of religious literature and problems importing it

- From time to time the police stop the Witnesses while they are engaged in their public ministry. The Witnesses are not always prosecuted, but invariably they are harassed and their literature is confiscated for SCWRA inspection. They have received large fines for distributing religious literature not approved by the SCWRA.
 - At times, the police have entered Witnesses' homes without authorization and confiscated their personal Bible literature for SCWRA inspection.
- Religious communities and even individuals who wish to import religious literature, including the *Holy Bible*, must obtain prior permission from the SCWRA. It is illegal to bring any religious literature into Azerbaijan without first having it reviewed by the SCWRA. Witnesses who have taken religious literature with them out of Azerbaijan have had that same literature seized by customs authorities upon return to Azerbaijan days later.
 - Often the SCWRA completely refuses to allow import of Bible-based literature for the personal use of Jehovah's Witnesses, or routinely restricts import by 30 to 80%.

Denial of the right to conscientious objection

There is no provision for alternative civilian service in Azerbaijan and it appears that the government has no intention of providing alternative service so long as the conflict with Armenia continues.

- On 23 July 2012, Amid Zohrabov, in his early 20's, was taken by force to a military unit despite his conscientious objection, well documented with the military authorities since 2007. The military pressured him to wear a uniform and take the military oath, but Amid refused. Amid's parents filed a complaint with the military authorities demanding his immediate release. He was returned to Baku and released. Like other conscientious objectors, Amid does not know what will happen in the future because there is no alternative civilian service. He is currently at liberty and has not been prosecuted, but he lives in fear of another call up to military service with unknown consequences.
- Fakhraddin Mirzayev, age 19, was summoned to report for military service on 6 March 2012 by the State Service for Mobilization and Conscription ("SSMC"). Fakhraddin reported to the SSMC as requested. On 24 April 2012 he wrote to the SSMC explaining his conscientious objection to military service on the basis of his Scriptural beliefs. He requested alternative service on the basis of Article 76(2) of the *Constitution of Azerbaijan*. Fakhraddin hand delivered his written statement and verbally explained to officials why he would not serve in the military.

On 25 June 2012, the Ganja City Prosecutor's Office initiated a criminal case against Fakhraddin, charging him under Article 321.1 of the Criminal Code, which forbids "evasion without lawful grounds from the next appeal on military service or from an appeal on mobilization, with the purpose of evasion from serving in the military." On 27 August 2012 and 10 September 2012, the Kapaz District Court of Ganja considered his case and the next hearing is assigned for 25 September 2012. This is the first criminal prosecution of a Witness conscientious objector in Azerbaijan since Farid Mammadov was convicted in September 2010. Others have been investigated, but their cases were never referred to court.

A delegation of Jehovah's Witnesses is ready to meet with representatives of Azerbaijan attending the present conference in order to clarify any misunderstanding and to promote a constructive dialogue.