

Azerbaijan

ENGLISH only

Religious Freedom Concerns

Statement by the European Association of Jehovah's Christian Witnesses

OSCE Supplementary Human Dimension Meeting, Vienna

14 and 15 April 2016

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, now State Security Service, or SSS) unjustly jailed two women for sharing the Bible's message with their neighbours. Irina Zakharchenko and Valida Jabrayilova were in pretrial detention from 17 February 2015 to 28 January 2016.

22

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



CAUSE FOR APPLICATION	TOTAL
Police Raid	6
Reregistration	1
Manifesting Religious Belief	3
Censorship	5
Deportation	3
Conscientious Objection	4
Total	22

The two women were not only deprived of their liberty for almost one year, but they were detained in atrocious conditions. This took a serious toll on their physical, mental, and emotional well-being. In particular, 55-year-old Ms. Zakharchenko at the time of her release was emaciated due to malnutrition, sleep deprivation, and inadequate medical care.

The MNS isolated the women from the outside world. They could receive visits only from their attorneys. They were denied visits from family and friends.

On 28 January 2016, Pirallahi District Court Judge Akram Gakhramanov found Ms. Zakharchenko and Ms. Jabrayilova guilty and fined them each 7,000 manats (4,045 euros). The fines were cancelled on account of their pretrial detention. The judge completely ignored the Opinion of the UN Working Group on Arbitrary Detention, which concluded the women had acted lawfully and ought to be compensated for the violation of their rights.

The women appealed their convictions but on 29 March 2016, the Court of Appeal dismissed their complaints.

Abuses and Restrictions of Religious Freedom

Harassment and Raids on Religious Services

- (1) **Gakh.** On 23 March 2016, police officers abruptly stopped the observance of the Memorial of Christ's death—the most sacred religious event of the year for Jehovah's Witnesses—held in a private home. Police officers showed what purported to be a court order authorizing their search, and confiscated personal copies of religious publications, including Bibles. Officers then took all of the attendees to the local police division, interrogated them, and ordered them to write statements. All attendees were released at about 9:10 p.m., after police drew up protocols of Administrative Violations on six of the men.
- (2) **Mingachavir.** On 9 January 2016, police officers abruptly stopped a peaceful religious service held in the private home of Eldar Aliyev. Bursting into the house the police officers shouted at the attendees, demanding they stop the meeting for worship. Police officers declared the meeting was unlawful and that a permit was required to hold such meetings. Representatives of the Executive Authority, the municipality, and the State Committee for Work with Religious Associations (SCWRA) participated in the raid. Officers confiscated the attendees' personal copies of religious publications, including Bibles. The representative of the SCWRA stated that the Bible is a banned publication and it must therefore be confiscated. Afterward the police took all attendees to the Mingachavir Police Division, where police questioned and ordered them to write statements. The police held the Witnesses until 10:30 p.m., after having deprived them of their liberty for six hours.

On 3 March 2016, Mingachavir City Court Judge Huseyn Mirzaliyev convicted Eldar Aliyev under Article 515.0.2 of the Administrative Violations Code, and imposed a fine in the amount of 2,000 manats (1,156 euros).

After the raid the police officers summoned parents and children of the participants of the religious meeting. Police informed one of the parents, Arzu Ibrahimova, that they had issued a Protocol on Administrative Violation against her and that all materials, as set out under Article 51 of the Administrative Violations Code, were transferred to the Commission on Cases and Protection of Juveniles.

- (3) **Sahil Settlement, Baku.** On 17 January 2016, police officers burst into the home of Marina Asadova and abruptly interrupted a meeting for worship. The officers did not allow the meeting to continue and took Ms. Asadova to the local Police Division. Once the officers verified the religious publications under discussion were labeled with SCWRA control stamps, they returned Ms. Asadova home. The police recorded information about all of the Witnesses visiting the home and released them. The police warned that such meetings must not be held in Ms. Asadova's home again.
- (4) **Ganja.** On 14 November 2015, police officers raided the home of Nijat Panahov during a peaceful religious meeting. Police officers searched the home, confiscated religious literature and recorded everything on camera, without showing any warrant or court order sanctioning the search and seizure. Police then took all who attended the religious service to the Kapaz Police Division. There, reporters from various TV channels made video recordings of them and broadcast news stories about them. Police officers questioned the Witnesses one by one and ordered them to write statements. The Witnesses were held at the Police Division until 3:00 a.m. the following morning, without food or drink, deprived of their liberty for approximately ten hours.

From 18 to 26 November, at court hearings before Ganja Kapaz District Court Judge Yashar Hashimov, 12 of the Witnesses were each fined 2,000 manats (1,156 euros), making the total sum of the fines 24,000 manats (13,867 euros).

In December 2015, the Ganja Court of Appeal dismissed all of the Witnesses' appeals against their convictions and fines.

- Azerbaijan law prohibits “foreigners and persons without citizenship ... from participating in religious propaganda.” In December 2015, the Criminal Code was amended so that foreigners now face imprisonment for one to two years for engaging in so-called “religious propaganda,” and up to five years of imprisonment in cases involving a prior arrangement or a repeated violation.

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) **Gakh.** On 8 March 2016, Rahim Karimov and Giorgi Okrojashvili were speaking to a person who showed interest in the Bible and in the religious publications of Jehovah's Witnesses. A police officer approached them and asked what they were distributing. Rahim explained that they are talking about the Bible and that all of their religious literature had been granted permission for import by the SCWRA; each item bore the SCWRA's control stamp approving import. Despite this, police officers detained the Witnesses and took them to the local police division. They were held at the Police Division for approximately five hours, interrogated, and ordered to write statements. Officers exerted psychological pressure and physically intimidated the two Witnesses. The police drew up Protocols on Administrative Violations and accused them of violating Article 515.0.4 of the Administrative Violations Code. The case is being reviewed in the Gakh District Court.
- (2) Between August 2015 and March 2016, police detained and questioned 17 other 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* 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.

- (1) 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 submitted an application 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 submitted an application to the ECHR.
- (3) Farid Mammedov (2010) was criminally convicted and imprisoned for nine months. He submitted an application 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, each piece of imported literature—whether a book, DVD, or even one-page leaflet—must have the SCWRA's control stamp on it. The cost of a single stamp is 0.02 manats, and religious communities must obtain them at their own expense. This poses an additional financial burden on the religious community.

At present, Jehovah's Witnesses do not have any claims in Azerbaijan courts against the SCWRA's censorship of their 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. Although 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.

On 6 April 2016, another meeting is scheduled with Mr. Gurbanli and EAJCW and local representatives.

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

- (1) Stop interfering with their worship and manifestation of belief, and dismiss all fines levied against them for this peaceful religious activity
- (2) Recognize the right to conscientious objection and provide an alternative civilian service programme conforming to international standards
- (3) Recognize the right to religious freedom and fully register Jehovah's Witnesses
- (4) 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.

