

RELIGIOUS FREEDOM CONCERNS IN AZERBAIJAN**STATEMENT by the EUROPEAN ASSOCIATION OF JEHOVAH'S CHRISTIAN WITNESSES****For the OSCE Human Dimension Implementation Meeting, Warsaw, 23 September to 4 October 2013****Denial of re-registration**

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 of January 2010.

The State Committee for Work with Religious Associations (SCWRA) refused re-registration on technical grounds, and has refused to allow the Community to rectify the alleged errors. The only recourse the SCWRA has offered is for the Community to 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 ignored the application of international laws and refused to satisfy the claim. On 16 September 2012, the Witnesses filed an application with the European Court of Human Rights.

Consequently, the SCWRA excludes Jehovah's Witnesses from the list of registered religious associations posted on its official Web site, www.scwra.gov.az.

Restrictions on unregistered religious activity

Article 12 of the *Law on Freedom of Religious Beliefs* requires that religious associations engage in activity only at their registered legal address. Citizens who engage in religious activity outside a religious association's legal address risk being punished with an AZN 1500-2000 (EUR 1,432-1,910) fine. This provision contradicts the jurisprudence of the European Court of Human Rights, which recognizes the right of evangelism in democratic societies. (See *Kokkinakis v. Greece*, 25 May 1993, §§ 31,48, Series A no. 260-A)

- In April 2013 in Gakh and in July 2013 in Baku, police detained a total of four Jehovah's Witnesses and charged them with quasi-criminal offences. The Witnesses' literature was confiscated and forwarded to the State Committee for review. What wrong had they allegedly committed? By speaking to their neighbours about the Bible at private homes, they were allegedly engaging in religious "illegal missionary activity" outside their religious association's registered legal address. Thankfully, courts dismissed the charges.
- In cities where Jehovah's Witnesses do not have registration, police consider their peaceful religious meetings unlawful.
 - On 26 May 2013, police raided a peaceful meeting of Jehovah's Witnesses held in the city of Shamkir, where approximately 15 individuals had gathered to discuss the Holy Scriptures. Police officers entered the home without a court order or search warrant and interrupted the religious service. The police seized all of the religious literature in sight and took six Jehovah's Witnesses to the Shamkir police station. After the police questioned and insulted them for two hours, they warned the Witnesses not to hold religious meetings without receiving permission from the government.

No provision of alternative civilian service for conscientious objectors

Contrary to its commitments in becoming a Member State of the Council of Europe, Azerbaijan has made no provision for alternative civilian service, leading to convictions of conscientious objectors to military service. At present, none are imprisoned.

- On 12 March 2013, Goychay District Court convicted Kamran Mirzayev of "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." The Court sentenced him to nine months' imprisonment. This was despite the fact Kamran had appeared at the State Service

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for Mobilization and Conscription (SSMC) each time he was summoned, and had requested alternative service on the basis of Article 76(2) of the *Constitution of the Azerbaijan Republic*. Kamran consistently explained to the SSMC that he conscientiously objected to military service on the basis of his religious beliefs. On 15 May 2013, the Shaki Court of Appeal upheld the lower court's conviction and sentence. On 20 June 2013, Kamran was released from prison as a result of a general amnesty.

- On 25 September 2012, Ganja Kapaz District Court convicted Fakhraddin Mirzayev (not related to Kamran Mirzayev) for his conscientious objection to military service and sentenced him to one year of imprisonment. Fakhraddin's conviction and sentence were upheld by Ganja Court of Appeal on 21 November 2012. On or around 22 May 2013, Fakhraddin was released from prison as a result of a general amnesty.

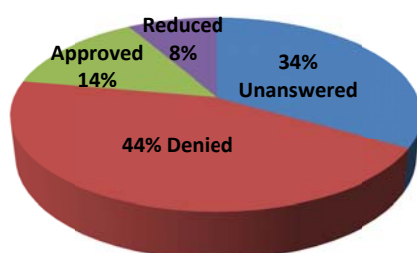
State censorship of religious literature

Azerbaijani law stipulates that religious literature can be imported only with prior permission of the State Committee for Work with Religious Associations. There are currently five applications pending before the European Court of Human Rights on this issue.

- Since 26 July 2012, Jehovah's Witnesses have requested permission to import 93 different religious publications, including the Bible, in various languages. The SCWRA has refused to allow import of 31 of the requested items, and has not answered requests to import 37 others. Inordinate delays and an increasing number of refusals severely limit Jehovah's Witnesses' lawful access to religious literature, affecting their worship. Currently, 83 different publications of Jehovah's Witnesses are banned in Azerbaijan. Anyone who imports or distributes unapproved literature may be punished with a fine of AZN 5,000-7,000 (EUR 4,774-6,684) or up to two years' imprisonment.
- Each month, Jehovah's Witnesses publish two issues of *The Watchtower* and one issue of *Awake!* *The Watchtower* is published in 209 languages with a circulation of almost 45 million copies, making it the most widely circulated magazine on earth. *Awake!* has a worldwide circulation of over 43.5 million copies in 99 languages. Though the SCWRA approved import of 96% of the September 2009 to August 2012 issues of *The Watchtower* and *Awake!*, the situation has changed abruptly for the worse.

SCWRA Response to Import Requests

The Watchtower and *Awake!*



The SCWRA refused to allow import of 44% of the September 2012 to August 2013 issues because the journals allegedly contain "thoughts that can create religious hatred and hostility." Twenty-two percent of the issues deemed acceptable were still subject to restriction on the quantity permitted to be imported. The SCWRA has not answered the Community's requests to import the remaining 34% of the issues, has not provided reasons for its inaction, and has provided no evidence in support of its refusals and restrictions on quantity.

Jehovah's Witnesses respectfully request Azerbaijan to register them with full legal status, to introduce alternative civilian service in harmony with European standards, and to stop interfering with their worship by censoring their religious literature.