



THE EUROPEAN ASSOCIATION OF  
JEHOVAH'S CHRISTIAN WITNESSES

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From The European Association  
of Jehovah's Christian Witnesses

Contribution to the Report of the U.N. High Commissioner for Human Rights  
on the implementation of the new review mechanism of the Human Rights Council,  
established by GA Resolution 60/251  
and by the Human Rights Council in Resolution 5/1 of 18 June 2007  
for the 16<sup>th</sup> session 2013 of the UPR  
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# AZERBAIJAN

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# **WRITTEN SUBMISSION OF RELEVANT STAKEHOLDER TOWARDS THE UPR PROCESS**

## **SUMMARY OF THE SUBMISSION**

The Azerbaijan Republic refuses to provide reregistration to the Religious Community of Jehovah's Witnesses, restricts the importation and distribution of their religious literature, and convicts and fines Jehovah's Witnesses for participating in peaceful religious activity. Foreigners are prohibited to conduct any religious activity in Azerbaijan. Despite its obligations, the Azerbaijan Republic refuses to protect the rights of conscientious objectors to military service. We respectfully request the Azerbaijan Republic to stop, in harmony with its commitment to the norms of international society, the campaign of religious persecution against Jehovah's Witnesses.

## **I. INTRODUCTION**

1. The European Association of Jehovah's Christian Witnesses is a Charity registered in the UK and the Association is assisting the adherents of the faith of Jehovah's Witnesses in various areas of the world.
2. More than 2,600 persons attend Bible-based meetings organized by Jehovah's Witnesses in Azerbaijan. Authorities registered them in 1999 and again in 2002 in harmony with changes in the law. Although Jehovah's Witnesses peacefully practice their worship, they have experienced growing difficulties and have been denied reregistration required by the 2009 law. This lack of registration is regularly used by Azerbaijani authorities to justify their harassment of Jehovah's Witnesses.

## **II. DOMESTIC IMPLEMENTATION OF RELIGIOUS FREEDOMS**

### **A. Recommendations made during the 11th Session of UPR in 2009**

3. During the 11<sup>th</sup> Session of the Universal Periodic Review in 2009, paragraph 96.18 under Section II "Conclusions and/or Recommendations" called upon Azerbaijan to "Improve respect for the right to freedom of assembly in line with its domestic legislation and its obligations under article 21 of the ICCPR."
4. Paragraph 96.19 called upon Azerbaijan to "Take fully into account the recommendations of the Special Rapporteur on Freedom of Religion aimed at promoting and fully ensuring freedom of religion for all religious communities throughout Azerbaijan"; and to "Come to a more streamlined and transparent registration process and visa issuing for clergy and religious personnel in general."
5. As demonstrated by the examples below, Azerbaijan has not improved its record on these points from the last UPR cycle. For example, regarding paragraph 96.19 and the recommendations of the Special Rapporteur on Freedom of Religion, the 2006 Report of the Special Rapporteur on freedom of religion or belief (by Asma Jahangir) called upon Azerbaijan for greater respect for freedom of religion. Specifically addressed in that report were matters of registration, censorship, conscientious objection, places of worship and religious sites, and immigration policy as it relates to religious workers—all of which remain problematic in Azerbaijan today, as experienced by Jehovah's Witnesses.

### **III. REGISTRATION ISSUES**

#### **B. Registration of Religious Community in Baku**

6. Jehovah's Witnesses were registered in Baku, the capital of Azerbaijan, on December 22, 1999. As a result of the government making changes in the law, the religious organization was required to reregister in Baku on February 7, 2002. New changes in the law took place in May 2009. Therefore, in November 2009, Jehovah's Witnesses applied for reregistration in compliance with this new legislation. In late February 2010, they learned that the State Committee for Work with Religious Associations (SCWRA) had refused their application on a technicality, an alleged failure to include necessary documents.
7. Actually, the Religious Community of Jehovah's Witnesses in Baku had made several efforts to provide the documentation in harmony with the requirements for reregistration and attempted to bring this fact to the attention of the State Committee. Nevertheless, the State Committee informed the Witnesses that the Religious Community would have to be voluntarily dissolved, and reapplication for registration would have to be made, with no guarantee that it would be granted. Therefore Jehovah's Witnesses filed with the court an appeal against the SCWRA's refusal to provide reregistration. This resulted in a court case that ultimately went to the Supreme Court of Azerbaijan. On February 1, 2012, this court upheld the decision of the lower court, thus refusing to give Jehovah's Witnesses full legal status. Under Azerbaijani law, in order to liquidate the religious community's existing registration of February 7, 2002, the SCWRA would have to obtain a court order. Therefore, Jehovah's Witnesses in Azerbaijan are left in a state of uncertainty.

#### **C. Convictions, Fines, and Imprisonment Resulting from Lack of Registration in Places Outside of Baku**

8. Jehovah's Witnesses in Azerbaijan have repeatedly attempted to obtain registration in places outside of Baku. On April 9, 2009, they filed an application for nationwide registration, and on December 30, 2009, they updated this application in accordance with changes in the law. However, no reply has been received from these applications. Jehovah's Witnesses have also filed applications for registration in the cities of Barda and Ganja. After the SCWRA denied these applications for alleged technical deficiencies, a new application was filed for registration in Ganja; however, this application has never been answered.
9. Azerbaijani authorities have repeatedly raided religious meetings of Jehovah's Witnesses in places where the SCWRA refused to provide registration, stating that such meetings violate the law. For example, on November 20, 2011, police officers raided a peaceful meeting of Jehovah's Witnesses in the city of Ganja. Six Witnesses were taken to the Kapaz District Court and convicted for attending religious meetings without government authorization. Two of the Witnesses were fined AZN 2,000 (approximately USD 2,530) each, and four others were each fined AZN 1,500 (approximately USD 1,900). Asim Mammadov, one of the convicted persons, was not able to pay such an enormous fine, and on July 18, 2012, the Kapaz District Court ruled to imprison him three days for non-payment of the fine.

### **IV. CENSORSHIP OF RELIGIOUS LITERATURE**

#### **A. Censorship by SCWRA Severely Restricts Importation of Religious Literature**

10. Jehovah's Witnesses have great difficulty importing religious literature into Azerbaijan. The SCWRA continues to censor religious publications. Currently, the SCWRA refused the

import of more than 30 different religious publications of Jehovah's Witnesses. The highly subjective nature of this censorship is shown by the example of one of the banned publications: the book *What Does the Bible Really Teach?* The ruling to refuse its importation was issued in 2007, by the SCWRA and was based on the subjective assessment of its own Department of Religious Studies Expertise, Public Affairs, and Analysis. However, that department had previously examined the same book and had not objected to its being imported.

The SCWRA not only decides which publications are allowed for import, it also fixes the maximum quantity of each publication allowed importation. Currently, Jehovah's Witnesses receive permission to import only 1,000 copies of each monthly issue of *The Watchtower*, though more than twice this number are worshipping with them. Consequently, many persons desiring a copy of this magazine are unable to obtain one.

## **B. Convictions and Fines Resulting from Censorship of Religious Literature**

11. Azerbaijani law prohibits the distribution of religious literature if the SCWRA does not give permission for its import. Since March 2010, eight Jehovah's Witnesses have been fined AZN 200 (USD 255) for the "crime" of distributing such literature, despite the fact that no evidence of distribution was put before the court. The Azerbaijani authorities have repeatedly made unauthorized searches in the houses of individual Jehovah's Witnesses, confiscated their religious literature, and sent it to the SCWRA for review. Since December 2010, the maximum fine for distribution of religious literature for which the SCWRA did not give permission to import is AZN 2,500 (USD 3,183).

## **V. CONSCIENTIOUS OBJECTION**

12. Article 76(2) of the Constitution of the Azerbaijan Republic provides for alternative service rather than regular military service where one's religious beliefs conflict with military service. On August 13, 1992, Azerbaijan ratified the *International Covenant on Civil and Political Rights* (ICCPR) that protects the right of conscientious objection to military service. On April 15, 2002, Azerbaijan became a signatory to the *European Convention of Human Rights*. On July 7, 2011, the European Court of Human Rights ruled that the right of conscientious objection to military service is recognized as being fully protected under Article 9 of the *Convention* and that as a result, the imprisonment of a conscientious objector is viewed as a violation of fundamental rights in a democratic society.
13. Despite international obligations, Azerbaijan continues to harass, prosecute, and imprison individuals whose deeply held religious convictions do not allow them to engage in military service. On July 16, 2010, the Nisami District Court sentenced 22-year-old Farid Mammadov to nine months imprisonment although he was ready and willing to perform alternative civilian service that is not under military control. There is no legislation in force to establish a mechanism for the Constitution's provision of alternative service.

Another example in on July 23, 2012, the State Service for Mobilization and Conscription forcibly took conscientious objector, Amid Zohrabov, to a military post. For 15 days Amid was deprived of his liberty and unlawfully confined against his will, despite the fact that he had not been convicted of any criminal or administrative offence and that he was also ready and willing to perform alternative civilian service that is not under military control.

Fakhraddin Mirzayev, age 19, was summoned for military service on March 6, 2012, by the State Service for Mobilization and Conscription (SSMC). He reported as requested. On

April 24, 2012, he wrote to the SSMC explaining his conscientious objection to military service on the basis of his Scriptural beliefs and 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 June 25, 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 September 25, 2012, Fakhraddin received a one-year prison sentence that was effective immediately. 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.

## VI. DEPORTATION OF FOREIGNERS

14. Since 2007, 13 foreign Jehovah's Witnesses residing 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. Article 48 of the *Constitution of the Republic of Azerbaijan* maintains: "Everyone has the right to define his/her attitude to religion, to profess, individually or together with others, any religion . . . and spread one's beliefs concerning religion."
15. The General Comment 15 by the United Nations Human Rights Committee under the ICCPR, ad §7 states: "Aliens receive the benefit of the right of peaceful assembly and of freedom of association. (...) There shall be no discrimination between aliens and citizens in the application of these rights. These rights of aliens may be qualified only by such limitations as may be lawfully imposed under the Covenant."

## VII. CONCLUSION

16. Jehovah's Witnesses in Azerbaijan and as a worldwide organization respectfully request the Azerbaijan Republic to:
  - (1) Provide re-registration to the religious community of Jehovah's Witnesses in Baku.
  - (2) Provide registration to religious communities of Jehovah's Witnesses in other cities.
  - (3) Protect the right to profess one's religious beliefs individually or jointly with others.
  - (4) Prevent further illegal interference from the police authorities with the peaceful exercise of the freedom of religion and freedom of assembly.
  - (5) Provide acceptable alternative civilian service for conscientious objectors.
  - (6) Allow importation of Bible literature without censorship.
  - (7) Prevent the deportation or arrest of foreign citizens peacefully assembling for religious meetings.
  - (8) Rescind the deportation orders against Jehovah's Witnesses already illegally deported from Azerbaijan.