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Freedom of expression in a religious context

Conviction of author and editor for article's remarks on Islam was excessive, breached their freedom of expression

Registrar of the European Court (05.12.2019) - www.echr.coe.int - In today's Chamber judgment in the case of Tagiyev and Huseynov v. Azerbaijan (application no. 13274/08) the European Court of Human Rights held, unanimously, that there had been a violation of Article 10 (freedom of expression) of the European Convention on Human Rights.

The case concerned the applicants' conviction for inciting religious hatred and hostility with their remarks on Islam in an article they had published in 2006.

The Court found in particular that the national courts had not justified why the applicants' conviction had been necessary when the article had clearly only been comparing Western and Eastern values, and had contributed to a debate on a matter of public interest, namely the role of religion in society.

Indeed, the courts had simply endorsed a report finding that certain remarks had amounted to incitement to religious hatred and hostility, without putting them in context or even trying to balance the applicants' right to impart to the public their views on religion against the right of religious people to respect for their beliefs.

Principal facts

The applicants, Rafiq Nazir oglu Tagiyev and Samir Sadagat oglu Huseynov, are Azerbaijani nationals who were born in 1950 and 1975 respectively. Mr Tagiyev, now deceased, lived in Baku and was a well-known writer and columnist. Mr Huseynov lives in Lankaran (Azerbaijan) and used to work as editor-in-chief of Sanat Gazeti (Art Newspaper).

The case concerns the applicants' conviction for the publication of an article in November 2006 in Sanat Gazeti as part of a series written by Mr Tagiyev comparing Western and Eastern values. The article, entitled "Europe and us", led to criticism by various

Azerbaijani and Iranian religious figures and groups and to a religious fatwa calling for the applicants' death.

Shortly after publication of the article, the applicants were prosecuted for inciting religious hatred and hostility. A district court ordered the applicants' detention pending trial.

The investigator in charge of the case ordered a forensic linguistic and Islamic assessment of the article. The resulting report characterised certain remarks, in particular those concerning morality in Islam, the Prophet Muhammad, Muslims living in Europe and Eastern philosophers, as incitement to religious hatred and hostility.

Endorsing the conclusions of that report, the domestic courts found the applicants guilty as charged in May 2007 and sentenced them to three and four years' imprisonment respectively. All their subsequent appeals were unsuccessful.

The applicants were released in December 2007 following a presidential pardon, having spent more than one year in detention.

Complaints, procedure and composition of the Court

Relying in particular on Article 10 (freedom of expression), the applicants alleged that their criminal conviction had been unjustified and excessive.

The application was lodged with the European Court of Human Rights on 7 March 2008.

Judgment was given by a Chamber of seven judges, composed as follows:

Angelika Nußberger (Germany), President, Gabriele Kucsko-Stadlmayer (Austria), Ganna Yudkivska (Ukraine), Síofra O'Leary (Ireland), Mārtiņš Mits (Latvia), Lətif Hüseynov (Azerbaijan), Lado Chanturia (Georgia),

and also Claudia Westerdiek, Section Registrar.

Decision of the Court

First, the Court noted that there was no dispute that the applicants' criminal conviction had amounted to an interference with their right to freedom of expression. That interference had had a basis in national law, Article 283 of the Criminal Code, and had aimed at protecting the rights of others and preventing disorder.

The Government had argued that the applicants' conviction had also met a pressing social need as their article had been an abusive attack on Islam and had offended and insulted religious feelings.

The Court, on the other hand, found that it was clear from reading the whole text of the article that it had mainly been a comparison of Western and European values and should therefore be examined not only in the context of religious beliefs, but also in that of a debate on a matter of public interest, namely the role of religion in society.

Furthermore, it found that the national courts had failed to justify the applicants' conviction with "relevant and sufficient" reasons. The courts had merely endorsed the forensic report, without giving any explanation as to why certain remarks in the article had been singled out as constituting incitement to religious hatred and hostility. The report had essentially provided a legal characterisation of those remarks, thus going far beyond resolving language and religious issues. Such a situation was unacceptable for

the Court, which stressed that all legal matters should be resolved exclusively by the courts.

Moreover, the courts had not assessed the remarks in context. They had neither considered the public interest nor the author's intention, and in particular whether the use of provocation or exaggeration had been justified.

Indeed, in their decisions convicting the applicants, the courts had not even tried to balance the applicants' right to impart to the public their views on religion against the right of religious people to respect for their beliefs.

Lastly, the Court found that there had been no justification for the imposition of imprisonment on the applicants. Such a severe sanction could dissuade the press from openly discussing religion and its role in society, and generally have a chilling effect on freedom of expression in Azerbaijan.

The Court concluded that the applicants' conviction had been disproportionate and had therefore not been "necessary in a democratic society", in violation of Article 10.

Just satisfaction (Article 41)

The Court held that Azerbaijan was to pay Mr Tagiyev's wife and Mr Huseynov 12,000 euros (EUR) each in respect of non-pecuniary damage and EUR 850 in respect of costs and expenses.

Conscientious objection to military service: Jehovah's Witnesses win their case

Lack of civilian service as an alternative to military service precluded recognition of conscientious objection, in breach of the Convention.

Registrar of the European Court (17.10.2019) - In today's Chamber judgment 1 in the case of *Mushfig Mammadov and Others v. Azerbaijan* (application no. 14604/08) the European Court of Human Rights held, unanimously, that there had been: a violation of Article 9 (right to freedom of conscience, thought and religion) of the European Convention on Human Rights.

The case concerned the applicants' refusal on religious grounds to serve in the army.

The Court observed that the criminal prosecutions and convictions of the applicants on account of their refusal to perform military service had stemmed from the fact that there was no alternative service system under which individuals could benefit from conscientious objector status. That amounted to an interference which had not been necessary in a democratic society.

The case highlighted an issue relating to the lack of legislation on civilian service as an alternative to military service in Azerbaijan. The enactment of such a law corresponded to a commitment entered into by Azerbaijan on its accession to the Council of Europe and was also a requirement under the country's own Constitution.

Principal facts

The applicants, Mushfig Faig oglu Mammadov, Samir Asif oglu Huseynov, Farid Hasan oglu Mammadov, Fakhraddin Jeyhun oglu Mirzayev and Kamran Ziyafaddin oglu Mirzayev, are five Azerbaijani nationals who were born in 1983, 1984, 1987, 1993 and 1994 respectively and live in Baku and Ganja (in the case of Mr Fakhraddin Jeyhun oglu Mirzayev) (Azerbaijan). All five state that they are Jehovah's Witnesses.

The applicants, who are all of age to be called up for military service, informed their local military commissariats or recruitment offices that they wished to be exempted from such service and, in the case of most of them, to perform alternative civilian service. They were all prosecuted under Article 321.1 of the Penal Code and sentenced to imprisonment. Their appeals were dismissed.

Complaints, procedure and composition of the Court

Relying on Article 9 (right to freedom of conscience, thought and religion), the applicants complained about their convictions for having refused to serve in the army. Relying on Article 4 of Protocol No. 7 (right not to be tried or punished twice), the first applicant alleged that his second conviction amounted to a violation of that provision.

The applications were lodged with the European Court of Human Rights on 7 March 2008, 18 July 2011, 3 December 2013 and 21 August 2015.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution. Judgment was given by a Chamber of seven judges, composed as follows:

Angelika Nußberger (Germany), President, Ganna Yudkivska (Ukraine), Yonko Grozev (Bulgaria), Síofra O'Leary (Ireland), Mārtiņš Mits (Latvia), Lətif Hüseynov (Azerbaijan), Lado Chanturia (Georgia),

and also Claudia Westerdiek, Section Registrar.

Decision of the Court

Article 9

The Court observed that the applicants' objection to performing military service had been based on sincere religious convictions which had come into serious and insuperable conflict with their military service obligations.

The Court reiterated that freedom of thought, conscience and religion was one of the cornerstones of a "democratic society" within the meaning of the Convention. That freedom presupposed, inter alia, the liberty to adhere, or not to adhere, to a religion and the right to decide whether or not to practice it. According to its established case-law, the Court allowed States Parties some margin of appreciation to assess the existence and extent of the necessity of interference. The Court's task was to ascertain whether the measures taken at the domestic level were justified in principle and proportionate.

The Court noted that when Azerbaijan had acceded to the Council of Europe it had undertaken to enact, within two years of its accession, a law on alternative service in conformity with European standards. Furthermore, Article 76 § 2 of the Azerbaijani Constitution authorised persons whose convictions were incompatible with the performance of active military service to carry out alternative service in place of that compulsory service. The Court noted, however, that no law had yet been enacted on an alternative service.

The criminal prosecutions and convictions of the applicants on account of their refusal to perform military service had stemmed from the fact that there was no alternative service system under which individuals could benefit from conscientious objector status, and amounted to an interference which had not been necessary in a democratic society. There had therefore been a violation of Article 9 of the Convention.

Article 4 of Protocol No. 7

The complaint under that provision was out of time, since it had been lodged more than six months after 29 December 2010, the date of the last decision given by the Supreme Court dismissing the appeal on points of law lodged by Mr Mushfig Faig oglu Mammadov. That complaint therefore had to be rejected.

Article 46

The Court observed that the present case highlighted an issue relating to the lack of legislation on civilian service as an alternative to military service in Azerbaijan. The enactment of such a law corresponded to a commitment entered into by Azerbaijan on its accession to the Council of Europe, and was also a requirement under Article 76 § 2 of its Constitution.

2 The Court considered it necessary to point out that such a situation in principle called for legislative action by the State in order to fulfil its obligations to enable the applicants and other persons in the same situation to benefit from the right to conscientious objection.

Just satisfaction (Article 41)

The Court held that Azerbaijan was to pay 5,000 euros (EUR) to the first applicant, EUR 8,400 to the second applicant, EUR 10,800 to the third applicant, EUR 9,600 to the fourth applicant and EUR 3,500 to the fifth applicant in respect of non-pecuniary damage, and EUR 161 to the first applicant, EUR 430 to the second applicant, EUR 195 to the third applicant, EUR 83 to the fourth applicant and EUR 100 to the fifth applicant in respect of costs and expenses.

This judgment is only available in French at:

<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-197066%22%5D%7D>

Large fine amid continuing religious censorship

By Felix Corley, Forum 18

A Baku court fined Kamran Huseynzade four months' average wages for selling religious books outside a mosque without state permission. The head of the censorship department at the State Committee for Work with Religious Organisations lamented that

only 42 of 100 places selling religious literature have the required state licence. All published and imported religious literature is subject to prior compulsory censorship.

Forum18 (27.09.2019) - http://www.forum18.org/archive.php?article_id=2509 - Amid the continuing imposition of state censorship of all religious literature published and distributed in Azerbaijan or imported into it, a court in the capital Baku has handed down another large fine for selling religious literature without state permission. A judge fined Kamran Huseynzade about four months' average wages. The 180 books seized from him were confiscated.



Surakhani District Court, Baku

RFE/RL

Huseynzade faced charges not related to the content of the books but solely to offering the books for sale without state permission. He chose not to appeal against his fine (see below).

The head of the department that censors religious literature and objects at the State Committee for Work with Religious Organisations, Nahid Mammadov, lamented at a conference on state censorship on 23 September that only 42 of the more than 100 shops selling religious literature across the country have the required state licence. He complained that the unlicensed shops "create certain problems" (see below).

Mammadov was not in the office at the State Committee on 27 September. One of his colleagues put the phone down when Forum 18 asked why all religious literature is subject to prior compulsory state censorship (see below).

When police detain Jehovah's Witnesses on the street as they share their faith with others, officers often seize any religious literature they find. Similarly, during raids on Jehovah's Witness meetings in homes, police often check whether religious publications have the required sticker from the State Committee showing that they have undergone the state religious censorship (see below).

Muslim theologian Elshad Miri is preparing to lodge a case to the European Court of Human Rights in Strasbourg in October over the 2018 State Committee ban on the publication of one of his books on Islam. Four Jehovah's Witness cases over state bans on the import of their literature are still pending with the court, as is a case lodged by Muslims who study the works of the late Turkish Muslim theologian Said Nursi (see below).

Complete religious literature censorship



State Committee for Work with Religious Organisations, Baku

Cekli829/Wikimedia Commons [CC BY-SA 3.0]

All religious literature produced in, published in (including on the internet) or imported into Azerbaijan is [subject to prior compulsory censorship](#). If the State Committee for Work with Religious Organisations "Religious Expert Analysis [Censorship] Department" gives permission to publish or import a work, it also specifies how many copies can be produced or imported. All religious materials sold must have a sticker (each costing 0.02 Manats) stating that they have State Committee approval.

State officials have repeatedly denied that this is censorship.

"One of the main directions of our activity is to prevent the spread of unauthorised religious literature," a Deputy Chair of the State Committee, Siyavush Heydarov, [stated in January 2017](#).

The Old Testament, the 14-volume "Risale-i Nur" (Messages of Light) collection of writings by the late Turkish theologian Said Nursi, and several Jehovah's Witness publications [were included on a 2014 police list of alleged "banned" religious literature](#), based on State Committee "expert analyses".

In May 2018 a State Committee official [confirmed to Forum 18 that it does not make public lists of religious publications it has banned](#).

Religious literature and other materials can be sold or distributed only at specialised outlets which have been approved both by the State Committee and the local administration. People who sell religious literature and materials without such permission are routinely fined, with the materials being seized.

Raids on shops selling religious literature were frequent, with several waves of raids and subsequent fines in 2017 and [2018](#). They appear to have reduced since then.

Baku: Raid, fine, book confiscation

Trouble began for Kamran Huseynzade in early July, when State Committee officials and officers of the police and State Security Service secret police raided a mosque in the

settlement of Qarachukhur in Baku's Surakhani District, the State Committee noted on its website on 5 July. They found Huseynzade selling religious books on the street outside the mosque.

Officials seized 180 religious items, taking them away for "expert analysis", the State Committee added. It stressed that the books were seized "to determine whether the legal requirements related to the sale of literature and literature dealing with the production and sale of these literature, as well as their control stickers were being observed".

The State Committee also claimed that the books were "suspected of propagating religious radicalism and extremism".

State Committee officials appear to have found no "religious radicalism and extremism".

When the case was presented to Baku's Surakhani District Court, Huseynzade faced charges not related to the content of the books but solely to offering the books for sale without state permission under Administrative Code Article 516.0.2.

Administrative Code Article 516.0.2 punishes "Selling religious literature (printed or on electronic devices), audio and video materials, religious merchandise and products, or other religious informational materials, which have been authorised for sale under the Religion Law, outside specialised sale outlets established with the permission of the relevant government authority distributing religious literature, religious objects and information material without State Committee permission".

Punishments are: for individuals fines of between 2,000 and 2,500 Manats; for officials fines of between 8,000 and 9,000 Manats; for organisations fines of between 20,000 and 25,000 Manats; and for foreigners and stateless persons fines of between 2,000 and 2,500 Manats with deportation from Azerbaijan. Punishment also includes confiscation of the literature, merchandise and products or other materials concerned.

On the morning of 23 July, Judge Jeyhun Qadimov of Surakhani District Court found Huseynzade guilty under Administrative Code Article 516.0.2. He fined him 2,200 Manats, the Judge's assistant told Forum 18. The assistant said Huseynzade did not appeal against the decision. The assistant declined to comment on why an individual should be punished for offering religious literature and items for sale without state permission.

A fine of 2,200 Manats represents four months' average wage for those in formal work.

Police seize religious literature

When police detain Jehovah's Witnesses on the street as they share their faith with others, they often seize any religious literature they find. Jehovah's Witnesses note 17 such detentions between September 2018 and August 2019 in Baku and eight other cities or towns.

Two police officers who detained a Jehovah's Witness on the streets of the north-eastern town of Khachmaz in February 2019 forcibly took him to the police station, Jehovah's Witnesses told Forum 18. A State Committee official asked him why he was talking about the Bible and not the Koran. Officers seized his religious literature, threatened to have him fined, held him for 12 hours without food or water, mocked his beliefs, forced him to

write two statements and then freed him. During his detention, one police officer threatened to beat him.

During raids on Jehovah's Witness meetings in homes, police often check whether religious publications have the required sticker from the State Committee showing that they have undergone the state religious censorship.

On 23 June, three police officers in the north-western town of Mingachevir tried to search the home of a Jehovah's Witness where other Jehovah's Witnesses had gathered. They took the names of those present, but when they tried to search the home without a warrant the home owner refused to allow it. The officers left, saying they would return with a warrant. They did not return, Jehovah's Witnesses told Forum 18.

On 4 June, Shirvan Appeal Court [rejected the appeals of both a husband and wife against massive fines for having religious literature and holding a New Year meeting for children without state permission](#). A local court had fined Baptist couple Safqan and Gulnar Mammadov each more than three months' average wages for those in formal work.

Challenging state bans



Elshad Miri
Azadliq Radiosu (RFE/RL)

In February 2018, the State Committee [imposed the pre-publication ban on the publication and distribution in Azerbaijan of Muslim theologian Elshad Miri's book "Things Not Existing in Islam"](#). The book covers seven of what Miri regards as myths about what Islam teaches. Chapters include "There is no magic in Islam" and "There is no child marriage in Islam".

The State Committee banned Miri's book because a State Committee official disagreed with the book theologically. Replying, Miri told the State Committee that "it is not correct to ban a book I wrote in a country which does not [officially] have censorship".

Miri has been seeking to overturn the State Committee's ban on his book through the courts. On 25 June 2019, Azerbaijan's Supreme Court [rejected his appeal against the state](#).

Miri is now preparing a case to the European Court of Human Rights (ECtHR) in Strasbourg. The case is expected to be lodged in October, his lawyer Khalid Agaliyev told Forum 18 from Baku on 27 September.

Jehovah's Witnesses say the State Committee has not banned the import of any of their publications since November 2015 and has not restricted the sale of control stickers.

Jehovah's Witnesses have lodged [four cases to the European Court of Human Rights in Strasbourg over earlier state bans on importing their publications](#) and one complaint to the United Nations Human Rights Committee.

Muslims who read the works of the late Turkish Muslim theologian Said Nursi also [lodged a case to the European Court of Human Rights in 2012 over state censorship of religious literature](#) after police seized books in a raid. That case too is still pending.

State celebrates religious censorship

The State Committee held a conference in Baku on 23 September entitled "Religious Expert Analysis: Law and Practice", it announced on its website the same day. Also taking part were publishers, as well as representatives of the Spiritual Values Promotion Foundation (which is subject to the State Committee) and the state-controlled Caucasian Muslim Board, the only Muslim organisation the government allows to exist.

State Committee Deputy Chair Gunduz Ismayilov told the conference that "harmful literature" was rarely encountered because of the law mandating censorship and the "close cooperation" between the State Committee and publishers and authors.

Nahid Mammadov, the head of the State Committee's "Religious Expert Analysis" (Censorship) Department, claimed the state censorship was in line with international practice. He claimed that censorship also protected against piracy and tax evasion.

He maintained that the control stickers enhance trust in religious literature. "Every citizen reads religious literature with the appropriate sticker and refuses any other literature offered to them," the State Committee website cited him as saying. "It also means that our citizen, without knowing the contents of the book, will be able to determine whether the text of the book is malicious thanks to the control sticker."

Mammadov also told the conference that 42 shops across the country have the required state licence to sell religious books and items, though more than 100 exist. He complained that the unlicensed shops "create certain problems", though he does not appear to have specified what these are.

Mammadov said that the State Committee had banned the import of 63 out of 1,603 publications in 2017; 52 out of 1,704 in 2018; and 158 out of 2,412 in January to September 2019. The State Committee had banned the publication in Azerbaijan of 4 out of 214 publications in 2017; 26 out of 197 in 2018; and 17 out of 192 in January to September 2019.

Censorship case to join 41 other ECtHR cases?

After failing in the Supreme Court to overturn a state ban on his book on Islam, Elshad Miri is preparing a case to the European Court of Human Rights. It would join 41 existing cases at the Strasbourg court (involving 76 individuals and 7 communities) over Azerbaijan's repeated freedom of religion or belief violations.

By Felix Corley

Forum 18 (03.07.2019) - <https://bit.ly/32bEPAh> - On 25 June, Azerbaijan's Supreme Court rejected Muslim theologian Elshad Miri's appeal against the state ban on publishing one of his books on Islam. Miri is now preparing to lodge a case to the European Court of Human Rights (ECtHR) in Strasbourg.

"As soon as I have the written Supreme Court decision, I will prepare the case to the European Court with my lawyer," Miri told Forum 18 on 2 July. He said the Court had one month to issue the decision in writing.

Miri's case would join at least 48 other cases lodged from Azerbaijan since 2004 over its persistent and repeated violations of the right to freedom of religion or belief. The ECtHR is yet to rule on 41 of these known cases (involving 76 individuals and 7 communities), lodged between 2007 and 2017.

Of the 41 known cases from Azerbaijan awaiting an ECtHR decision, 23 were lodged by Muslims and 18 by Jehovah's Witnesses (see full list below).

The ECtHR will only consider cases which have gone through all the courts in an applicant's home country. (The last two digits of a case's Application No. are the year when the application was lodged.)

The ECtHR cases related to the Azerbaijani government's violations of freedom of religion or belief cover a wide range of violations. Some cases cover more than one violation (such as police seizing religious literature during a raid on a meeting for worship):

- Jailed for leading prayers (1 case involving 1 individual applicant)
- Jailed or fined for conscientious objection (4 cases involving 5 individual applicants)
- Jailed for meeting for worship (3 cases involving 3 individual applicants)
- Police raids on meetings for worship (21 cases involving 33 individual applicants and 2 communities)
- Unlawful house search (1 case involving 1 individual applicant)
- Punishment for talking to others about faith (3 cases involving 9 individual applicants)
- State censorship of religious literature (5 cases involving 18 individual applicants and 4 communities)
- Registration denial (1 case involving 2 individual applicants and 1 community)
- Commenting on freedom of religion or belief issues (1 case involving 1 individual applicant)
- Movement restrictions because of appearance (1 case involving 3 individual applicants)

While the ECtHR found in favour of the applicant in one case from Azerbaijan, six other cases were dismissed as inadmissible or closed, or the applicant withdrew the case (see below).

Forum 18 was unable to reach Chingiz Askerov, the Azerbaijani government's Agent at the ECtHR (see below).

In addition to their 18 applications to the ECtHR in Strasbourg, Jehovah's Witnesses in Azerbaijan have lodged 11 complaints to the United Nations Human Rights Committee. Six cover police raids on meetings for worship, four cover talking to others about faith, and one covers state censorship of publications they wished to import into Azerbaijan.

Officials unreachable

The telephone of Chingiz Askerov of the Presidential Administration's Department for Coordination of Law Enforcement Agencies – who is the Azerbaijani government's Agent at the ECtHR – went unanswered each time Forum 18 called on 2 and 3 July.

Asked in October 2012 why Azerbaijan was then jailing conscientious objectors in violation of its commitments to the Council of Europe, Askerov told Forum 18: "Do you think that as the government Agent to the European Court I control all courts in Azerbaijan? Is it my duty?"

Aynur Sabitova, head of the Human Rights Department at the Justice Ministry in Baku, refused to answer any of Forum 18's questions on 3 July, asking that they be sent in writing.

Colleagues of Yaqut Aliyeva, spokesperson for the State Committee for Work with Religious Organisations in Baku, told Forum 18 on 2 July 2019 that she was not in the office and asked it to send its questions in writing. Forum 18 asked in writing the same day what steps (if any) Azerbaijan is taking to prevent future violations of freedom of religion or belief, and why individuals have to seek justice from the ECtHR rather than through domestic courts. Forum 18 had received no reply by the end of the working day in Baku on 3 July.

Supreme Court rejects Miri's final appeal

On 25 June, Judge Khaqani Mammadov of the Supreme Court in the capital Baku finally rejected Muslim theologian Elshad Miri's suit against the State Committee for Work with Religious Organisations, according to the court website.

Miri had been seeking to overturn the State Committee's ban on the publication and distribution in Azerbaijan of his book "Things Not Existing in Islam". The book covers seven of what Miri regards as myths about what Islam teaches. Chapters include "There is no magic in Islam" and "There is no child marriage in Islam".

The State Committee implements the prior compulsory state censorship of all religious literature produced in or imported into Azerbaijan.

"As soon as I have the written Supreme Court decision, I will prepare the case to the European Court with my lawyer," Miri told Forum 18 on 2 July. He said the Court had one month to issue the decision in writing.

Colleagues of Yaqut Aliyeva, spokesperson for the State Committee, told Forum 18 on 2 July that she was not in the office.

The State Committee had imposed the pre-publication ban on Miri's book in February 2018 because an official disagreed with the book theologically. Replying, Miri told the State Committee that "it is not correct to ban a book I wrote in a country which does not [officially] have censorship".

Miri lost his suit at the lower courts in Baku and lodged his Supreme Court appeal in March 2019. The first hearing was on 30 May.

If Miri lodges a case to the ECtHR in Strasbourg, his case will join many more seeking to overturn not only Azerbaijan's state censorship of all religious literature, but many other violations of the right to freedom of religion or belief.

ECtHR: Jailed for leading prayers

1) Babayev v. Azerbaijan (Application No. 34015/17). Police arrested Shia Muslim Imam Sardar Babayev in February 2017 and a court jailed him in July 2017 for three years for leading prayers in a mosque having gained his religious education outside Azerbaijan. He initially brought the case to challenge his pre-trial detention, but his lawyer updated the case after his sentence. The ECtHR asked the government questions about the case on 4 September 2018.

ECtHR: Jailed or fined for conscientious objection

1) Mammadov and Huseynov v. Azerbaijan (Application No. 14604/08). Goranboy District Court jailed Jehovah's Witness Samir Huseynov for ten months in October 2007 for refusing compulsory military service on grounds of conscience. He was freed in May 2008 after serving most of his sentence. Baku's Sabail District Court gave Jehovah's Witness Mushfiq Mammadov a suspended six month prison term in July 2006 for refusing compulsory military service on grounds of conscience. He was tried on the same charges again in October 2009, by which time he was aged 26. At the end of his second trial, taking account of the two months he had spent in pre-trial detention, the judge fined him 250 Manats. The Supreme Court rejected his final appeal in December 2010. The ECtHR asked the government questions about the case on 29 November 2016. The ECtHR received all submissions from both parties by 9 June 2017 and the case is awaiting an ECtHR decision.

2) Farid Mammadov v. Azerbaijan (Application No. 45823/11). Baku's Nasimi District Court jailed Jehovah's Witness Farid Mammadov for nine months in July 2010 for refusing compulsory military service on grounds of conscience. He was not imprisoned until September 2010 when his first appeal failed. The Supreme Court rejected his final appeal in January 2011. The ECtHR asked the government questions about the case on 10 November 2016. The ECtHR received all submissions from both parties by 27 May 2017 and the case is awaiting an ECtHR decision.

3) Fakhraddin Mirzayev v. Azerbaijan (Application No. 76127/13). Ganca's Kapaz District Court jailed Jehovah's Witness Fakhraddin Mirzayev for one year in September 2012 for refusing compulsory military service on grounds of conscience. He was amnestied in May 2013 after eight months' imprisonment. The Supreme Court rejected his final appeal in June 2013. The ECtHR asked the government questions about the case on 10 November 2016. The ECtHR received all submissions from both parties by 27 May 2017 and the case is awaiting an ECtHR decision.

4) Mirzayev v. Azerbaijan (Application No. 41792/15). Goychay Court jailed Jehovah's Witness Kamran Mirzayev for nine months in March 2013 for refusing compulsory military service on grounds of conscience. He was amnestied in June 2013 after serving three months' imprisonment. The Supreme Court rejected his final appeal in February 2015, arguing that relevant legislation implementing an alternative service had not yet been passed and alternatives to service only applied when the nation was not at war. The ECtHR asked the government questions about the case on 9 February 2017. The ECtHR received all submissions from both parties by 13 August 2017 and the case is awaiting an ECtHR decision.

ECtHR: Jailed for meeting for worship

1, 2, 3) Hajiyev v. Azerbaijan (Application No. 74567/14), Mammadov v. Azerbaijan (Application No. 71584/14), Sabzaliyev v. Azerbaijan (Application No. 73334/14). Armed police and NSM secret police raided Eldeniz Hajiyev's home in Baku in April 2014 as Muslims were meeting to study the works of Said Nursi. Officers seized religious literature and arrested Hajiyev, together with Ismayil Mammadov and Revan Sabzaliyev. The three lodged the ECtHR cases after their September 2014 transfer to house arrest and before their trial and October 2015 jailing. The three alleged that their detention had been "illegal" and violated their human rights. The ECtHR asked the government questions about all three cases on 22 March 2018.

ECtHR: Police raids on meetings for worship

1) Religious Community of Jehovah's Witnesses and Hansen v. Azerbaijan (Application No. 52682/07). In December 2006, police, national security officers, officials and state-affiliated media raided a meeting for worship in a building in Baku owned by a Norwegian Oddvar Hansen, which he leased without charge to Baku's Jehovah's Witness community. Officers seized religious literature and computers. A court ruled that the search had been illegal because police had obtained no court order, but this was overturned by a higher court and the community was not notified of the final Supreme Court hearing. The ECtHR asked the government questions about the case on 11 July 2017. The ECtHR received all submissions from both parties by 7 February 2018 and the case is awaiting an ECtHR decision.

2) Mammadova v. Azerbaijan (Application No. 30640/09). In July 2008, a police officer detained Russian citizen Imamzade Mammadova as she was hosting a Jehovah's Witness meeting for worship at her home in Zaqatala. Police fined her for "illegal" religious activity, and then took her to the Migration Service which deported her to Russia. The ECtHR asked the government questions about the case on 6 February 2019.

3) Valiyev and Others v. Azerbaijan (Application No. 42651/11). Police raided a Jehovah's Witness meeting for worship in Yegana Gahramanova's home in Ganca in December 2010. Officers detained her, Teymur Valiyev, Saladdin Mammadov and Rashad Niftaliyev. A court fined all four for "illegal" religious activity, though Valiyev's fine was changed to a warning because of his disability. The ECtHR asked the government questions about the case on 6 March 2019.

4) Sheveli and Shengelaya v. Azerbaijan (Application No. 42730/11). Police raided a Jehovah's Witness meeting for worship in Yegana Gahramanova's home in Ganca in December 2010 (see case Valiyev and Others above). Officers also detained Vepkhvia Sheveli and Ekaterine Shengelaya, a married couple from Georgia. A court fined them and deported them. The ECtHR asked the government questions about the case on 6 July 2017.

5) Niftaliyev and Others v. Azerbaijan (Application No. 561/12). In June 2011, police raided a Jehovah's Witness meeting for worship in Yegana Gahramanova's home in Ganca. A court fined Gahramanova, as well as Rashad Niftaliyev, Rana Sadigova and Teymur Valiyev (though his fine was reduced to a warning because of his disability) for an "illegal" religious meeting. The Baku Jehovah's Witness community joined the application to the ECtHR. The ECtHR asked the government questions about the case on 6 July 2017. The ECtHR received all submissions from both parties by 7 February 2018 and the case is awaiting an ECtHR decision.

6) Genc and Others v. Azerbaijan (Application No. 71032/12). In April 2012, police in Ganca raided a Muslim meeting for worship in a home. Officers took Turkish citizens Sadullah Eren Genc, Saim Samir and Tugrul Kiraz to the police station. A court later fined

each and ordered their deportation, though an appeal court subsequently changed the deportation orders to warnings. The ECtHR asked the government questions about the case on 6 July 2017.

7) Panahov and Others v. Azerbaijan (Application No. 17374/16). In May 2013, police raided a Jehovah's Witness meeting for worship at Shalala Atamova's home in Shamkir. Police questioned her, Nijat Panahov, Mehpara Jafarova and Lala Yusifova (among others), warned them not to hold such meetings and freed them. The four challenged the police action in court, seeking an apology for the raid, a pledge not to raid meetings for worship in future and compensation. Local courts rejected their suit. The ECtHR asked the government questions about the case on 26 February 2019.

8), 9), 10), 11), 12), 13), 14) Alakbarov v. Azerbaijan (Application No. 55503/15); Ismayilov v. Azerbaijan (Application No. 55507/15); Jabrayilov v. Azerbaijan (Application No. 55510/15); Sabuhi Mammadov v. Azerbaijan (Application No. 55512/15); Huseynov v. Azerbaijan (Application No. 55520/15); Gasimov v. Azerbaijan (Application No. 55524/15); and Yunusov v. Azerbaijan (Application No. 55531/15). In June 2015, police and officials raided Sabuhi Mammadov's home in Gadabay where Muslims who study Said Nursi's works were meeting. A court fined Mammadov for organising an "illegal" religious meeting, while Emin Alakbarov, Javanshir Ismayilov, Elmir Jabrayilov, Samir Huseynov, Rovshan Gasimov and Parvin Yunusov were among 13 others fined for "hooliganism". The ECtHR asked the government questions about the seven cases on 11 July 2017.

15), 16), 17), 18), 19), 20), 21) Agayev v. Azerbaijan (Application No. 9327/16); Khanlayev v. Azerbaijan (Application No. 9594/16); Rahimov v. Azerbaijan (Application No. 11504/16); Bakirov [Bashirov] v. Azerbaijan (Application No. 11601/16); Mammadov v. Azerbaijan (Application No. 11604/16); Sungur v. Azerbaijan (Application No. 11071/16); and Mikdat v. Azerbaijan (Application No. 11573/16). In September 2015, police raided a meeting to study Muslim theologian Said Nursi's works at a home in Baku. They seized religious books and took about 85 people to the police station. Samir Agayev, Fakhraddin Khanlayev, Latif Rahimov, Sayavush Bashirov and Zakariyya Mammadov were fined for an "illegal" meeting, while two Turkish visitors - Nurullah Sungur and Mikdat Senol - were fined and deported. The ECtHR asked the government questions about the seven cases on 3 April 2019.

ECtHR: Unlawful house search

1) Miragayev v. Azerbaijan (Application No. 29550/14). In May 2012 police and National Security Ministry (NSM) secret police raided Zeka Miragayev's Baku home. They confiscated 30 copies of the Koran, 24 other books (including some by Said Nursi), a computer and a small sum of money. He failed through the local courts to have the raid and confiscations of his religious literature declared illegal. The application concerns the allegedly unlawful search of the applicant's flat. The applicant also complains that he was not duly notified of the hearing before the Supreme Court. The ECtHR asked the government questions about the case on 24 October 2018.

ECtHR: Punishment for talking to others about faith

1) Nasirov and Others v. Azerbaijan (Application No. 58717/10). In three separate incidents, police stopped seven Jehovah's Witnesses as they were sharing their faith door to door and seized religious literature (Famil Nasirov and Amina Mammadova in Baku in March 2010; Gulnaz Hasanova, Salatin Iskandarova and Shafiga Mammadova in Agstafa in April 2010; and Rahima Huseynova and Aysel Nasirova in Sumgait [Sumqayit] in May 2010). Courts initially fined the individuals for "illegally" distributing banned religious literature. The appeal courts upheld the decisions of the first-instance courts, stating that books that had been distributed were allowed only for internal use of a religious

organisation and not to be distributed in public places. Most of these fines were overturned on appeal. The ECtHR asked the government questions about the case on 30 August 2017.

2) Gridneva v. Azerbaijan (Application No. 29578/11). In September 2010, police in Baku stopped Jehovah's Witness Nina Gridneva while she was offering religious literature on the street and seized the literature. A court subsequently fined her for "illegal" religious literature distribution. The ECtHR asked the government questions about the case on 18 May 2017.

3) Bagirov v. Azerbaijan (Application No. 41832/15). Baku's Qaradag District Court fined Jehovah's Witness Ismayil Bagirov 1,500 Manats in January 2015 for sharing his faith in a Baku shopping centre and offering religious literature. The ECtHR asked the government questions about the case on 26 April 2019.

ECtHR: State censorship of religious literature

1) Mammadov v. Azerbaijan (Application No. 7308/12). In July 2007, police raided a religious meeting of Muslims who read Said Nursi's works at Shukran Mammadov's home in Ujar and seized books and religious materials, handing them to the State Committee. Baku courts rejected his demand for the State Committee to return the books, claiming that they contained passages encouraging sectarianism and therefore not recommended for distribution. The ECtHR asked the government questions about the case on 6 March 2018.

2) Religious Community of Jehovah's Witnesses v. Azerbaijan (Application No. 52884/09). In June 2008, the State Committee rejected some items of the community's request to import Jehovah's Witness literature. It claimed these works insulted other (mainly Christian) religions and beliefs. The ECtHR asked the government questions about the case on 23 March 2017.

3) Jafarov and Others v. Azerbaijan (Application No. 406/12). In December 2009, the State Committee rejected an application to import Jehovah's Witness literature, claiming it incited "religious intolerance against members of the Catholic, Protestant and Russian Orthodox churches". In 2010, the State Committee issued four further denials, claiming the literature encouraged intolerance of Christians or misrepresented the Koran. The Baku Jehovah's Witness community and ten of its members, including Adam Jafarov, failed to overturn these denials through the local courts. The ECtHR asked the government questions about the case on 12 March 2018.

4) Tagiyev and Others v. Azerbaijan (Application No. 66477/12). In October and November 2010, the State Committee rejected in full or in part the community's requests to import Jehovah's Witness literature. The State Committee rejected in full or in part five further applications between December 2010 and May 2011. The Baku Jehovah's Witness community and seven of its members, including Arif Tagiyev, failed to overturn these denials through the local courts. The ECtHR asked the government questions about the case on 31 October 2017.

5) Religious Community of Jehovah's Witnesses v. Azerbaijan (Application No. 12739/13). In March 2011, the State Committee rejected the community's request to import Jehovah's Witness literature. A Baku court held that as the community was asking for more literature than the number of its members warranted, the community wanted the literature to share their faith with others. It rejected the community's appeal against the denial. The community subsequently sought to have five further 2011 State Committee literature import denials overturned. The ECtHR asked the government questions about the case on 3 April 2019.

ECtHR: Registration denial

1) Moroz and Others v. Azerbaijan (Application No. 49264/12). The State Committee for Work with Religious Organisations rejected the application for state registration which a Jehovah's Witness community in Baku lodged in 2009. The community challenged what it regarded as an unjust and arbitrary registration denial. After nearly two years of legal hearings, in February 2012 Jehovah's Witnesses finally lost their case in the Supreme Court, when Leonid Moroz, another community member and the Baku community itself lodged their ECtHR application. The ECtHR has not yet asked the government questions about the case.

ECtHR: Commenting on freedom of religion or belief issues

1) Movsum Samadov v. Azerbaijan (Application No. 48431/11). Movsum Samadov, Chair of the Islamic Party, was arrested in January 2011 five days after a speech was placed on the internet where he harshly criticised the regime of President Ilham Aliyev. In particular he condemned the enforced closure of mosques, attempts to ban the call to prayer from mosques and punishments on women for wearing the hijab. In October 2011, after the case was lodged, a Baku court jailed Samadov for 12 years. The ECtHR asked the government questions about the case on 30 June 2014.

ECtHR: Movement restrictions because of appearance

1) Pashayev and Others v. Azerbaijan (Application No. 18068/08). In June 2007, Elmar Pashayev, Kamil Alammadov and Vugar Mammadov visited Quba District from Baku for a few days, but the police told them they had violated temporary residence registration rules and ordered them to leave the district. They complain that they were singled out solely because they were dressed in "traditional Islamic attire" and wore long beards. They tried to sue the local police but the courts claimed they never received the suits. The ECtHR asked the government questions about the case on 11 July 2017.

ECtHR: NGO won case

Islam-Ittihad Association and Others v. Azerbaijan (Application No. 5548/05). On 21 October 2014 the ECtHR found that Azerbaijan's forcible dissolving in 2003 of the Islam-Ittihad Association violated the NGO's rights under Article 11 ("Freedom of assembly and association") of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Islam-Ittihad Association had failed to overturn the stripping of state registration from it through the Azerbaijani courts.

In its judgment, published on 13 November 2014, the ECtHR found that the Association was closed down for, among other things, deciding to organise pilgrimages to Muslim holy shrines and criticising, in an internal meeting, the state-backed Caucasian Muslim Board. The group had criticised the Board for having "a monopoly on Islam in the country and that its officials had weakened the social and moral situation of the country, which was already low, by accusing each other of corruption in the media". The state described this as "illegal" religious activity.

In its judgment, the ECtHR also criticised the fact that Azerbaijan's published law gives the authorities "an unlimited discretionary power" to define and so prosecute "illegal" religious activity.

The Justice Ministry does not appear to have re-registered the Islam-Ittihad Association following the ECtHR's 2014 decision in the Association's favour. The telephone at the

Ministry's Registration Department went unanswered each time Forum 18 called on 3 July.

ECtHR: Inadmissible, rejected, closed and withdrawn cases

1) Juma Mosque Congregation and Others v. Azerbaijan (Application No. 15405/04). The community of a Shia Mosque in Baku's Old City and ten of its members lodged a case about the June 2004 police expulsion of worshippers and enforced closure of the mosque in July 2004. Police then raided the community's worship in a home. The ECtHR rejected the case on 8 January 2013, claiming that the applicants had not taken their complaints through all the local courts.

2) Delahaije and Others v. Azerbaijan (Application No. 59271/09). Six Jehovah's Witnesses from outside Azerbaijan were detained between 2 and 20 days after a December 2006 raid on a religious meeting. They were then deported for "religious propaganda". The ECtHR ruled the application inadmissible on 5 January 2017.

3) Suleymanov v. Azerbaijan (Application No. 16599/09). The Sunni Abu-Bekr Mosque in Baku was hit by a grenade attack in August 2008 that killed three people, also injuring the imam Gamet Suleymanov. He complained of the government's failure to recognise anyone as victims of the attack. The authorities have kept the mosque closed since the attack. The ECtHR ruled the application inadmissible in December 2012.

4) Valiyeva and Others v. Azerbaijan (Application No. 40387/11). The State Committee refused to allow the import of Jehovah's Witness publications. The ECtHR ruled the application inadmissible on 5 January 2017.

5) Gaziyeu and Others v. Azerbaijan (Application No. 49349/12). In 2010, Zaqatala District Registration Office refused to issue passports to Vusal Jabrayilov and Elshad Musayev. After a traffic incident, they forcibly had their beards shaved. In June 2011, Zaqatala District Police officers forcibly shaved Abakar Gaziyeu (they also beat him) and Allahyar Yusubov. The ECtHR asked the government questions about the case on 29 August 2017. The ECtHR struck out the application on 13 December 2018 because the applicants and their lawyer failed to respond to requests for their observations.

6) Jafarov v. Azerbaijan (Application No. 46446/15). The then NSM secret police arrested Jeyhun Jafarov, a translator of Islamic works and broadcaster on Islamic themes, in March 2015 on treason charges, which he rejected. He complained about being arrested and tortured. A Baku court ordered his transfer to house arrest in September 2016 and later the criminal case was closed with no trial. The ECtHR asked the government questions about the case on 12 March 2018. Jafarov withdrew his application on 2 July 2018 and the ECtHR struck out the case on 17 January 2019.

Appeal court upholds couple's massive fines

By Felix Corley

Forum 18 (17.06.2019) - <https://bit.ly/2IX5M1R> - On 4 June, Shirvan Appeal Court rejected the appeals of both a husband and wife against massive fines for having religious literature and holding a New Year meeting for children without state permission. A local court had fined Baptist couple Safqan and Gulnar Mammadov each more than three months' average wages for those in formal work.

"Safqan and Gulnar can't lodge further appeals," the head of the Baptist Union Pastor Ilya Zenchenko told Forum 18 from the capital Baku. "We are considering writing to President Ilham Aliyev about the case" (see below).

Three Protestants fined about three months' average wages each for meeting to study their faith in the northern town of Sheki have chosen not to appeal against their punishments. A relative informed police of the December 2018 meeting, and officers then raided it (see below).

In November 2018, Sheki Appeal Court rejected the appeal by Taleh Mammadov against a large fine for teaching Islam to children despite apparently having State Committee permission to do so. "What he did was illegal," the police officer who signed the record of an offence against him told Forum 18. "He had no permission to teach Islam" (see below).

Strict state controls

The government imposes strict controls on who is allowed to exercise the right to freedom of religion or belief, where and in what circumstances. Any meeting by a group of people without state permission to exist is illegal, as are meetings held in unapproved venues. Religious teaching is similarly restricted. Those who violate these state controls face punishment.

Raids on people meeting for worship and on individuals in their homes and fines have been frequent in recent years. However, the authorities appear to have launched fewer such raids in 2019 so far, Forum 18 notes.

Pastor Zenchenko told Forum 18 that the raid and fines on the Mammadovs are the only known such incidents on members of the Baptist Union so far in 2019.

Jehovah's Witnesses – who have in the past faced repeated raids and fines - told Forum 18 that their communities have not faced raids or fines so far in 2019.

Baptists, Jehovah's Witnesses and Muslims have sought to overturn earlier fines and gain redress for earlier raids through the local courts, so far with no success.

Similarly, many have also sought redress through appeals to the European Court of Human Rights in Strasbourg or complaints to the United Nations Human Rights Committee (see forthcoming F18News article).

Sabirabad: House searches, literature confiscation

Baptist couple Safqan and Gulnar Mammadov live with their two young children in the village of Qaraguna in Sabirabad District, south-west of the capital Baku. Trouble began after their six-year-old son took Christian booklets to school and offered them to classmates without seeking his parents' approval or school approval. The head teacher saw this and came to the family home to ask what the booklets were about and called the police, fellow Christians told Forum 18.

The son's offer of Christian booklets in school was not subject to any prosecution of the parents or anyone else and did not appear in the subsequent case documents.

A police officer summoned Gulnar Mammadova on 25 February, the day after her husband Safqan had left for several months' work in Georgia. She had to take her two young children with her. At the police station, officers asked her what religious "sect" she was from and where she had got the booklets.

After interrogating Gulnar Mammadova for about six hours, police brought her back home and searched it. Officers seized 106 books and booklets, including Bibles and New Testaments, as well as discs with Christian songs.

Police then asked about gift packages given out to 12 children and their parents at a gathering at the Mammadovs' home on 31 December 2018 to mark New Year, which contained sweets and a cartoon book about the birth of Jesus. The gift packages had been given out by Baptist Pastor Hafiz Bakhshaliyev, from the nearby city of Shirvan.

Qaraguna Police then summoned Pastor Bakhshaliyev. Officers questioned him for more than six hours and forcing him to write a statement. He wrote that all the books had undergone the compulsory state censorship and had the required permission from the State Committee.

Qaraguna Police then took Pastor Bakhshaliyev to a bus stop on the edge of Shirvan, where 12 police officers from Shirvan were waiting for him. Four of them accompanied him to his home, where they searched it and seized all the Christian literature they could find, including Bibles and New Testaments.

On 10 April, Police Major Shohrat Salmanov of Qaraguna Police drew up records of an offence against both Safqan and Gulnar Mammadov, relating to books they possessed and the December 2018 meeting in their home. The cases were then sent to court. Major Salmanov accused them of violating Administrative Code Article 451 and Article 515.0.3.

Article 451 punishes "Storing with the intention of sale or distribution, taking outside the place of production, or selling or distributing in any other way goods, products and informational material that should bear a control mark but do not have such a mark". Such items include alcohol, tobacco and religious literature.

Article 451 specifies a fine of 50 Manats per item for individuals (to a maximum of 5,000 Manats), 100 Manats per item for officials (to a maximum of 10,000 Manats), and 150 Manats per item for legal entities (to a maximum of 50,000 Manats). In addition, items without the stickers authorising sale are to be confiscated.

Article 515.0.3 punishes "clergy and members of religious associations holding special meetings for children and young people, as well as the organising or holding by religious bodies of organised labour, literary, or other clubs and groups unassociated with holding religious ceremonies" with fines for individuals of between 1,500 and 2,000 Manats.

Major Salmanov of Qaraguna Police insisted that he had simply drawn up the records of an offence after the police investigator had studied the cases. Asked on 7 June why the Mammadovs had been fined simply for having religious literature and meeting with others, the officer told Forum 18: "They know what they did." But he added: "I didn't know they had been fined."

Sabirabad: Two large fines, appeals fail

On 16 April, Judge Nuraddin Bagirov of Sabirabad District Court heard the cases against both Safqan and Gulnar Mammadov. He found them both guilty of violating Administrative Code Article 451 and Article 515.0.3.

Judge Bagirov fined both husband and wife 1,500 Manats each, according to the decisions seen by Forum 18. The fine on each represents more than three months' average wages for those in formal work.

"The court decision is completely contrary to the laws of Azerbaijan," one local Christian familiar with the case complained about Judge Bagirov's decision. "This once again proves that the case was falsified and ordered by State Committee representatives."

Both Safqan and Gulnar Mammadov appealed to Shirvan Appeal Court. However, on the afternoon of 4 June, Judge Rafiq Jafarov rejected Gulnar Mammadova's appeal. Later the same afternoon, Judge Ismayil Ahmadov similarly rejected Safqan Mammadov's appeal, according to court records.

"The court hearing lasted only 10 minutes and issued an unfair decision," a Christian close to the case noted after the decision.

"Safqan and Gulnar can't lodge further appeals," the head of the Baptist Union Pastor Ilya Zenchenko told Forum 18 from Baku on 14 June. "We are considering writing to President Ilham Aliyev about the case."

Pastor Zenchenko believes the police and the State Committee for Work with Religious Organisations (to whom he gave a copy of the initial court decisions) have failed to take the decisions they need to. "It's the State Committee's job to resolve problems between believers and the government. But for more than a month it has done nothing," he complained.

Javanshir Bahramov, the State Committee official for the region including Sabirabad, repeatedly put the phone down on 17 June as soon as Forum 18 asked why the Mammadov couple had been fined for having religious books and inviting parents and children to their home at New Year.

Sheki: Three Protestants fined for religious study meeting

Three Protestants fined about three months' average wages each for meeting to study their faith in the northern town of Sheki have chosen not to appeal against their punishment, Christians familiar with the case told Forum 18.

Police arrived at the home of one of the three in mid-December 2018 after a relative informed them that the three Protestants were holding a religious study meeting. Records of an offence were drawn up against Samir Ismayilov, Ismat Azizov and Jalil Rahimli. All were accused of violating Administrative Code Article 515.0.3.

Article 515.0.3 punishes "clergy and members of religious associations holding special meetings for children and young people, as well as the organising or holding by religious bodies of organised labour, literary, or other clubs and groups unassociated with holding religious ceremonies" with fines for individuals of between 1,500 and 2,000 Manats.

Sheki District Court found all three guilty in separate hearings, Ismayilov on 19 December 2018, Azizov and Rahimli on 3 January 2019, according to court records. The Judges fined each of the three Protestants 1,500 Manats, about three months' average wages for those in formal work. The three paid the fines, choosing not to appeal.

Officials in the office of Taleh Abdullayev, the Sheki representative of the State Committee, refused to put Forum 18 through to him on 12 June, would not discuss anything and put the phone down.

Sheki: Fined for teaching Islam to children

On 15 November 2018, Judge Imanverdi Shukurov of Sheki Appeal Court rejected the appeal by Taleh Mammadov against a large fine for teaching Islam to children, according to the decision seen by Forum 18.

On 15 October 2018, Judge Kamran Suleymanov of Sheki District Court had found Mammadov guilty of violating Administrative Code Article 515.0.3. The Judge had fined him 1,500 Manats.

Article 515.0.3 punishes "clergy and members of religious associations holding special meetings for children and young people, as well as the organising or holding by religious bodies of organised labour, literary, or other clubs and groups unassociated with holding religious ceremonies" with fines for individuals of between 1,500 and 2,000 Manats.

Mammadov was punished for teaching Islam to children, although he had earlier had approval for this from the local Qazi with the consent of the State Committee for Work with Religious Organisations. Major Qudrat Rasulov, Head of Sheki City Police, drew up a record of an offence against him on 30 September 2018.

Mammadov told the appeal court that he had stopped teaching Islam for three months but that the State Committee had given him permission to resume.

Major Rasulov insisted that Mammadov had been fined by the court, not by him. "What he did was illegal," he told Forum 18 from Sheki on 11 June 2019. "He had no permission to teach Islam." Asked why Mammadov needed such permission, Major Rasulov responded: "He must submit to our law." He then put the phone down.

Officials in the office of Taleh Abdullayev, the Sheki representative of the State Committee, refused to put Forum 18 through to him on 12 June, would not discuss anything and put the phone down.

Appeals fail against illegal raids, fines

By Felix Corley

Forum 18 (14.06.2019) - <https://bit.ly/2WSaTKB> - Baptist Pastor Hamid Shabanov, from the town of Aliabad in the northern Zaqatala District, failed for the second time through the Constitutional Court in the capital Baku to overturn a fine handed down in December 2016 for hosting religious meetings without the compulsory state permission. The Court refused to consider his further appeal, the Court told Forum 18.

Pastor Shabanov told Forum 18 he had received the Constitutional Court letter rejecting his further appeal and was consulting other Baptist church leaders over what further action to take over the raid and fine which he insists were "illegal" (see below).

Pastor Shabanov and another Baptist were each fined more than three months' average wages for those in formal work after the 2016 police raid on a worship meeting in the pastor's home. "I had to pay the fine," Pastor Shabanov told Forum 18 from Aliabad on 14 June. "The authorities won't allow our church to meet all together in one place" (see below).

The Aliabad Baptist church has been seeking registration in vain since 1994 and has faced repeated police raids and the jailing of two pastors, including Pastor Shabanov (see below).

The Aliabad Baptist church does not have the 50 adult members required in law since 2011 to apply for state permission to exist. This requirement bans all small religious communities from being allowed to exist and opens up any small communities that meet for worship to punishment.

At least two – and possibly all three – of the Muslims fined up to four months' average wages to punish them for holding a religious meeting in a home in the central town of Agsu have failed in their appeals (see below).

Four Jehovah's Witnesses from the north-western town of Mingachevir have failed in their appeal in a civil suit against an illegal 2016 police raid on a worship meeting. The Supreme Court in Baku rejected their appeal on 4 April. The four had been seeking redress for the police's illegal entry into the home of one of the four without a court order or search warrant, their "detention, verbal insults and humiliation", and seizure of personal literature. The home owner was also fined (see below).

Raids on people meeting for worship have been frequent in recent years. However, the authorities appear to have launched fewer such raids on worship meetings in 2019 so far, Forum 18 notes. Raids on individuals' homes and subsequent fines have continued.

Jehovah's Witnesses have lodged ten appeals to international bodies against the Azerbaijani government's earlier raids on meetings for worship. Four cases have been lodged to the European Court of Human Rights in Strasbourg, and six complaints to the United Nations Human Rights Committee. Muslim readers of the works of the late Turkish theologian Said Nursi also lodged a case to the European Court of Human Rights about a massive police raid on a Baku religious study meeting in 2015 and subsequent punishments (see forthcoming F18News article).

Aliabad: The Church that cannot meet

Baptist Pastor Hamid Shabanov, from the town of Aliabad in the northern Zaqatala [Zakatala] District, failed for the second time through the Constitutional Court in the capital Baku to overturn a fine handed down in December 2016 for hosting religious meetings without the compulsory state permission.

The Aliabad Baptist Church has been seeking registration – in vain – since 1994. Former prisoner of conscience Pastor Shabanov was held in pre-trial detention from June to November 2008. In February 2009 he was given a two-year suspended sentence on charges he and his fellow-Baptists insisted were fabricated. He was arrested a month after another Aliabad Pastor, Zaur Balaev, was freed after nearly a year in prison on false charges.

The December 2016 fines on Pastor Shabanov and another church member Mehman Agamammadov followed a November 2016 raid by police and the local State Committee official on an "illegal" meeting for prayer in Pastor Shabanov's home. Police detained more than 30 adults and children present, after which 16 women and 10 men were questioned at the local police station until 10 pm at night. Police sent confiscated religious literature to the State Committee in Baku for alleged "expert analysis". The literature was all returned the following month.

Their Baptist church in Aliabad has been seeking registration – in vain – since 1994. Police and state officials have warned church members not to meet. "If we meet again for worship, we'll get double the fine," Pastor Shabanov told Forum 18 in February 2018 officials had warned them.

Pastor Shabanov says that the Church still cannot meet. "The authorities won't allow our church to meet all together in one place," he told Forum 18 on 14 June 2019. "They'll fine us again if we do so."

Ilqar Valiyev, the local official of the State Committee for Work with Religious Organisations in Zaqatala, refused to discuss anything with Forum 18 on 12 June. He insisted all enquiries should be directed to the State Committee in Baku and put the phone down.

The Aliabad Baptist church does not have enough members now to apply for registration and thus have state permission to exist and has been repeatedly punished and threatened since its foundation in the early 1990s.

In a 15-minute hearing on 12 December 2016, Zaqatala District Court found both Pastor Shabanov and Agamammadov guilty and fined them each the minimum fine, 1,500 Manats, more than three months' average wages for those in formal work. Both Baptists were punished under Administrative Code Article 515.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies").

Pastor Shabanov managed to get the written decision only in January 2017. Agamammadov never received the written decision, despite repeated attempts to get it from the court.

Aliabad: Supreme Court, Constitutional Court appeals fail

Pastor Shabanov lodged his appeal to the Constitutional Court in October 2017 after Sheki Appeal Court refused in June 2017 to extend the period for him to lodge his appeal against the December 2016 fine.

On 19 January 2018, Judge Kamran Shafiyev of Azerbaijan's Constitutional Court rejected Pastor Shabanov's constitutional complaint, writing to him on 31 January 2018 to tell him it would not be considering his further appeal against the December 2016 fine.

Pastor Shabanov then appealed to Azerbaijan's Supreme Court. However, on 28 August 2018, Judge Aziz Seyidov rejected his appeal, according to the decision seen by Forum 18. The Judge argued that, although the Administrative Code allows for appeals against decisions in administrative cases, no law has been enacted allowing for such appeals to be heard in the Supreme Court.

Pastor Shabanov then decided to appeal again to the Constitutional Court, where his appeal arrived on 24 April 2019.

Pastor Shabanov argued that its earlier rejection of his appeal had been "illegal". "This indicates that the judges of the Constitutional Court do not know the laws and are busy rejecting all complaints sent to the Constitutional Court under various pretexts," Pastor Shabanov wrote to the Constitutional Court. "As a result, people's constitutional rights are not reinstated." He asked to be allowed to submit an appeal to the Court.

However, on 6 May the Constitutional Court wrote to Pastor Shabanov refusing to consider the case again. "The administration of the Court told him it had already considered the case," a Constitutional Court official told Forum 18 on 14 June. "His second appeal was turned down and no hearing was needed."

The Court official stressed that under the law on the Constitutional Court, it can only consider appeals against Supreme Court decisions, not decisions by appeal courts.

Pastor Shabanov confirmed he had received the Constitutional Court's May letter and was consulting other Baptist church leaders over what further action to take. "The raid and fine were illegal," he insisted to Forum 18.

Agsu: Two, possibly three appeals fail

Two of the three Muslims fined up to four months' average wages to punish them for holding a religious meeting in a home in the central town of Agsu have failed in their appeals. Confusion surrounds whether the third also failed.

In separate hearings Sheki Appeal Court left two decisions unchanged: on 2 November 2018, Judge Rafail Aliyev rejected Rauf Majidov's appeal against his fine of three months' average wages for those in formal work for an "illegal" religious meeting. Similarly, on 8 November 2018 Judge Imanverdi Shukurov rejected Vuqar Mammadov's appeal.

On 1 November 2018, Judge Mirbahaddin Huseynov heard the appeal by Qambar Zeynalov against his fine of four months' average wages for those in formal work for an "illegal" religious meeting. Court records state that the Judge changed the lower court decision, ruling that it was "not in line with the facts".

However, an assistant to Judge Huseynov told Forum 18 from Sheki Appeal Court on 14 June that the Judge had left the lower court decision in Zeynalov's case unchanged.

Officials of the State Committee for Work with Religious Organisations and the State Security Service (SSS) secret police raided Mammadov's home in Agsu on 17 September 2018. They claimed the three men were holding an "illegal" religious meeting. On 21 September 2018, Agsu District Court found all three Muslims guilty under Administrative Code Article 515.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies"). The Judge fined Zeynalov the maximum 2,000 Manats. The other two men were fined 1,700 and 1,500 Manats.

Mingachevir: Challenge to illegal police raid fails

On 4 April, Judge Tatyana Qoldman of the Supreme Court in Baku rejected the final appeal in a civil case brought by four Jehovah's Witnesses, Eldar Aliyev, Maryam Aliyeva, Elchin Bakirov and Bahruz Kerimov, against an illegal 2016 police raid on a worship meeting in the north-western town of Mingachevir, according to court records.

On 18 September 2018, a panel of three Judges led by Elchin Huseynov of Sheki Appeal Court rejected the first appeal in the civil case against Mingachevir Police brought by Aliyev, Aliyeva, Bakirov and Kerimov, according to the decision seen by Forum 18.

Police had raided a Jehovah's Witness meeting in Aliyev's home in Mingachevir on 9 January 2016. Mingachevir City Court then fined Aliyev 1,500 Manats in March 2016, and Sheki Appeal Court upheld the fine the following month.

The four lodged a civil suit to Mingachevir City Court, seeking redress for the police's illegal entry into Aliyev's home without a court order or search warrant, their "detention, verbal insults and humiliation", and seizure of personal literature. But the court rejected the suit on 25 May 2018.

Book censorship appeal still in Supreme Court

By Felix Corley

Forum 18 (12.06.2019) - <https://bit.ly/2XnAfzA> - On the morning of 25 June, the Supreme Court in the capital Baku is set to resume hearing the suit by Baku-based Muslim theologian Elshad Miri seeking to overturn the State Committee for Work with Religious Organisations ban on the publication in Azerbaijan of his book "Things Not Existing in Islam". The book covers seven of what Miri regards as myths about what Islam teaches. Chapters include "There is no magic in Islam" and "There is no child marriage in Islam".

At the earlier Supreme Court hearing on 30 May, "we laid out our position forcefully that the ban was completely illegal," Miri's lawyer Elmar Suleymanov told Forum 18. He said the State Committee's lawyer "was unable to give a reasoned refutation of our arguments" (see below).

Miri has been trying through the courts to overturn the pre-publication ban imposed in February 2017 because an official disagreed with the book theologically. Replying, Miri told the State Committee that "it is not correct to ban a book I wrote in a country which does not [officially] have censorship" (see below).

No one at the State Committee for Work with Religious Organisations "Expert Analysis [Censorship] Department" in Baku would talk to Forum 18 on 12 June (see below).

In April, Mammad Ramazanov from the northern town of Zaqatala [Zakatala] lost his appeal against his fine – thought to be of several months' average wages - for "illegal" distribution of religious books. The local State Committee official refused to say if he had been involved in the prosecution, or to discuss any other aspect of the case (see below).

Raids have been frequent in recent years, both on individuals (to seize religious literature) and on shops selling religious literature (to check that both the shops and the books themselves have official approval). However, the authorities appear to have launched fewer such raids in 2019 so far, Forum 18 notes.

Jehovah's Witnesses have lodged five appeals to international bodies against the Azerbaijani government's earlier bans on the import of specific items of literature after failing to overturn the bans in local courts. Four cases have been lodged to the European Court of Human Rights in Strasbourg, and one complaint to the United Nations Human Rights Committee (see forthcoming F18News article).

Complete religious literature censorship

All religious literature produced in, published in (including on the internet) or imported into Azerbaijan is subject to prior compulsory censorship. If the State Committee for Work with Religious Organisations "Expert Analysis [Censorship] Department" gives permission to publish or import a work, it also specifies how many copies can be produced or imported. All religious materials sold must have a sticker (each costing 0.02 Manats) stating that they have State Committee approval.

State officials have repeatedly denied that this is censorship.

"One of the main directions of our activity is to prevent the spread of unauthorised religious literature," a Deputy Chair of the State Committee, Siyavush Heydarov, stated in January 2017.

The Old Testament, the 14-volume "Risale-i Nur" (Messages of Light) collection of writings by the late Turkish theologian Said Nursi, and several Jehovah's Witness

publications were included on a 2014 police list of alleged "banned" religious literature, based on State Committee "expert analyses".

In May 2018 a State Committee official confirmed to Forum 18 that it does not make public lists of religious publications it has banned.

Religious literature and other materials can be sold or distributed only at specialised outlets which have been approved both by the State Committee and the local administration. People who sell religious literature and materials without such permission are routinely fined, with the materials being seized.

Supreme Court challenge to state religious censorship continues

Baku-based Muslim theologian Elshad Miri wrote a book "Things Not Existing in Islam", which covers seven of what he regards as myths about what Islam teaches. Chapters include "There is no magic in Islam" and "There is no child marriage in Islam".

Under the censorship system for all religious materials printed and published in or imported into Azerbaijan, Miri's potential publisher submitted the book to the State Committee for Work with Religious Organisations for censorship.

However, in February 2018 the State Committee refused to approve the book and banned its publication. The book has already been published abroad, including in Azeri in Turkey and Kyrgyzstan.

The State Committee "expert analysis" that Miri's book is "deemed unsuitable for publication" and could therefore "have a negative influence on religious stability" is based entirely on theological objections to Miri's interpretation of his faith, Forum 18 notes. Miri condemned the system of state censorship of religious literature. "It is not right to forbid anyone to think freely," he told Forum 18. The official who wrote the review refused to speak to Forum 18.

Appeals repeatedly rejected

Miri began what would turn into a long-drawn out legal challenge to the ban. In September 2018 he brought a suit against the State Committee. An "expert analysis" ordered by the Judge from Anar Qafarov of Baku's Theology Institute found that the book does not incite religious hatred or enmity, or conflict between religious groups.

Despite this, the lower court in Baku rejected the suit. Miri commented on this sarcastically "Long live censorship!" on Facebook. "I have no freedom of religion now! This is once again confirmed by court decision!"

Judge Vusala Bakhishova of Baku Appeal Court rejected Miri's further appeal on 24 January 2019, according to court records.

"Unable to give a reasoned refutation of our arguments"

Miri then submitted his further appeal to the Supreme Court, where it arrived on 27 March. The case finally began on 30 May under Judge Khaqani Mammadov.

"At the hearing we laid out our position forcefully that the ban was completely illegal," Miri's lawyer Elmar Suleymanov told Forum 18 from Baku on 11 June. Judge Mammadov then asked the State Committee's lawyer to comment on Miri's position, "but he was unable to give a reasoned refutation of our arguments", Suleymanov added.

Suleymanov told the hearing that, given the censorship and other violations of the European Convention on Human Rights, if the Supreme Court does not uphold Miri's appeal he will take a case to the European Court of Human Rights (ECtHR) in Strasbourg.

Jehovah's Witnesses have already lodged four challenges to the ECtHR over Azerbaijan's state religious censorship of imported books and magazines, as well as another to the United Nations Human Rights Committee.

Judge Mammadov then urged the State Committee and Miri to reach an "amicable agreement" before adjourning the hearing. It is due to resume at 10 am on 25 June, according to the Supreme Court website.

An official at the State Committee for Work with Religious Organisations "Expert Analysis [Censorship] Department" immediately put down the phone when Forum 18 called on 12 June.

Zaqatala: Appeal over religious books fails

On 10 April, Judge Rafail Aliyev of Sheki [Säki] Appeal Court in northern Azerbaijan rejected an appeal by Mammad Ramazanov against his fine for "illegal" distribution of religious books, according to court records.

Judge Elbrus Mammadov of Zaqatala District Court had convicted Ramazanov on 27 February under Administrative Code Article 516.0.2. Telephones at the court went unanswered on 11 and 12 June, so Forum 18 was unable to find out how much he had been fined.

Administrative Code Article 516.0.2 punishes "Selling religious literature (printed or on electronic devices), audio and video materials, religious merchandise and products, or other religious informational materials, which have been authorised for sale under the Religion Law, outside specialised sale outlets established with the permission of the relevant government authority distributing religious literature, religious objects and information material without State Committee permission".

Punishment under Administrative Code Article 516.0.2 specifically includes confiscation of the literature, merchandise and products or other materials concerned.

Punishments under both parts of Administrative Code Article 516 ("Violation of legislation on freedom of religion") as a whole are: for individuals fines of between 2,000 and 2,500 Manats; for officials fines of between 8,000 and 9,000 Manats; for organisations fines of between 20,000 and 25,000 Manats; and for foreigners and stateless persons fines of between 2,000 and 2,500 Manats with deportation from Azerbaijan.

Ilqar Valiyev, the State Committee's local official in Zaqatala, refused to tell Forum 18 on 12 June if he had been involved in Ramazanov's case. He insisted all enquiries should be directed to the State Committee in Baku and put the phone down.

Similar fines for selling religious books which have not passed state censorship, or which are not sold in state-approved places, have been common throughout the country. State Committee officials are normally actively involved in these cases. Such raids appear to have reduced significantly in 2019, Forum 18 notes.

As hijab spreads in Azerbaijan, covered women complain they can't find jobs

Azerbaijan has an informal ban on women wearing hijab in government jobs. Private employers also discriminate, women say

[Austin Clayton](#)



Azerbaijan's constitution ensures the freedom to practice religion, albeit with many caveats. (photo: Ehtiram Jabi)

Eurasianet (01.05.2019) - Eurasianet.org - Sevda Kamilova graduated university with a linguistics degree, expecting that her English skills would bring opportunities for high-paying jobs in Azerbaijan's hospitality industry. She interviewed with several international companies, but each time was asked if she would be willing to remove her headscarf for the job. She declined, and didn't find a job.

"These companies don't want to be represented by a woman with a hijab," she told Eurasianet. Now she works for her family's company, where she continues to wear the Islamic headscarf. "My faith is important to me, and I don't want to take it off for a job," Kamilova said.

While 97 percent of Azerbaijanis identify as Muslim, the number who actively practice the faith is much smaller and the country is proud of its secular tradition. But since the collapse of the Soviet Union, religious observance has grown. While no one keeps statistics on the issue, a noticeable increase of women wearing hijab has become a hot topic among Azerbaijanis. Along with that, hijab wearers say, has come a backlash.

"Now, people can practice their religion freely, and those who want to cover themselves have the option to do so," Sadagat, the owner of an Islamic clothing store in Sumgayit, told Eurasianet. But she said that social pressure, related to a general perception linking the hijab with extremism, remains. "Some women end up taking off the hijab, just to avoid extra attention in public," she said.

The proprietor of another Islamic clothing company, in Baku, said many covered women have come to his shop to apply for jobs because they have experienced discrimination elsewhere. "They can't find jobs anywhere, so they apply for a job in a store that sells hijabs," he told Eurasianet.

Azerbaijan's constitution ensures the freedom to practice religion, albeit with many caveats. "Religious rituals may be freely performed if they do not disturb public order and are not contrary to public morals," reads Article 48.

The law doesn't explicitly address the issue of hijab in the workplace, but there is an unofficial ban on wearing it in a government job, said Aynur Veyselova, a senior advisor at the State Committee on Family, Women and Children's Affairs. "Azerbaijan is a secular country and our constitution is based on secular values," she told Eurasianet. "For example, in Turkey there are laws that women in hijabs can even work in government institutions, however we don't have that here."

Girls are also informally forbidden from wearing the hijab in schools. In 2011, religious activists organized a [series of protests](#) demanding that the government eliminate the ban, but to no avail. The ban has remained untouched.

At the same time, the Azerbaijani public remains overwhelmingly secular and wary of the hijab. Those fears have been heightened by [increasing numbers](#) of tourists from Iran and Arab countries in recent years.



Statue of a Liberated Woman, Baku (Wikimedia)

"Baku is the only Muslim city in the world where there is a [monument](#) displaying a woman throwing off her chador. Everyone needs to understand the significance of this monument. To me it is one of the key symbols of our country. We should not take it for granted. We should make pilgrimages to it and understand its historical value and importance," Azerbaijani poet Rasim Garaja [wrote](#) in response to the rising numbers of veiled tourists in the country.

Some believers, meanwhile, quietly complain about employment discrimination against women who wear hijab. Media have recently [started](#) covering [the issue](#).

Saida, a young woman who works at a grocery store in Baku, is allowed to wear hijab on the job. But she told the story of a friend who was forced to take off her hijab to get a job as a saleswoman. As for herself, Saida told Eurasianet that she has few problems except for "an occasional weird look" and that "some customers don't know how to treat me, especially when they buy alcohol."

Novella Jafarova of the Association for the Protection of Women's Rights, a non-governmental organization, told Eurasianet that women in hijabs have the same rights as others. Asked about workplace discrimination, she replied that "we haven't received any reports regarding this issue. If we do, we'll raise it."

Veyselova of the State Committee on Family also said she had never received a complaint about job discrimination related to the hijab. But Kamilova, the linguistics major, said she had not reported any of her experiences in the job interviews, believing no one would act. "Women in hijab are just a minority in society, so no one would hear us," she said.

Austin Clayton is a writer based in Baku.

Current situation of Jehovah's Witnesses

HRWF (14.01.2019) - On 5-6 February 2019, the 6th EU-Azerbaijan Subcommittee (SC) on Justice, Freedom, Security and Human Rights and Democracy will take place in Baku.

In 2018 and 2017, no Jehovah's Witness was in prison for the exercise of his/her religious freedom while in 2016 and 2015, two and four of them were respectively behind bars.

In September last, the European Association of Jehovah's Witnesses participated in the OSCE/ODIHR Human Dimension Implementation Meeting in Warsaw and filed a report about their situation in Azerbaijan (<https://www.osce.org/odihr/394640?download=true>). HRWF presents you an updated version of this report:

Update Regarding Jehovah's Witnesses in Azerbaijan

Over the past year, Jehovah's Witnesses in Azerbaijan have experienced less governmental interference in manifesting their religious beliefs. Jehovah's Witnesses are grateful for the decrease in state-sponsored harassment.

Positive Developments

- **Rental of facilities for holding large religious assemblies.** Since 2016 the Witnesses have received assistance from the State Committee for Work with

Religious Associations (SCWRA) and have been able to rent large venues in Baku for annual religious events.

- **Compensation for arbitrary detention.** In early October 2018, Irina Zakharchenko and Valida Jabrayilova finally received compensation for their unjust conviction and 11-month imprisonment during 2015 and 2016.
- **Import of religious publications.** The SCWRA has not refused permission to import any new publications of Jehovah's Witnesses since November 2015.
- **Registration in Baku.** On 8 November 2018 Jehovah's Witnesses in Baku received State registration. 'Jehovah's Witnesses in Baku Religious Community' now appears on the SCWRA website among the list of 'Non-Islamic Religious Communities.'

Current Difficulties

Denial of Right to Conscientious Objection to Military Service

- (1) **Barda.** Barda District Court convicted Mr Emil Mehdiyev on **6 July 2018**, and ordered a one-year probationary arrangement.
- (2) **Aghdam.** On **6 September 2018**, Aghdam District Court sentenced Mr Vahid Abilov to a one-year probationary arrangement.
- (3) **Baku.** In **July 2018**, Mr Emin Tahmazov was informed that his case would be sent to the Prosecutor's Office.
- (4) **Gakh.** On **4 August 2018**, Mr Levani Otarashvili was summoned to the State Service for Mobilisation and Conscription (SSMC) and asked to sign a document concerning the transfer of his case to the Prosecutor's Office.
- (5) **Khachmaz.** On **28 June 2018**, the SSMC Chief threatened to send Mr Fuad Hasanaliyev's case to the Prosecutor's Office.

Harassment by Officials and Interference with Religious Services

- (1) **Lankaran.** On **20 January 2018**, approximately ten police officers raided the home of Ms Sharafat Azizova during a social gathering of several families of Jehovah's Witnesses (not a religious meeting). The police searched the home, seized personal literature, recorded personal details and took statements from those in attendance. The men were required to give statements at the Lankaran Police Department and were released an hour later.
- (2) **Gakh.** On **10 February 2018**, two officials came to the home of Ms Mzia Otarashvili in mid-afternoon. Without introducing themselves or providing credentials, the officials accused Ms Otarashvili of conducting "unauthorised" religious meetings in her home, which they alleged were in violation of Azerbaijan's laws.
- (3) **Oghuz.** On **9 July 2018**, at 10 a.m. Ms Saadat Mammadova was called to the Prosecutor's Office. The employee asked Ms Mammadova various questions about her religious beliefs, and warned her to be careful and not to distribute illegal religious publications; otherwise, he would take measures against her. She was allowed to leave at about 11.05 a.m.
- (4) **Sumgayit.** On **14 July 2018**, at about 5 p.m., Police Officer Shakhmar Gahramanov and two other officials interrupted a religious meeting in the private home of Ms Sona Mammadova.
- (5) **Baku.** On **15 August 2018**, Ms Sevda Aliyeva, a resident of Baku, went to the Housing and Communal Services Committee concerning document issues. The manager of the Committee told her in a friendly way that she had received several phone calls from the State Security Service (SSS) enquiring about Ms Aliyeva's religion.
- (6) **Sumgayit.** On **30 August 2018**, Ms Raisa Shpakovskaya was visited by Field Inspector Elmar Huseynov and another official in civilian clothing, who neither

introduced himself nor showed his credentials. About 30–40 minutes later, after searching the entire flat, including the kitchen and the closet, they left.

- (7) **Ganja.** On **16 September 2018**, about 70 Jehovah's Witnesses from Ganja decided to hold an outdoor meeting in Khanlar. At about 12.10 p.m., after the meeting had finished, five police officers arrived. The police telephoned representatives of the SCWRA, two of whom subsequently attended. The police officers recorded the names of all the detainees and then sent the names for verification, receiving photographs in return.

Interference with Manifestation of Belief

During 2018, there were 18 reported cases where police detained individual Witnesses while they were sharing their religious beliefs with others. Typically, police officers stop the persons concerned, take them to the police station, verbally abuse them, and threaten them with administrative charges and heavy fines. On most of these occasions, the Witnesses were detained for several hours.

- (1) **Lankaran.** On **19 February 2018**, a police officer called and asked Ms Gulnaz Nasirova to come to the police department the next day. On 20 February 2018, at 12.10 p.m. she went to the police department and the police officer, whose name was Adam, questioned her about her religion and religious beliefs. She wrote a statement and was released at about 2 p.m.
- (2) **Siyazan.** On **25 February 2018**, at 3.45 p.m. Mr Elmir Mursalov and Ms Firangiz Aghasanova were approached by two police officers and taken to the police department. Two officers in civilian clothing, who did not identify themselves, insulted, humiliated and threatened the Witnesses, demanding that they practise Islam and asserting that they 'have no rights.' An official of the SCWRA, who was present, confirmed that the publications were permitted by law, since they bore control stamps. Despite this, he retained them for examination. The Field Inspector drew up a Report on Seizing Publications. They were released at 8.10 p.m.
- (3) **Sahil.** On **28 February 2018**, at about 12.30 p.m. Ms Khalida Rasulova, was taken to Police Department No. 38 and asked to write a statement, but she refused to write or sign anything. One of the officers told her that she had violated the law, and read an article in the law about a fine. At about 1.45 p.m. she was released.
- (4) **Baku.** On **25 March 2018**, at about 1.45 p.m. Mr Emil Mehdiyev and Mr Rizvan Babayev were taken to Police Department No. 19 against their will. In the department, Mr Mehdiyev's pockets were searched. They were allowed to leave at about 3 p.m.
- (5) **Baku.** On **23 April 2018**, at about 11.50 a.m. Ms Rahifa Guliyeva and Ms Targul Seyidova were taken to Police Department No. 33 against their will. The Witnesses wrote and signed statements. At about 4.05 p.m. the Witnesses were released.
- (6) **Yevlakh.** On **4 May 2018**, at about 11 a.m., the police took Ms Hasa Mammadova to a mosque, and questioned her about the literature and religion of Jehovah's Witnesses. Then officers took her to the police department. She was released at about 2 p.m.
- (7) **Baku.** On **21 May 2018**, between 12 and 12.30 p.m., Ms Yegana Salahova was visited at home by three officials, one of whom was Field Inspector Mahammad. She was asked to write in a statement that she was not one of Jehovah's Witnesses and that she did not share her beliefs with others. Ms Salahova refused. The officials left at 2 p.m.
- (8) **Salyan.** On **27 May 2018**, at about 2.25 p.m., Mr Elgiz Aliyev and Mr Ali Amirzada were taken to the police department against their will. The officers insulted the Witnesses' religion, and said that they must preach Islam. The men were released at about 3.10 p.m. after their personal details had been recorded.
- (9) **Siyazan.** On **1 July 2018**, at about 12.40 p.m., Ms Ismat Zohrabova and Ms Maryam Aliyeva, along with Mr Eldar Aliyev who had been detained while conducting a Bible study in a park, were taken to the police department against

their will. The Deputy Chief, named Goshgar, said that they were engaged in illegal activities and had no right to share their beliefs. Eventually, Goshgar returned their publications and said that this time the police would let them go, but if they returned to Siyazan they would be detained. Their personal details were recorded and at about 1.15 p.m. they were released.

- (10) **Lankaran.** On **11 July 2018**, at about 10.15 a.m., Ms Bahar Aliyeva and her daughter Ms Aysel Aliyeva were approached by four or five police officers, and told that they must accompany them to the police department. If they refused they would be taken there by force. The women were ordered to empty their bags and all their publications were seized. After the police had taken their statements, they were released at about 3.30 p.m.
- (11) **Baku.** On **27 July 2018**, at about 8.40 a.m., Ms Natalya Moroz and Ms Sevil Teymurova were taken to Police Department No. 22. They wrote statements and were not released until 7 p.m.
- (12) **Baku.** On **20 August 2018**, at 12.55 p.m., Ms Natella Azimova was summoned to Badamdar Police Department No. 41. A police officer, Agil, informed Ms Azimova that the husband of a woman with whom she studied the Bible had complained about her. At 4.45 p.m. she was released.
- (13) **Astara.** On **23 August 2018**, at about 1.30 p.m., police officers of the Astara Police Department detained six Jehovah's Witnesses: Mr Roman Mukhtarov, Mr Elshan Aghalarov, Mr Ruslan Taghiyev, Ms Khatira Gubadova, Ms Bahar Aliyeva, and Ms Sharafat Azizova. The police seized from Mr Aghalarov's car all the religious publications and his personal laptop. He was told to empty his bags, which contained his and his wife's personal items. When he objected, one of the officers pushed him. Their personal details were recorded and statements were taken. At about 6.30 p.m. all were released.
- (14) **Yevlakh.** On **28 August 2018**, at about 1.30 p.m., when Ms Sevda Aliyeva and Ms Sama Natigzada were sharing their religious beliefs in public, they were stopped by seven or eight police officers and taken to the police department. They were released at 4.30 p.m.
- (15) **Shamakhi.** On **29 September 2018**, at about 11.45 a.m. Ms Aytaj Rahmanova and Ms Telli Samadova were approached by three police officers while sharing their beliefs. After writing statements, they were released at about 1 p.m.
- (16) **Baku.** On **16 October 2018**, at about 1.10 p.m., three of Jehovah's Witnesses, Mr Yavar Abbasov, his wife Ms Khuraman Abbasova, and Mr Mahabbat, were approached by Rufat Ismayilov, a police officer in civilian clothing. They were taken to Police Department No. 35. At 4.30 p.m. they were released.
- (17) **Hajigabul.** On **4 November 2018**, a group of Jehovah's Witnesses shared their religious beliefs. When they were leaving the city a man, who said he was a representative of the executive authority for religious affairs, stopped them and stated that each time they come to the district they have to inform the executive authority. He threatened to take them to the police department, but after ten minutes he let them go.
- (18) **Siyazan.** On **11 November 2018**, at about 11.10 a.m., a police officer who introduced himself as Nazim stopped Mr Eldar Aliyev and demanded that he get his companions and leave the city. Nazim told him that "he does not want to see them preaching in Siyazan." At 11.50 a.m. Nazim left. The Witnesses subsequently proceeded to share their beliefs without hindrance.

Denial of Ganja Registration

- (1) **Ganja.** Since **1 July 2010**, Jehovah's Witnesses in Ganja have filed six applications for registration. Every application was returned on the basis of alleged errors. On **14 September 2016**, representatives of the EAJW met with Mr Gurbanli, who indicated that no progress would be made with this application until re-registration of the Baku Community was resolved.

- (2) **Elsewhere in Azerbaijan,** there is not the required number of Jehovah's Witnesses to apply for registration. According to the Law, a minimum of 50 founders is required. In some cities, such as Sumgayit, Barda and Mingachevir, there are several dozen Jehovah's Witnesses but the available number does not reach 50, and for this reason an application to register the local religious community cannot be filed. Although law-enforcement agents have not disrupted religious meetings in recent months, Jehovah's Witnesses outside Baku live in constant fear that their meetings for worship may be disrupted by police officers and that they will be fined for 'illegal' religious activity.
- (3) **National Registration.** As mentioned above, Jehovah's Witnesses live and worship in many cities and smaller towns. In some cities they number in the tens, and in others there are fewer than 10. Because these groups are unable to apply for local registration, during 2009 documents seeking national registration were filed with the SCWRA. However, the application was rejected, with the sole reason given: *"According to the first part of Article 12 of the Azerbaijan Republic Law on Freedom of Religious Beliefs, a religious community can conduct activity at the place of worship that is indicated as the legal address mentioned in the information that is presented in order to obtain state registration."*

Jehovah's Witnesses in Azerbaijan will be pleased to provide additional details on request:

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International Office of Public Information: OPIGov@jw.org