

RELIGIOUS FREEDOM CONCERNS IN AZERBAIJAN

ORAL STATEMENT BY THE EUROPEAN ASSOCIATION OF JEHOVAH'S CHRISTIAN WITNESSES
Presented to the OSCE HDIM, Warsaw, 29 September to 10 October 2008

In spite of their being legally registered in Azerbaijan, Jehovah's Witnesses are experiencing increasing difficulties in exercising their religious freedom. Government agencies have illegally raided religious meetings and mistreated those in attendance. Others have been deported. Conscientious objectors are criminally charged and sentenced. Religious literature is censored and often denied importation.

Illegal police interference: A disturbing pattern of police interference with religious meetings of Jehovah's Witnesses has been developing. Police have used deceit or force to enter private homes where meetings have been held. Victims of these incidents have been subjected to brutal assaults, hours of intimidating police questioning, verbal abuse and slanderous accusations, though they are peaceful, law-abiding citizens who happen to espouse the teachings of the Bible and attend meetings of Jehovah's Witnesses. The victims of this physical abuse have included women and children—even pregnant women were subjected to inhumane treatment.

Lack of alternative civilian service: There is no provision for an alternative civilian service despite Azerbaijan's commitments to the Council of Europe. On June 21, 2006, conscientious objector Mushfiq Mammedov was sentenced to and served a conditional sentence of six months for draft evasion. On June 5, 2008, the prosecutor's office of the Sabail district in Baku again instigated a criminal case against Mammedov, though the Criminal Code of Azerbaijan does not allow condemning a person twice for the same crime. Samir Huseynov, a 22-year-old Jehovah's Witness, was sentenced on October 4, 2007, to 10 months in prison for evading military service. On May 1, 2008, he was released but his conviction stood. These cases are currently before the European Court of Human Rights as a part of the application *Mushfiq Mammedov & Samir Huseynov v. Republic of Azerbaijan*, dated March 7, 2008.

Deportation: The Azerbaijan government continues to violate the guarantees of Articles 9, 10, and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms by deporting citizens of member states of the Council of Europe on specious charges of engaging in "religious propaganda." Although these individuals were merely worshipping with their fellow members and not engaged in any criminal activity, they were unjustly arrested and deported from Azerbaijan. The actions of the Azerbaijan government are in clear violation of the European Court of Human Rights decisions in *Kuznetsov v. Russia*, 11 January 2007, and *Kokkinakis v. Greece*, 25 May 2003, which held that Jehovah's Witnesses were entitled to the protection of freedom of religion under Article 9 of the Convention. In *Kuznetsov* the Court stated:

It is undeniable that the collective study and discussion of religious texts by the members of the religious group of Jehovah's Witnesses was a recognised form of manifestation of their religion in worship and teaching. . . . The Court notes that the main purpose of the applicants' gathering on 16 April 2000 was to join in Biblical study and public worship. In doing so they undeniably exercised their rights to freedom of expression and to freedom of peaceful assembly under Articles 10 and 11 of the Convention. (§§53 and 57).

Censorship of literature: There are ongoing problems with importing religious literature. The State Committee for Work With Religious Associations approves some items of literature of Jehovah's Witnesses but denies other items on the basis that their "contents promote the exclusiveness of the faith of Jehovah's Witnesses and insult the feelings of other Christian religions." Additionally, the

Committee has issued several warning letters against the Community of Jehovah's Witnesses because of the Witnesses' public ministry and their attempts to import these prohibited religious publications.

We are concerned that the sufferings Jehovah's Witnesses endured during the Soviet era may be revived. Our representatives have had some initial dialogue with the authorities in Baku to discuss these concerns and we hope that it will be possible to resolve these problems peacefully. In the meantime, we urge the authorities to issue orders to the police to desist from interfering with our peaceful religious activities.