

RELIGIOUS FREEDOM CONCERNS IN AZERBAIJAN

HDIM.NGO/0118/11
27 September 2011

STATEMENT BY THE EUROPEAN ASSOCIATION OF JEHOVAH'S CHRISTIAN WITNESSES

For the OSCE Human Dimension Implementation Meeting, Warsaw, 26 September to 7 October 2011

BACKGROUND

Jehovah's Witnesses were registered in Azerbaijan on December 22, 1999. More than 2,100 persons attend Bible-based meetings organized by Jehovah's Witnesses in Azerbaijan. Later the religious organization obtained re-registration in Baku on February 7, 2002. In 2009, as a result of the government making changes in the law, all religious communities were again required to obtain re-registration. In November 2009, the Religious Community of Jehovah's Witnesses applied for re-registration in compliance with this new legislation. However, the State Committee for Work with Religious Associations (SCWRA) refused their application on a technicality, an alleged failure to include necessary documents. Actually, in Baku Jehovah's Witnesses had made efforts to provide the documentation numerous times in harmony with the requirements for re-registration.

As of the writing of this report, Jehovah's Witnesses in Azerbaijan are left in a state of uncertainty. The recent hostile actions by the police as described in this report give basis for concern. The SCWRA's delay and ultimate denial of re-registration has emboldened the police to increase their efforts to disturb the Witnesses' peaceful meetings for worship and interfere with their public ministry as well as restrict the importation and distribution of Bible literature.

RESTRICTIONS ON RELIGIOUS FREEDOM

Ongoing	Nationwide	Censorship/ Problems with Importation of Religious Literature
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Jehovah's Witnesses have enormous problems with importing religious literature into Azerbaijan. The SCWRA continues to censor religious publications wherein they stipulate that they take "control of the production, import, and distribution of religious literature, items, and other religious informational materials, and gives its consent." When the SCWRA does approve import of Jehovah's Witnesses' religious literature, it almost always arbitrarily restricts the quantity that may be imported. As a result, Jehovah's Witnesses do not have enough literature to worship freely. Currently, the SCWRA has refused the import of more than 30 religious publications of Jehovah's Witnesses. Because of the government's restrictions, of all member states of the Council of Europe, Azerbaijan imports the lowest quantity of Jehovah's Witness literature per adherent.

ABUSES OF RELIGIOUS FREEDOM

Azerbaijani courts have imposed heavy fines on Jehovah's Witnesses for distributing religious literature and attending religious meetings for worship. One of Jehovah's Witnesses was fined 1,500 AZN for attending such a meeting in the city of Ganja. Police have conducted unauthorized searches in the apartments of Jehovah's Witnesses.

Abuses fell into the following categories: searches, fines, and arrests for possession of religious literature, abuses that required litigation both at the ECHR level and at the domestic level, and denial of the right to conscientious objection.

June 16, 2011	Barda	Arrest/Confiscation of Literature
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On June 16, 2011, police detained Vafa Shikarli and Yegana Ismayilova for sharing their religious faith in the village of Divanli. The three police officers threatened to use force against the two women if they would not voluntarily accompany them to the Barda District Police Station.

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The police confiscated their Bibles, stating these were forbidden in Azerbaijan because they did not contain a note inside saying that Hidayat Orujov, the Chairman of the SCWRA, had approved the book. One of the officers said the activities of Jehovah’s Witnesses were forbidden in Azerbaijan.

June 12, 2011	Ganja	Arrests/Convictions/Fines.
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On June 12, 2011, at 11:15 a.m., after a religious meeting at Ms. Gahramanova’s home had concluded, Mr. Firdovsi Karimov, Chairman of the West Branch of the SCWRA entered Ms. Gahramanova’s home and would not allow even the sick and elderly to leave. All 37 meeting attendees were taken to Nizami District Police Stations. Mr. Karimov and a police officer met with Mr. Valiyev, Mr. Niftaliyev, Ms. Gahramanova, and Ms. Sadigova, explaining that Jehovah’s Witnesses were illegal. The police officers spoke also about Islam. The police told the Witnesses they would be fined and if they did not pay, they would be put in prison. Some of the Witnesses were detained at the police station for almost ten hours. Two of them were fined 500 AZN, one 1,500 AZN.

April 29, 2011	Lankaran	Confiscation of Literature
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On April 29, 2011, in the city of Lankaran, a police officer and two representatives of the SCWRA went to the home of Ms. Gulnaz Nasirova. She was questioned about her religion and about other Witnesses in that region. Later that day police officers came to her house, entered without permission, and conducted a search, confiscating approximately twenty Bible-based books and magazines. From a personal notebook that the police had confiscated from her, the police also learned the names of those with whom Ms. Nasirova discusses the Bible and later the police summoned these persons to the police station where they also were questioned. During the hearing Judge Tayyar Abbasli spoke about the superiority of Islam and the Koran over Christianity and the Bible. The judge frequently spoke disparagingly of Jehovah's Witnesses.

April-May 2011	Lokbatan	Religious Service Disrupted
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On April 16, Officer Baghirov of the Garadagh District Police disrupted a religious meeting at the home of Ms. Esmira Ismayilova, informing everyone present it was illegal. He demanded and wrote down the personal information of everyone in attendance. He shouted very loudly that if the Witnesses would hold another meeting there, he would take them all to the police station.

April 16, 2011	Gakh	Arrest/Confiscation of Literature
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Mr. Vusal Bakirov approached a man and offered him the tract *Will This World Survive?* which the SCWRA had approved for import and distribution in 2007. The man accepted the tract, but made a complaint to the police. Police officers detained Mr. Bakirov at the police station. He was later charged with distribution of non-approved literature pursuant to Article 300.0.2 of the AVC, which forbids distribution of religious literature not approved by the State.

2007-Present	Nationwide	Discriminatory Deportation of Foreigners
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Since 2007, thirteen foreign Jehovah’s Witnesses staying in Azerbaijan have been deported on the basis of Article 300 of the Code on Administrative Violations, which prohibits foreigners from spreading “religious propaganda,” without precisely defining what that means.

Ongoing	Nationwide	Violations Requiring Applications Before the European Court of Human Rights
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Jehovah’s Witnesses have filed with the European Court of Human Rights more than 10 applications against Azerbaijan. These applications concern a variety of issues, such as censorship of

religious literature, police raids on religious meetings, deportation of foreigners, and imprisonment of conscientious objectors. Some examples are:

Religious Community of Jehovah’s Witnesses (II) v. Azerbaijan (Application filed on September 28, 2009): This application concerns the refusal of the State Committee to give permission for the import of religious publications. (See *Censorship/Problems with Importation of Religious Literature*).

Mursalov and Others v. Azerbaijan (Application filed on January 12, 2010): This application concerns four shocking incidents of unlawful intrusions on peaceful assemblies of Jehovah’s Witnesses all of a very similar nature, that took place on 3 June, 11 June, 6 September and 5 November 2008.

Gridneva v. Azerbaijan (Application filed on May 5, 2011): This application concerns an incident in which the Applicant, Nina Gridneva, was arrested, unlawfully detained, prosecuted, convicted, and fined for manifesting her religious beliefs. She had been engaging in the peaceful ministry for which Jehovah’s Witnesses are well-known and which is accepted throughout the member States of the Council of Europe and protected by the longstanding jurisprudence of this European Court of Human Rights. (*Kokkinakis v Greece* no. 14307/88)

Ongoing	Nationwide	Denial of the Right to Conscientious Objection
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In June 1992, the right to conscientious objection was included in Article 2 of the Law on the Armed Forces, which states: “[I]n the cases defined by law, the citizens of the Republic of Azerbaijan who cannot accept active military service because of their beliefs or other reasons must serve 24 months alternative service.” Still, this right is not respected.

Several Jehovah’s Witnesses, who have been imprisoned for their refusal to perform actual military service, have brought their cases before the ECHR. An example is the application *Farid Mammadov v. Republic of Azerbaijan* (Application filed on July 18, 2011). This application concerns the Republic of Azerbaijan’s state-sponsored criminal prosecution and conviction of a young male Jehovah’s Witness, Mr Farid Mammadov, for his conscientious objection to military service. The Supreme Court of the Azerbaijan Republic upheld the Court of Appeal’s decision that confirmed the Nasimi District Court’s ruling to sentence Mr Mammadov to nine months imprisonment. This prosecution was undertaken despite Mr Mammadov’s willingness to perform alternative civilian service according to his conscientious religious beliefs.

RELIGIOUS FREEDOM OBJECTIVES

Jehovah’s Witnesses in Azerbaijan and as a worldwide organization call upon the government of Azerbaijan to:

- (1) Provide re-registration to the religious community of Jehovah’s Witnesses.
- (2) Protect the right to profess one’s religious beliefs individually or jointly with others.
- (3) Prevent further illegal interference from the police authorities with the peaceful exercise of the freedom of religion and freedom of assembly.
- (4) Provide acceptable alternative civilian service for conscientious objectors.
- (5) Allow importation of Bible literature without censorship, as guaranteed by the Azerbaijan Constitution and the European Convention on Human Rights.