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Attack on church possible war crime

Human Rights Watch (16.12.2020) - <https://bit.ly/38BzZ3B> - [Azerbaijani](#) forces attacked a church in the city of Shushi on October 8, 2020 during the Nagorno-Karabakh hostilities, in what appears to be a deliberate targeting in violation of the laws of war, Human Rights Watch said today.

Two separate attacks, hours apart, on the Ghazanchetsots Cathedral on October 8 in the town of Shushi, also known as Shusha, suggest that the church, a civilian object with cultural significance, was an intentional target despite the absence of evidence that it was used for military purposes. Weapon remnants Human Rights Watch collected at the site corroborate the use of guided munitions. President Ilham Aliyev [said](#) that the church could have been targeted only by mistake and was "not among military targets." The attacks took place while Armenian forces still controlled the city. Azerbaijani forces regained control of the city on [November 8](#), having lost it in hostilities in 1992.

"The two strikes on the church, the second one while [journalists](#) and other civilians had gathered at the site, appear to be deliberate," said [Hugh Williamson](#), Europe and Central Asia director at Human Rights Watch. "These attacks should be impartially investigated and those responsible held to account."

On September 27, Azerbaijan began [air and ground attacks](#) across Nagorno-Karabakh, an escalation in the conflict between [Azerbaijan](#) and [Armenia](#) and the local authorities in Nagorno-Karabakh. Fighting continued until November 10, when Armenia, Azerbaijan, and Russia concluded an agreement to [end the hostilities](#).

Shushi is approximately 10 kilometers from Nagorno-Karabakh's largest city,

Stepanakert. Several attacks on Shushi were [reported](#) in the first days of fighting. By early October, many of its residents had fled, though some civilians remained, including men, women, and children.

The Cathedral, constructed in the 19th century and an important building for the Armenian church, was attacked twice in the afternoon on October 8. No one was injured or killed in the first strike as the civilians in the church at the time were sheltering in its basement, but three journalists for Russian outlets were injured in the second strike. Reports of the first attack were posted on social media channels beginning around 12:30 p.m.

Human Rights Watch spoke to four civilians who were at the church or in its immediate vicinity during one or both attacks, including two injured in the second attack.

Human Rights Watch visited the church on October 13 and spoke to two witnesses. Nune Shahramanyan, 46, who lives across the street, said that she and her children and some neighbors had been sheltering in the church basement since September 27.

"I had just gone to buy bread for my family ... [who] were in the [church] basement," she said. "And when I heard that sound [of the explosion] I saw ... the debris and [heard] sirens starting. And I saw [three] planes. Then I ran back....I saw that my children were safe and I was relieved.... There was so much debris and stones falling."

She said that seven or eight people were in the church basement at the time of the attack, all civilians. She said she did not see anyone else outside the church at that time.

Vova Zakaryan, 71, said he had just entered the basement just before it was struck: "I just hugged the... children and told them that they don't need to panic." Zakaryan said that people had been coming to pray and light candles in the church since September 27, but that only he, the children, and some neighbors were in the basement during the first attack. Zakaryan said no one had been guarding the church since the beginning of the hostilities.

Shortly after the first attack, journalists began arriving at the church grounds. Numerous photos and [videos](#) of the damaged exterior and interior were [posted online](#).



Damage to the ceiling of Ghazanchetsots Cathedral south of the main dome following the first strike in the afternoon of October 8. © 2020 NKR InfoCenter

The damage included a hole approximately one-meter wide in the church ceiling, just south of the main dome. Debris from the blast could also be observed on the church grounds. [In photos](#) circulated at that time on social media, remnants from a weapon can be seen, consistent with a munition capable of being accurately directed at a specific target, including components that support the movement of other pieces, such as fins or wings, consistent with a device that has a terminal guidance system.

Yuri Kotenok, a journalist who arrived in the afternoon, said he didn't see any military equipment or personnel.

Around 5 p.m., the church was attacked again. Kotenok, Levon Arzanov, and Vahram – who asked that his real name not be used –, all journalists, were inside during the strike.

Vahram said that no one else was in the church at the time and that they were headed toward the exit when the strike hit:

“At that moment there was a blast, a powerful one, we all were scattered... [T]here was total darkness... then the dust started to settle. I was near Yuri. We tried to take him from underneath the rubble; I could not. I got out to the street...[M]y hand was torn, and I had injuries on my back and on my head.”



Damage to the southern portion of Ghazanchetsots Cathedral roof following both strikes on October 8. The fragmentation pattern on the walls of the church below the roof, which appear only after the second attack, suggests the weapon used likely was equipped with a time-delayed fuze. © 2020 Human Rights Watch

Kotenok also described the moment of the attack: "I heard an awful crack and then it was hell and my friend was knocked down and flew. There was shouting and blood and he was trying to ask if I'm alive and I was trying to articulate that I was, but I was under stones and wood."

Kotenok said he was [carried](#) out of the church and transported to the hospital in Stepanakert for surgery, then airlifted to Yerevan.



Damage to the southern portion of Ghazanchetsots Cathedral roof and debris on the church floor following two attacks on October 8. The fragmentation pattern on the walls

of the church below the roof, which only appear after the second strike, suggests the weapon used likely was equipped with a delayed fuze. © 2020 Human Rights Watch

In addition to injuries from fragments to his head, neck, abdomen, arms, and left foot, Kotenok said he had lung damage and a concussion. Seven days after the attack, he said he had bad headaches and hearing difficulties.

In addition to Vahram and Kotenok, Levon was also injured and treated in a hospital in Shushi.

A Human Rights Watch researcher examined the damage to the church and collected remnants from munitions. Human Rights Watch was not able to identify the munitions used in each attack but found remnants consistent with munitions capable of being accurately directed at a specific target and making corrections to its flightpath after release. Some of the remnants Human Rights Watch found and documented matched those circulated on social media following the first attack. However, photos of other remnants do not appear to have been posted elsewhere. No remnants found match any publicly documented air-to-ground weapons.

A remnant with a data plate containing alpha-numeric codes found at the Ghazanchetsots Cathedral on October 13, following two strikes on it on the afternoon of October 8. © 2020 Human Rights Watch



A heavy metal remnant found at the Ghazanchetsots Cathedral on October 13, following two strikes on the church in the afternoon of October 8. © 2020 Human Rights Watch

The Azerbaijani government has denied intentionally striking the church, instead asserting without evidence that the church was attacked by Armenian forces as a “provocation” or that it may have been mistakenly struck by Azerbaijani artillery.

However, multiple factors indicate that both attacks were directed at the church. The remnants found indicate that the weapons used were capable of being directed at a specific target. The two strikes struck the same part of the church roof, with no more than two meters difference between the point of impact. This substantially reduces the possibility that less precise weapons were used, given their inability to achieve such a high degree of accuracy over two strikes. Additionally, Human Rights Watch is not aware of any additional reports of strikes in Shushi around the church at the time of these attacks, suggesting that each attack was a single strike.

International humanitarian law, also known as the laws of war, requires warring parties to distinguish between civilian objects and military objectives at all times. Attacks directed at civilian objects that are not used to commit hostile acts or are otherwise not military objectives are prohibited and may constitute a war crime. Warring parties are also required to respect cultural property and special care must be taken to avoid damage to buildings dedicated to religion and historic monuments. They must not be attacked unless imperatively required by military necessity.

Serious violations of the laws of war committed with criminal intent – deliberately or recklessly – are war crimes. Governments have a duty to investigate allegations of war crimes by members of their armed forces or forces on their territory and to fairly prosecute those found responsible.

On October 15, President Aliyev [said](#) that Azerbaijan would need to investigate the attack. On November 9, [BBC published](#) an interview with Aliyev, who said in response to a question about the result of the investigation: “In order to investigate it, we have to be there to investigate.”

“It has been over a month since Azerbaijan has retaken control of Shushi and the government needs to waste no time in investigating the attacks and holding those responsible to account,” Williamson said. “Attacks such as these serve no military purpose and all parties should ensure these kinds of attacks are punished and otherwise prevented.”

Nagorno-Karabakh: Azerbaijan's President promises protection for Armenian churches and monasteries



Stepanakert (Agenzia Fides)

Agenzia FIDES (18.11.2020) - <https://bit.ly/2IYZVqL> - After the signing of the armistice between Armenia and Azerbaijan, which ended the conflict in Nagorno-Karabakh with Russian mediation, there are fears about the fate of Armenian churches and monasteries in the regions that will be administered by Azerbaijan in the future. Concerns have increased following reports by the Armenian Apostolic See of Echmiadzin of the desecration and attacks on the Armenian Cathedral in Shushi after Azerbaijani troops took control of Nagorno-Karabakh. During a telephone call, Russian President Vladimir Putin called on Azerbaijani President Ilham Aliyev to respect Christian places of worship and to protect "normal church life" in areas that are said to be under direct Azerbaijani control. Azerbaijan, for its part, has guaranteed protection and free access to all churches and monasteries in Nagorno-Karabakh. At the request of the local population, Russian soldiers who were sent to the region as "peacekeepers" have stationed a military garrison in the famous Dadivank monastery (picture) in the Kelbecer area. "The Peace Forces Command", said Russian spokesman of the Ministry of Defense, Igor Konashenkov, on Monday 16 November, "has contacted local governments to solve problems in the communities". Unhindered visits to the monastery complex should be possible in cooperation with Russian peacekeepers. (GV) (Agenzia Fides, 18/11/2020)

Religion central to Armenia-Azerbaijan conflict



Flag of Azerbaijan on military uniform. Credit: Bumble Dee/Shutterstock

By Matt Hadro

Washington, D.C. Newsroom, Oct 13, 2020 / 01:00 pm MT ([CNA](#)).- Religion is a central factor in the conflict between Armenia and Azerbaijan, Christian advocates explained in a briefing on the conflict on Friday.

A historic conflict between Armenia and Azerbaijan has reignited in recent weeks. The two countries, formerly part of the Soviet Union (USSR), fought a six-year war over the territory from 1988 to 1994 after the fall of the USSR, ending in a ceasefire. The United Nations currently recognizes the territory as part of Azerbaijan, but administered by ethnic Armenians.

"There's definitely a religious component here," but it is "not the only thing, obviously," said Mark Movesian, co-director of the Center for Law and Religion, at a briefing of the Philos Project on Friday on the Armenia-Azerbaijan conflict. The project is a Christian initiative that promotes positive Christian engagement in the Middle East.

"I don't see how Christians, wherever they are, wouldn't see this as relevant to them," Movesian said.

The largely-Muslim makeup of Azerbaijan and the history of Armenian Christianity cannot be ignored, he said, particularly amid reports that neighboring Turkey is actively exporting Syrian Islamist extremists to Azerbaijan to fight Armenia.

The territory has had an Armenian identity for millennia, and with that a rich Christian history, Movesian said.

The conflict in the majority-Armenian territory in the Caucasus has resulted in hundreds of civilian deaths and thousands displaced and "has potential" to cause a "ripple effect"

around the region and the world, said Robert Nicholson, president and executive director of the Philos Project on Friday.

The region has a history of clashes: In 2016 there was a four-day conflict in the area with heavy casualties, recalled Van Der Mergerdichian, an Armenian Philos research fellow, on Friday. Skirmishes in July lasted a few weeks, and the current conflict had lasted for 13 days with lots of sniper fire and gunfire exchanges, he said.

On Oct. 8, militants shelled a cathedral of the Armenian Apostolic Church in the disputed territory of Nagorno-Karabakh, destroying part of the roof and damaging the walls of Holy Savior Cathedral in Shusha. Armenians said that Turkish-backed forces from Azerbaijan were behind the attack.

The attack on the cathedral drew condemnation from Christian leaders and religious freedom advocates.

The U.S. Commission on International Religious Freedom stated on Thursday that it was "dismayed to learn" of damage to the cathedral, and called for "the safeguarding of places of worship and religious sites."

The president of the group In Defense of Christians (IDC), Toufic Baaklini, compared the "Turkish-backed" attack to ISIS' assaults on Christian communities. IDC cited the French government and other official and media sources to say that Turkey is actively recruiting mercenaries to Azerbaijan to fight.

Another historic religious factor in the conflict is the neutrality of Russia and the involvement of Turkey in support of Azerbaijan, experts noted on Friday.

Russia is selling arms to both sides of the conflict, Movesian said, as it is historically Christian but the Russian Orthodox Church has associated with Byzantium, while Armenian Christianity has historic links to the Coptic and Syrian churches of the East.

Meanwhile, Turkish president Recip Erdogan has provided "unconditional support" of Azerbaijan in the conflict, said Armen Sahakyan, executive director of the Armenian National Committee of America, western region.

Sahakyan said Erdogan has become has tried to position himself as the leader of the Sunni Muslim world in recent years, noting that, in July, he reconverted the historic cathedral of Hagia Sophia into a mosque - a move that religious freedom advocates warned could effect far-reaching religious and geopolitical consequences.

In his Sept. 27 Angelus, Pope Francis prayed for peace in the region, asking those involved in the conflict "to perform concrete acts of good will and brotherhood that may lead to resolve the problems, not with the use of force and arms, but through dialogue and negotiation."

The chair of the U.S. bishops' international justice and peace committee prayed for a stop to the violence on Saturday. Bishop David Malloy of Rockford cited Pope Francis' new encyclical Fratelli Tutti and called for Americans to pray in solidarity with those affected by the conflict.

"The Caucasus is a far off and little-known region to most Americans. But those who suffer are always close to Our Lord and to those who follow Him," the bishop said.

Turkey's involvement in the conflict "fills Armenians with a particular dread," Movesian said on Friday, as the government has continued to deny that Turkey committed genocide against Armenians in the early 20th century.

Armenians think that if they surrender control of the region, genocide will continue, Movesian said, insisting that Western Christians cannot ignore the conflict.

"It's a sad thing about Mideast Christians sometimes," he said, observing that, for Americans, "Mideast Christians are too 'Mideast' for the right and too Christian for the left."

34 freedom of religion cases pending at ECtHR

Pending at the European Court of Human Rights are 34 known cases relating to violations of freedom of religion or belief, involving 61 individuals and 5 communities. A decision is expected on 22 October in the case of Nina Gridneva, fined for offering religious literature on the street. Other cases cover punishments for leading mosque prayers and holding religious meetings, refusing compulsory military service on grounds of conscience and the state's religious censorship.

By Felix Corley

Forum18 (06.10.2020) - <https://bit.ly/34ypYDc> - In September, the European Court of Human Rights (ECtHR) in Strasbourg accepted Azerbaijan's unilateral declarations in nine further freedom of religion or belief cases admitting that it had violated human rights and pledging to pay compensation within three months. The Court has already ruled on 21 such cases, accepting Azerbaijan's admissions of violations in 13 cases and finding against Azerbaijan in a further eight. These decisions leave 34 known cases relating to freedom of religion or belief – involving 61 individual applicants and 5 communities - at the Court awaiting decisions.

The 34 cases – lodged at the ECtHR between 2007 and 2019 – cover cases where individuals have been jailed for leading prayers, punished for refusing compulsorily military service on grounds of conscience, raided for holding religious meetings, faced unlawful house searches, punished for talking to others about their faith, faced censorship of religious literature, faced denial of state registration for their community, and faced movement restrictions because of personal appearance (see full list below).

An ECtHR decision is expected on 22 October in the case of Jehovah's Witness Nina Gridneva, Jehovah's Witnesses told Forum 18. In September 2010, police in the capital Baku stopped her while she was offering religious literature on the street and seized the literature. A court subsequently fined her for "illegal" religious literature distribution (see below).

ECtHR judgments require governments not only to pay any compensation awarded but to rectify the conditions which led to the human rights violations.

The nine ECtHR cases in which Azerbaijan admitted violations and pledged to pay compensation to the victims, and which the Court closed in September, bring to 13 the number of such cases closed after Azerbaijan admitted violations. The ECtHR has found against Azerbaijan in a further eight cases, awarding compensation to the victims.

Asabali Mustafayev, the lawyer who represented seven Muslims whose cases were decided on 3 September, expressed dissatisfaction that, by accepting the government's "unilateral declaration", the Court had not reviewed the substance of the cases. He said they had tried "to have the government commit to its obligations to take general

measures that such violations could not recur in future. But here the government has simply admitted a violation but has not taken any obligation on itself" (see below).

The telephone of Chingiz Asgarov, the Deputy Chair of the Supreme Court - and the Azerbaijani government's Agent at the ECtHR – went unanswered each time Forum 18 called on 30 September and 6 October.

Forum 18 asked Asgarov in writing on 30 September what steps (if any) Azerbaijan is taking to prevent future violations of freedom of religion or belief, what legal changes (if any) the government is proposing to prevent such violations, and why individuals have to seek justice from the ECtHR rather than through domestic courts. Forum 18 received no response by the end of the working day in Baku on 6 October.

The telephone of Yaqut Aliyeva, spokesperson for the State Committee for Work with Religious Organisations in Baku, went unanswered each time Forum 18 rang on 30 September. Forum 18 received no response by the end of the working day in Baku on 6 October to similar questions sent to her.

On 30 September, Forum 18 asked Rahim Rahimov, deputy head of the Human Rights Department at the Justice Ministry in Baku, why the government had not admitted in courts within Azerbaijan that it had violated the rights of people to freedom of religion or belief before the cases reached the ECtHR and what steps it was undertaking to prevent such violations from recurring. As soon as Forum 18 asked the questions the line went silent and then cut off. All subsequent calls went unanswered.

13 admissions of violations, 8 ECtHR findings against Azerbaijan

Of the 63 freedom of religion or belief cases known to have been lodged from Azerbaijan to the ECtHR in Strasbourg since 2004:

- 8 were dismissed or withdrawn;
- 13 were closed after Azerbaijan admitted violations and offered compensation in a "unilateral declaration";
- 8 ended in findings and awards of compensation against Azerbaijan;
- 34 are still pending (see below).

In all nine of the religious freedom cases on which the ECtHR issued decisions in September 2020 after the government issued a "unilateral declaration" admitting violations, as with similar earlier cases, the victims were unhappy. They do not believe the government gave a sufficient commitment that the violations of the right to freedom of religion or belief could not recur.

Asabali Mustafayev, the lawyer who represented seven Muslims whose cases were decided on 3 September, expressed dissatisfaction that, by accepting the government's "unilateral declaration", the Court had not reviewed the substance of the cases. He told Forum 18 in September that they had tried "to have the government commit to its obligations to take general measures that such violations could not recur in future. But here the government has simply admitted a violation but has not taken any obligation on itself."

34 known cases awaiting ECtHR decision

A total of 34 cases from Azerbaijan relating to violations of freedom of religion or belief are known to be awaiting an ECtHR decision. Of these, 23 were lodged by Muslims and 11 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 Court registered the application.)

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)
- Punished for conscientious objection (2 cases involving 2 individual applicants)
- Police raids on meetings for worship (23 cases involving 32 individual applicants and 2 communities)
- Unlawful house search (1 case involving 1 individual applicant)
- Punishment for talking to others about faith (1 case involving 1 individual applicant)
- State censorship of religious literature (4 cases involving 19 individual applicants and 2 communities)
- Registration denial (1 case involving 2 individual applicants and 1 community)
- Movement restrictions because of appearance (1 case involving 3 individual applicants)

While the ECtHR has found in favour of many applicants in freedom of religion or belief cases from Azerbaijan, eight other cases were dismissed as inadmissible or closed, or the applicant withdrew the case.

In addition to their 11 current 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.

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. "The government gave its comments, they were sent to us and we in turn gave our comments," his lawyer Javad Javadov told Forum 18 in March 2020. He said they are now waiting for the ECtHR to give its judgment.

ECtHR: Punished for conscientious objection

1) Mehdiyev v. Azerbaijan (Application No. 52773/19). Emil Mehdiyev refused to perform military service on grounds of conscience and offered to do an alternative civilian service (which does not exist in Azerbaijan). In July 2018, Barda District Court convicted him and handed down a one-year suspended prison term, and required that he live under probation for one year. Ganca Appeal Court rejected his appeal in October 2018. The Supreme Court rejected his final appeal in April 2019. He filed his appeal to the ECtHR on 7 October 2019. The ECtHR has not yet asked the government questions about the case.

2) Abilov v. Azerbaijan (Application No. 54768/19). Vahid Abilov refused to perform military service on grounds of conscience and offered to do an alternative civilian service (which does not exist in Azerbaijan). In September 2018, Agdam District Court found him guilty and sentenced him to a one-year suspended prison term. Ganca Appeal Court rejected his appeal in October 2018. The Supreme Court rejected his final appeal in April

2019. He filed his appeal to the ECtHR on 17 October 2019. The ECtHR has not yet asked the government questions about the case.

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) 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 (in the case Valiyev and Others, the ECtHR issued a judgment in September 2020). 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.

4) 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.

5) 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.

6) 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.

7), 8), 9), 10), 11), 12), 13) 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.

14), 15), 16), 17), 18), 19), 20), 21), 22), 23) Rzamov v. Azerbaijan (Application No. 81005/17); Guliyev [Quliyev] v. Azerbaijan (Application No. 81009/17); Gasimov v. Azerbaijan (Application No. 81024/17); Khanlayev v. Azerbaijan (Application No. 81043/17); Elmar Aliyev v. Azerbaijan (Application No. 81049/17); Shikhmammadov v. Azerbaijan (Application No. 81051/17); Seyfalov v. Azerbaijan (Application No. 81083/17); Amrahov v. Azerbaijan (Application No. 81084/17); Badirkhanov v. Azerbaijan (Application No. 81088/17); and Gulaliyev v. Azerbaijan (Application No. 81095/17). In March 2017, police raided a home in Quba where Muslims who study Said Nursi's works were meeting and seized religious literature. Almost all of those present were fined in March 2017, including these 10 men. The ECtHR asked the government questions about these 10 cases on 26 August 2020.

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) 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. An ECtHR decision is expected on 22 October 2020, Jehovah's Witnesses told Forum 18.

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) 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.

3) 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.

4) Miriyev v. Azerbaijan (Application No. 1717/20). In February 2018, the State Committee for Work with Religious Organisations banned the publication and distribution in Azerbaijan on theological grounds of the book "Things Not Existing in Islam" by Muslim theologian Elshad Miri (also known as Miriyev). On 20 December 2019, after failing to overturn the ban through the local courts, Miri lodged a case in the ECtHR. The ECtHR has not yet asked the government questions about the case.

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: 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.

Regime admits freedom of religion and belief violations to ECtHR

In nine cases concluded in September at the European Court of Human Rights (ECtHR), Azerbaijan admitted it violated freedom of religion or belief and the ECtHR has closed the cases. Yet, as lawyer Khalid Agaliyev noted, despite many ECtHR judgments against Azerbaijan, "we don't see any follow-up from these judgments. We want the general human rights situation to change under the influence of these judgments. Unfortunately, this is not happening".

By Felix Corley

Forum18 (02.10.2020) - <https://bit.ly/2J7jwe8> - In nine cases concluded in September at the European Court of Human Rights (ECtHR) in Strasbourg, Azerbaijan admitted that it violated the rights of people to freedom of religion or belief. The regime pledged to pay

compensation to the victims within three months of the ECtHR decisions. On 3 September the Court issued its decisions and then closed all nine of the cases.

The government is increasingly admitting violating human rights in a range of cases at the ECtHR, allowing it to pay small amounts of compensation and have the cases closed. However, victims and lawyers complain that the ECtHR does not then review the substance of an individual case. They also contend that the government does nothing to change the legal framework under which such violations occur (see below).

In all nine cases, as well as in earlier cases where the government admitted its violations, the victims expressed concern at both the low level of compensation the government offered and what they saw as its failure to make a sufficient commitment that the violations of freedom of religion or belief could not recur (see below).

Asabali Mustafayev, the lawyer who represented the seven Muslims whose cases were decided on 3 September expressed dissatisfaction that, by accepting the government's "unilateral declaration", the Court had not reviewed the substance of the cases. He told Forum 18 that they had tried "to have the government commit to its obligations to take general measures that such violations could not recur in future. But here the government has simply admitted a violation but has not taken any obligation on itself" (see below).

Khalid Agaliyev, a lawyer who has taken up freedom of religion or belief cases, told Forum 18 in June that the judgments were important for the individuals. But he noted that despite many ECtHR judgments against Azerbaijan, "we don't see any follow-up from these judgments. These judgments usually have only an individual impact," Agaliyev told Forum 18. "We want the general human rights situation to change under the influence of these judgments. Unfortunately, this is not happening" (see below).

Azerbaijan has admitted to the Court its violation of the freedom of religion or belief of Muslims and Jehovah's Witnesses in earlier cases (see below).

The government admitted violating the rights of four Jehovah's Witnesses punished for meeting for worship in 2010, and the Jehovah's Witness community in the capital Baku denied permission to import religious literature in 2011. It also admitted violating the rights of seven Muslims punished for discussing their faith in a meeting raided by police in 2015 (see below).

"The Government of the Republic of Azerbaijan hereby wishes to express – by way of unilateral declaration – acknowledgement of the fact that there have been violations of the applicants' rights guaranteed under the Convention [European Convention on Human Rights]," the government admitted in the case of those punished for meeting for worship. The wording in the other cases varied only over whether there was one or more applicant.

34 pending cases, another to be lodged

Former parliamentary staff member Rahim Akhundov, who says he was dismissed from his job at the Milli Majlis in December 2018 on the orders of the secret police because of his Christian faith, is planning to lodge his case to the ECtHR. He lost his final appeal at the Supreme Court in Baku on 23 September.

Akhundov's case would join at least 63 other cases lodged from Azerbaijan since 2004 over its persistent and repeated violations of the right to freedom of religion or belief. The ECtHR in Strasbourg is yet to rule on 34 of these known cases, lodged between 2007 and 2019.

These 34 pending cases cover a range of violations of freedom of religion or belief:

- Jailed for leading prayers
- Punished for conscientious objection
- Police raids on meetings for worship
- Unlawful house search
- Punishment for talking to others about faith
- State censorship of religious literature
- Registration denial
- Movement restrictions because of appearance

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

ECtHR decisions, but no changes in the law

ECtHR judgments require governments not only to pay any compensation awarded but to rectify the conditions which led to the human rights violations. Azerbaijan has paid compensation to victims of violations of the right to freedom of religion or belief, though not always within the prescribed three-month period.

In all nine of the religious freedom cases on which the ECtHR issued decisions in September 2020 after the government issued a "unilateral declaration" admitting violations, as with similar earlier cases, the victims were unhappy. They do not believe the government gave a sufficient commitment that the violations of the right to freedom of religion or belief could not recur (see below).

Asabali Mustafayev, the lawyer who represented the seven Muslims whose cases were decided on 3 September (see below), expressed dissatisfaction that, by accepting the government's "unilateral declaration", the Court had not reviewed the substance of the cases. He told Forum 18 on 29 September that the ECtHR has not yet examined the substance of violations of the freedom of religion and belief of Muslims in Azerbaijan.

Mustafayev added that they had tried "to have the government commit to its obligations to take general measures that such violations could not recur in future. But here the government has simply admitted a violation but has not taken any obligation on itself."

Khalid Agaliyev, a lawyer who has taken up freedom of religion or belief cases, told Forum 18 in June that the judgments were important for the individuals. But he noted that despite many ECtHR judgments against Azerbaijan, "we don't see any follow-up from these judgments".

"These judgments usually have only an individual impact," Agaliyev told Forum 18. "We want the general human rights situation to change under the influence of these judgments. Unfortunately, this is not happening."

Since 2019, the government has also almost stopped raiding religious communities meeting for worship – whether or not they have state permission to meet – and almost stopped raiding shops where religious literature and other materials are offered for sale.

Jehovah's Witnesses – who have in the past faced frequent fines for meeting for worship – note that the last time a fine was levied against a community member was in January 2017. They also note that the State Committee for Work with Religious Organisations – which oversees state control of the exercise of freedom of religion or belief – has not rejected their applications to import religious literature since November 2015.

However, the regime has changed no laws as a result of the many ECtHR decisions. Meeting for worship without state permission remains illegal and punishable. Sharing faith with others remains illegal and punishable. Importing, producing or distributing religious literature without State Committee approval remains illegal and punishable. It remains illegal and punishable for Muslims who have gained their religious education outside Azerbaijan to lead prayers and preach without permission.

"We hope that this important ECtHR judgment will speed the process of obtaining registration in Ganca and other cities in Azerbaijan," Jehovah's Witness Kirill Stepanov noted after the decision about religious censorship on which the ECtHR ruled on 3 September (see below). "It is our hope that the government review of our literature before importation will be removed in time."

Why do people have to seek justice from the ECtHR?

The telephone of Chingiz Asgarov, the Deputy Chair of the Supreme Court - and the Azerbaijani government's Agent at the ECtHR - went unanswered each time Forum 18 called on 30 September 2020.

Forum 18 asked Asgarov in writing the same day what steps (if any) Azerbaijan is taking to prevent future violations of freedom of religion or belief, what legal changes (if any) the government is proposing to prevent such violations, and why people have to seek justice from the ECtHR not domestic courts. Forum 18 received no response by the afternoon of the working day in Baku on 2 October.

Asked in October 2012 why Azerbaijan was then jailing conscientious objectors in violation of its commitments to the Council of Europe, Asgarov 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?"

The telephone of Aynur Sabitova, head of the Human Rights Department at the Justice Ministry in Baku, went unanswered on 30 September 2020. The same day Forum 18 asked the deputy head of the Department, Rahim Rahimov, why the government had not admitted in courts within Azerbaijan that it had violated the rights of people to freedom of religion or belief and what steps it was undertaking to prevent such violations from recurring. As soon as Forum 18 asked the questions the line went silent and then cut off. All subsequent calls went unanswered.

The telephone of Yaqut Aliyeva, spokesperson for the State Committee for Work with Religious Organisations in Baku, went unanswered each time Forum 18 rang on 30 September. 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, what legal changes (if any) the State Committee is proposing to prevent such violations, and why individuals have to seek justice from the ECtHR rather than through domestic courts. Forum 18 received no response by the afternoon of the working day in Baku on 2 October.

Forum 18 received no response to the same written questions it sent to Aliyeva in July 2019.

Regime admits more freedom of religion or belief violations to ECtHR

In nine cases concluded in September 2020 at the European Court of Human Rights in Strasbourg, the Azerbaijani government admitted through "unilateral declarations" that it violated the right to freedom of religion and belief. The government pledged to pay compensation to the victims within three months of the decisions being notified.

The nine cases were concluded with ECtHR decisions on 3 September. The ECtHR published the nine decisions on 24 September. This means that Azerbaijan will have to pay the compensation to the victims in these cases by 24 December.

"The Government of the Republic of Azerbaijan hereby wishes to express – by way of unilateral declaration – acknowledgement of the fact that there have been violations of the applicants' rights guaranteed under the Convention [European Convention on Human Rights]," the government admitted in the case of those punished for meeting for worship. The wording in the other cases varied only over whether there was one or more applicant.

Seven of the nine cases the ECtHR decided on 3 September 2020 had been lodged by Muslims punished for attending a meeting to study Muslim theologian Said Nursi's works at a home in Baku in September 2015: 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 the 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.

The seven Muslims and the Azerbaijani government failed to reach a "friendly settlement". After this, the Azerbaijani government issued a "unilateral declaration" in each of the cases.

On 3 September the ECtHR accepted the Azerbaijani government's admission that it had violated the men's human rights and its offer to pay each of the victims 4,400 Euros in compensation and costs tax-free within three months.

"The Court has established clear and extensive case-law concerning complaints relating to the domestic authorities' interference with religious meetings held on private premises," it declared in the judgment in the seven cases, pointing particularly to two judgments in cases from Russia. The ECtHR accepted the "unilateral declarations" and closed the cases.

Agayev and the six other Muslims are "not completely satisfied" with the ECtHR judgments, their lawyer Asabali Mustafayev told Forum 18 on 29 September.

"We tried to have the Court review the substance of the complaints," Mustafayev told Forum 18, "and to have the government commit to its obligations to take general measures that such violations could not recur in future. But here the government has simply admitted a violation but has not taken any obligation on itself."

Another of the cases on which the ECtHR ruled on 3 September concerned a group of four Jehovah's Witnesses: 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.

On 3 September the ECtHR accepted the Azerbaijani government's admission that it had violated the individuals' human rights and its offer to pay each of the four victims 4,000 Euros in compensation and costs tax-free within three months.

The Court accepted the unilateral declaration despite the victims' concerns. "By a letter of 9 December 2019," the ECtHR noted in its decision, "the applicants indicated that they were not satisfied with the terms of the unilateral declaration. In particular, they contended that the issues raised in the present application have not been determined by the Court in previous cases against the respondent Government and that the Government's unilateral declaration did not address the problems underlying the alleged violations of the Convention."

In its decision, the ECtHR stressed that it "has established clear and extensive case-law concerning complaints relating to the domestic authorities' interference with Jehovah's Witnesses' meetings", pointing in particular to two cases from Russia.

Jehovah's Witnesses note that the government is still refusing to grant legal status to their community in Ganca and thus the right legally to exist. However, they add that the situation has improved in recent years and they "have held meetings composed of small groups in private homes without government interference".

The ninth case on which the ECtHR ruled on 3 September concerned the Jehovah's Witness community in the capital Baku: 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.

On 3 September the ECtHR accepted the Azerbaijani government's admission that it had violated the community's human rights and its offer to pay 3,000 Euros in compensation and costs tax-free within three months.

The Court accepted the unilateral declaration despite the community's concerns. "By a letter of 9 October 2019," the ECtHR noted in its decision, "the applicant indicated that it was not satisfied with the terms of the unilateral declaration. In particular, it contended that the issues raised in the present application have not been determined by the Court in previous cases against the respondent State and that the Government's unilateral declaration did not address the problems underlying the alleged violations of the Convention."

In its decision, the ECtHR stressed that it "has established clear and extensive case-law relating to complaints about the domestic authorities' interference with dissemination of religious publications", pointing particularly to a similar case in Azerbaijan on which it had ruled in February 2020 (see below), as well as cases in Russia.

Earlier government admissions of violations

The first known instance when the Azerbaijani government admitted violations of the right to freedom of religion or belief through a "unilateral declaration" in a Jehovah's Witness case came in the case of 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.

On 30 January 2020, the ECtHR accepted the Azerbaijani government's admission that it had violated Bagirov's human rights and its offer to pay the victim 2,000 Euros in compensation and costs tax-free within three months.

The Court accepted the unilateral declaration despite Bagirov's concerns. "By a letter of 2 December 2019," the ECtHR decision noted, "the applicant indicated that he was not satisfied with the terms of the unilateral declaration. In particular, he contended that the amount of compensation provided in the Government's unilateral declaration was low and that it lacked measures to prevent similar future Convention breaches."

In its decision, the ECtHR stressed that it "has established clear and extensive case-law concerning complaints relating to the Jehovah's Witnesses' prosecution following public preaching", particularly pointing to a decision over the late Greek Jehovah's Witness Minos Kokkinakis. He had been punished for sharing his faith, but in 1993 the ECtHR upheld his right to share his faith.

In three separate decisions issued in 2020 – the most recent two on 4 June – the ECtHR accepted the government's "unilateral declarations" admitting that it violated the freedom of religion and belief of 13 individuals by subjecting them to excessively long pre-trial detention and ordered compensation to each. Of those ordered compensated, five had been detained for exercising freedom of religion or belief. After failing to agree "friendly settlements", the ECtHR accepted the government's "unilateral declarations" and the award of 3,000 Euros in compensation to each.

Among the victims whose excessively long pre-trial detention the government admitted were three Muslims who were punished for participating in a religious meeting in 2014 in a Baku home, in the cases of *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.

Earlier findings against Azerbaijan

In all other freedom of religion or belief cases, the government has vigorously contested the victims' claims that they had suffered violations of their human rights.

The ECtHR ruled on 20 February that Azerbaijan had violated the freedom of religion and belief of seven Jehovah's Witnesses who had been sharing their faith in public in 2010 in the case *Nasirov and Others v. Azerbaijan* (Application No. 58717/10). The ECtHR ruled that Azerbaijan is to pay each of the victims 3,000 Euros, with a total of 391 Euros in costs.

In three separate incidents, police stopped the 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 Aygul 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.

Famil Nasirov welcomed the ECtHR decision and noted that in practice the situation for Jehovah's Witnesses has improved. "In the past, we faced many difficulties in our country. It was common for police officers to detain us and then interrogate us for 4-5 hours." He added that "this no longer happens and we can now preach more freely".

In another judgment issued on 20 February 2020, the ECtHR ruled that Azerbaijan had violated the freedom of religion and belief of Jehovah's Witnesses when it banned some of their religious literature (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.

On 12 December 2019, the ECtHR found that Azerbaijan violated the freedom of religion and belief of Movsum Samadov, Chair of the Islamic Party, in the case Samadov v. Azerbaijan (Application No. 48431/11). The ECtHR ruled that Azerbaijan is to pay the victim 4,000 Euros in compensation.

Samadov 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.

On 17 October 2019, the ECtHR found in favour of five Jehovah's Witnesses punished through the courts between 2007 and 2013 for refusing compulsory military service on grounds of conscience. Four of them had been jailed, while the fifth had been given a suspended prison sentence and a fine. The judgment covered four cases (one involving two applicants), which the Court considered together.

Strasbourg Court rules long pre-trial detention "excessive"

The European Court of Human Rights in Strasbourg has ruled in three cases in 2020 that Azerbaijan violated the rights of 13 individuals by subjecting them to excessively long pre-trial detention, and ordered compensation. Five of these had been detained for exercising freedom of religion or belief. Imam Taleh Bagirov – who was tortured in pre-trial detention – and Zakir Mustafayev are still serving jail terms.

By Felix Corley

Forum 18 (22.06.2020) - <https://bit.ly/3huPQUP> - In three separate decisions so far in 2020 – the most recent two on 4 June - the European Court of Human Rights (ECtHR) in Strasbourg ruled that Azerbaijan violated the rights of 13 individuals by subjecting them to excessively long pre-trial detention and ordered compensation to each. Of those ordered compensated, five had been detained for exercising freedom of religion or belief.

The telephone of Chingiz Asgarov, the Azerbaijani government's Agent at the ECtHR, went unanswered each time Forum 18 called (see below).

The General Prosecutor's Office in the capital Baku has not yet responded to Forum 18's questions as to whether prosecutors are going to stop asking courts to authorise the long detention of people in pre-trial detention, and whether the General Prosecutors Office has already given prosecutors such instructions (see below).

The five ordered compensated for excessively long pre-trial detention as they awaited punishment for exercising the right to freedom of religion or belief are:

- Shia Muslim and leader of the Muslim Unity Movement Imam Taleh Bagirov, held in pre-trial detention for seven months in 2013;
- Shia Muslim Zakir Mustafayev of the Muslim Unity Movement, held in pre-trial detention for nearly ten months from 2015;
- Sunni Muslim Ismayil Mammadov, held in the then NSM prison in Baku for five months in 2014;
- Sunni Muslim Eldaniz Hajiyev, held in the then NSM prison in Baku for five months in 2014;
- Sunni Muslim Revan Sabzaliyev, held in the then NSM prison in Baku for nearly four months in 2014 (see below).

Of these five, Mustafayev and Bagirov are still serving jail terms. No officials have been arrested or put on trial for inflicting torture on Bagirov and others arrested with him (see below).

The 13 men had appealed to the Strasbourg Court at various dates between 2011 and 2017 under Article 5 of the European Convention on Human Rights and Fundamental Freedoms. This declares that arrested individuals are "entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial."

In two of the three cases – involving a total of ten men – the government itself "acknowledged the excessive length of pre-trial detention" and offered compensation of 3,000 Euros (5,700 Azerbaijani Manats, 32,000 Norwegian Kroner or 3,400 US Dollars) to each. The Court accepted this, even though the victims believe the compensation is too low and wanted the Court to continue hearing the cases. The Court rejected their request (see below).

Khalid Agaliyev, a lawyer who has taken up freedom of religion or belief cases, welcomed the ECtHR finding that Azerbaijan had violated the individuals' rights, "even if belatedly". But he noted that despite many ECtHR judgments against Azerbaijan, "we don't see any follow-up from these judgments" (see below).

Asabali Mustafayev, a lawyer who assisted on Mammadov and Hajiyev's cases, said they did not agree with the Court's decision to close the cases. "We wanted the Court to continue the cases and rule on the substance, the legality of their detention – whether these men should have been arrested and prosecuted at all" (see below).

In the case of Sabzaliyev, the government should have paid compensation by 16 April, three months after the ECtHR decision. However, as of 19 June he still had not received it. "They're dragging their feet," the lawyer Mustafayev told Forum 18 from Sumgait. "They're promising it this month" (see below).

Meanwhile, amendments to the Criminal Code – which entered into force on 1 June – have introduced an alternative punishment for producing, selling and distributing religious materials without state permission under Article 167-2.

In addition to the previous punishments of fines or a jail term, individuals acting alone can now be punished with a restricted freedom sentence of up to two years for a first conviction, or a restricted freedom sentence of between two and four years for members of a group or those already convicted (see below).

"They want to demonstrate that they are ready to soften approaches," one human rights defender told Forum 18 from Baku, but questioned why people should be punished at all for publishing or distributing materials about religion without state approval (see below).

Will ECtHR decisions lead to change?

Khalid Agaliyev, a lawyer who has taken up freedom of religion or belief cases, welcomed the ECtHR finding that Azerbaijan had violated the individuals' rights by detaining them for an excessive time, "even if belatedly". He told Forum 18 from Baku on 18 June that the judgments were important for the individuals. But he noted that despite many ECtHR judgments against Azerbaijan, "we don't see any follow-up from these judgments".

"These judgments usually have only an individual impact," Agaliyev told Forum 18. "We want the general human rights situation to change under the influence of these judgments. Unfortunately, this is not happening."

Forum 18 was unable to find out what actions the Azerbaijani government (if any) is planning in response to the findings of the ECtHR in Strasbourg that it had held the 13 men in excessively long pre-trial detention. ECtHR judgments require governments not only to pay any compensation awarded but to rectify the conditions which led to the human rights violations.

The telephone at the Presidential Administration of Chingiz Asgarov, the Azerbaijani government's Agent at the ECtHR, went unanswered each time Forum 18 called on 22 June.

Forum 18 asked Gunay Salimzade, head of the Press Service at the General Prosecutor's Office, in writing on 22 June:

- whether prosecutors are going to stop asking courts to authorise the long detention of people in pre-trial detention;
- and whether the General Prosecutors Office has already given prosecutors such instructions.

Forum 18 received no response from the General Prosecutor's Office by the end of the working day in Baku on 22 June.

Individuals and communities have brought at least 50 cases to the ECtHR against Azerbaijan since 2004 over its persistent and repeated violations of the right to freedom of religion or belief.

The ECtHR found in October 2019 that the Azerbaijani government violated the rights of five Jehovah's Witnesses who were punished for refusing to perform compulsory military service on grounds of conscience. Four of them had been jailed and one given a

suspended sentence and fined. Despite this, Azerbaijan has so far failed to introduce a civilian alternative to compulsory military service. The five young men have not yet received compensation, which should have been paid by 17 April 2020. Jehovah's Witnesses told Forum 18 that the delay is probably because of the coronavirus pandemic.

Delayed compensation, no compensation

In October 2018, after a long legal battle within Azerbaijan, two Jehovah's Witnesses finally received compensation for their pre-trial detention of nearly a year in the then National Security Ministry prison in Baku in 2015. The two women were arrested for offering a religious book to a neighbour (see below). The Supreme Court finally exonerated the two women in February 2017.

The women were held at the then NSM prison in a "confinement room, a 'cage', rather than a cell, in that there was no privacy and everything was exposed to the sight of others", Jehovah's Witnesses told Forum 18. "The smell of sewage in this 'cage' was suffocating."

Jeyhun Jafarov, a translator of Islamic works and broadcaster on Islamic themes, received no compensation for more than a year in pre-trial detention.

The then NSM secret police arrested Jafarov in March 2015 on treason charges, which he rejected. He complained to the ECtHR about being arrested and tortured (Application No. 46446/15). 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.

Length of pre-trial detention "excessive"

In two separate cases on 4 June, the European Court of Human Rights in Strasbourg ruled that Azerbaijan violated the rights of ten individuals by subjecting them to excessively long pre-trial detention and ordered compensation to each. Of those detained, four had been detained for exercising freedom of religion or belief.

The ten men include:

- Shia Muslim Zakir Mustafayev of the Muslim Unity Movement, held in pre-trial detention for nearly ten months;
- Shia Muslim and leader of the Muslim Unity Movement Taleh Bagirov (also known as Bagirzade), held in pre-trial detention for seven months;
- Sunni Muslim Ismayil Mammadov, held in pre-trial detention for five months;
- and Sunni Muslim Eldaniz Hajiyev, held in pre-trial detention for five months.

The two decisions followed a similar ECtHR decision on 16 January 2020 relating to the excessive time in pre-trial detention of three former prisoners (one of whom died before the decision was handed down). One of the three was Sunni Muslim Revan Sabzaliyev, held in pre-trial detention for nearly four months.

Armed officers from the police and the then National Security Ministry (NSM) secret police raided Hajiyev's home in Baku in April 2014 as Muslims were meeting to study the works of the late Turkish Sunni Muslim theologian Said Nursi. Officers seized religious literature and arrested Hajiyev, Mammadov and Sabzaliyev.

The three spent up to five months in detention in the then NSM secret police Investigation Prison in Baku before being transferred to house arrest in September 2014.

At Baku's Yasamal District Court on 7 October 2015, Ismayil Mammadov was jailed for 5 years, 5 months; his brother Zakariyya Mammadov, with Shahin Hasanov, was jailed for 5 years; Eldeniz Hajiyeu was jailed for 4 years, 5 months; and Revan Sabzaliyev was jailed for 1 year, 7 months.

The five were punished for participation in an "illegal" religious group under Criminal Code Article 168, as well as for distributing religious literature which had not undergone the state's strict pre-publication religious censorship.

On 19 April 2016, at their much-delayed appeal, Judge Mammadov reduced the prison terms on Ismayil Mammadov and Hajiyeu to 2 years, 6 months each. The Judge reduced Sabzaliyev's prison term to one year. The Judge also changed the remainder of Hasanov and Zakariyya Mammadov's sentences from prison terms to suspended sentences.

As Sabzaliyev had already served the reduced prison term (his time in pre-trial detention at the NSM secret police Investigation Prison counted towards his punishment), he was freed in the court room.

Mammadov lodged his case to the ECtHR on 31 October 2014 (Application No. 71584/14).

Sabzaliyev lodged his case to the ECtHR on 6 November 2014 (Application No. 73334/14).

Hajiyeu lodged his case to the ECtHR on 27 November 2014 (Application No. 74567/14).

Shia Muslim theologian and preacher Taleh Bagirov led prayers at the Hazrat Abulfaz Aga Mosque in the village of Mastaga on the Absheron peninsula near Baku. He and his driver Anar Melikov were arrested on 31 March 2013. While in the hands of Baku's Sabunchu District Police, both say they were beaten.

Bagirov was held in pre-trial detention for seven months until he was finally brought to trial at Baku's Sabunchu District Court. He was given a two-year strict regime prison sentence on 1 November 2013. He was found guilty of possessing just over one gram of heroin, an accusation his supporters insist was fabricated to punish him for his religious and political activity. Four months were later added to his sentence for allegedly having a mobile phone with him in prison.

The Azerbaijani authorities moved quickly to crush the Muslim Unity Movement, which Bagirov leads, after its launch in 2015. The Movement has both religious and political goals and aims to unify the Islamic and secular opposition to the regime of President Ilham Aliyev.

Bagirov was among many Muslims arrested during an armed raid on a home in Nardaran in November 2015 as they were holding Friday prayers.

The first 18 – including Bagirov and the deputy head of the Muslim Unity Movement Abbas Huseynov – were sentenced at Baku's Serious Crimes Court on 25 January 2017. The charges – which the accused strongly disputed – included terrorism, an attempt to seize power violently, illegal firearms possession, and murder. Bagirov and Huseynov received the longest prison terms of 20 years each.

In February 2018, a Baku Court convicted Bagirov for having micro-discs of the Koran and religious music in his prison cell. It added two and a half months to his existing 20-year prison term.

Shia Muslim Zakir Mustafayev of the Muslim Unity Movement was among those also arrested in the raid on the Nardaran home in November 2015. He was tried with Bagirov and the 16 others and sentenced on 25 January 2017 to 14.5 years' imprisonment.

Of the 18 men convicted in the case in January 2017, 17 told the court that they had been tortured after their arrests to extract confessions and "testimony" against others. Despite Azerbaijan's binding international human rights obligations, no officials have been arrested or put on criminal trial for torturing people.

Bagirov was also subjected to "severe torture" and a broken nose while in detention at the Interior Ministry's Main Directorate for the Struggle with Organised Crime in December 2015. No officials were arrested or put on criminal trial for this torture.

Bagirov lodged his case to the ECtHR – related to his first arrest and pre-trial detention in 2013 - on 7 October 2013 (Application No. 12541/13).

Mustafayev lodged his case to the ECtHR on 15 October 2016 (Application No. 62872/16).

Compensation, but no consideration of why men arrested

The ECtHR in Strasbourg ordered Azerbaijan to pay each of the 13 men whose rights it had violated 3,000 Euros (5,700 Azerbaijani Manats, 32,000 Norwegian Kroner or 3,400 US Dollars) in compensation within three months of the decisions being handed down. The decisions were final on the day they were issued and the victims could not challenge them.

In the case of Sabzaliyev, the government should have paid compensation by 16 April, three months after the ECtHR decision. However, as of 19 June he still had not received it. "They're dragging their feet," a lawyer familiar with the case, Asabali Mustafayev, told Forum 18 from Sumgait on 19 June. "They're promising it this month."

The 13 men had appealed to the Strasbourg Court in separate cases at various dates between 2011 and 2017 under Article 5 of the European Convention on Human Rights and Fundamental Freedoms. This declares that arrested individuals are "entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial."

In two of the three combined cases – involving a total of ten men – the government itself "acknowledged the excessive length of pre-trial detention" and offered 3,000 Euros compensation to each. The Court accepted this, even though the victims believe the compensation is too low and wanted the Court to continue hearing the cases. The Court rejected their request.

The 13 men had appealed to the Strasbourg Court under Article 5 of the European Convention on Human Rights and Fundamental Freedoms, which declares: "3. Everyone arrested or detained in accordance with the provisions of paragraph 1 (c) of this Article shall be .. entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial."

Asabali Mustafayev, the lawyer who assisted on Mammadov and Hajiyev's ECtHR cases, said they did not agree with the Court's decision to close the cases. "This angers us," he told Forum 18. "It's not just about the level of compensation offered, but about the government continuing its persecution of Muslims who study Said Nursi's works."

"The government will simply continue its policy if we just agreed [to the settlement] and they pay," the lawyer added. "We wanted the Court to continue the cases and rule on the substance, the legality of their detention – whether these men should have been arrested and prosecuted at all."

Mustafayev pointed to other earlier arrests of Muslims who study Nursi's works, as well as fines on more than ten people following a burial they had attended in the northern Quba Region three years ago. Even now, these Muslims are too afraid to gather for religious meetings, the lawyer noted.

Alternative punishment for unapproved religious literature

On 1 May, the Milli Majlis (Parliament) in Baku approved amendments to numerous Articles of the Criminal Code. President Ilham Aliyev signed the amendments into law on 22 May, according to the presidential website. The amendments entered into force on 1 June.

The amendments introduced an alternative punishment of a restricted freedom sentence under Criminal Code Article 167-2. The Article – adopted originally in December 2011 - punishes: "Production, sale and distribution of religious literature (on paper and electronic devices), audio and video materials, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation".

Punishments for first time offenders acting alone are now a fine of between 5,000 and 7,000 Manats, up to two years' restricted freedom or up to two years' imprisonment. Such a "crime" by a group of people "according to a prior conspiracy", by an organised group, by an individual for a second time or by an official would attract a fine of between 7,000 and 9,000 Manats, between two and four years' restricted freedom or imprisonment of between two and five years.

"Interestingly, they kind of soften the punishments although statements of officials on these issues were quite harsh and there was a call for even more severe punishments," one human rights defender told Forum 18 from Baku in late April before final parliamentary approval. "They want to demonstrate that they are ready to soften approaches."

However, the human rights defender questioned why people should be punished at all for publishing or distributing materials about religion without state approval.

In January 2016, after nearly a year in pre-trial detention, two Jehovah's Witnesses Irina Zakharchenko and Valida Jabrayilova were convicted under Criminal Code Article 167-2.2.1 and given a large fine. At the same time the fine was waived and the women freed. They were not initially compensated for their wrongful imprisonment, as the United Nations Working Group on Arbitrary Detention had demanded.

Zakharchenko and Jabrayilova appealed against their conviction for distributing religious literature without state permission. In March 2016, Baku Appeal Court left the sentence unchanged. In February 2017, the Supreme Court in Baku acquitted the two women of their convictions.

In October 2018, after a long legal battle within Azerbaijan, Zakharchenko and Jabrayilova finally received compensation for their pre-trial detention (see above).

Four Sunni Muslims from Baku were jailed in July 2015 under Criminal Code Article 167-2 for selling religious books without state permission.

Will fired parliamentary staffer be reinstated?

Former parliamentary staffer Rahim Akhundov says he was fired in December 2018 on secret police orders as he is a Christian. Courts – most recently Baku Appeal Court on 10 June 2020 - rejected arguments that his unsigned dismissal letter is illegal, and he could not appeal earlier as Parliament sent the letter nine months late. He will appeal to the Supreme Court when he receives the written appeal rejection.

By Felix Corley

Forum 18 (18.06.2020) - <https://bit.ly/2YAoyEN> - Former parliamentary staff member Rahim Akhundov, who says he was dismissed from his job at the Milli Majlis in December 2018 on the orders of the secret police because of his Christian faith, will take his suit for reinstatement to Azerbaijan's Supreme Court. He failed to overturn the earlier rejection of his suit at Baku Appeal Court on 10 June 2020, and told Forum 18 that he is still waiting for the written decision so that he can appeal to the Supreme Court.

Akhundov – who from 1998 worked at the Milli Majlis (Parliament) – met friends and relatives at his Baku home for Christian worship, study, and discussion. However, the State Security Service (SSS) secret police learnt of these meetings and began spying on them. In 2017, the SSS spied on who came to the meeting, tried to recruit one participant as a spy and sent an officer to attend a meeting on false pretences (see below).

Akhundov said the SSS secret police wrote to the Milli Majlis demanding his dismissal. Milli Majlis officials denied this to Forum 18. Ilqar Farzaliyev, head of the Milli Majlis Human Resources Department both in December 2018 and now, denied that Akhundov had been fired because of his faith. "It was not because of his Christianity, absolutely," he told Forum 18 (see below).

The SSS secret police refused to answer any questions from Forum 18 on 18 June.

Akhundov has made numerous appeals, including twice in court. Courts rejected his arguments that his dismissal letter is illegal because it is unsigned, and that he could not submit an appeal before he did because the Milli Majlis waited nine months to give him the dismissal letter in writing.

Farzaliyev of the Milli Majlis Human Resources Department claimed to Forum 18 that the signed original was in the archives and Akhundov was sent an unsigned copy, and that "we sent him the letter when he asked for it" (see below).

Akhundov told Forum 18 that "the courts cannot be independent here when it comes to face the Parliament and high ranking officials. So their ruling was a predetermined and ordered issue" (see below).

Secret police surveillance

Rahim Akhundov began work at the International Relations Department of the Milli Majlis in Baku in June 1998. By February 2010, after spending some years translating parliamentary documents and interpreting for visitors, he had worked his way up to become Head of the Milli Majlis Section for Work with International Parliamentary Organisations.

Some of Akhundov's friends and relatives met for Christian worship, study, and discussion in his Baku home. However, the SSS secret police learned of the meetings and began spying on them. Akhundov says that at least on two occasions, one in 2017 and one in 2018, an officer was seen hiding in the courtyard by his home on Sundays, spying on who was arriving.

The SSS officer then came to one meeting in August in either 2017 or 2018, Akhundov said, with someone who used to come to the meetings, although neither had been notified of the date and time. The man claimed to be a military officer from Tovuz District in north-western Azerbaijan and asked for prayer for healing. He later came to thank Akhundov for the prayer, and said he had been healed.

The same SSS officer called the management of the flats where Akhundov lives at least twice in 2017 and 2018, Akhundov said, asking if he was criticising the government. Akhundov also thinks that the SSS secret police was interested in knowing if he shared his faith with other residents of the block.

In April 2017, two other SSS secret police officers twice in a tea house approached one person who had come to the meetings. Claiming to be concerned for the person's safety, the SSS officers asked questions about Akhundov and the meetings, and offered money for the person to become an informer. However, they refused. Another person who came to the meetings separately confirmed the encounters to Forum 18 in June 2020.

SSS officers also asked a local Christian leader in 2018 if he knew Akhundov, and which Christian community he belonged to.

"This could not have happened. We have complete tolerance here"

In 2017 and 2018, police and SSS secret police surveillance on people holding religious meetings in their homes frequently led to raids. Officers raiding such meetings – including of Muslims, Protestant Christians and Jehovah's Witnesses – seized religious literature, with courts subsequently fining many leaders and participants.

Akhundov told Forum 18 that a friend, who led a similar home Christian meeting elsewhere in Baku, told him that the SSS secret police also conducted surveillance on people who came to those meetings.

The then Head of the Milli Majlis International Relations Department Rashid Ibrahimov, now an ordinary staff member, denied to Forum 18 on 17 June 2020 from Baku that SSS secret police surveillance of Akhundov's home had happened. "This could not have happened. We have complete tolerance here," he claimed.

Ibrahimov put the phone down when Forum 18 reminded him about SSS secret police surveillance and raids on homes, with confiscations of religious literature and subsequent fines of meeting participants. "I am not ready to answer your questions," he claimed, before putting the phone down.

Forced resignation or dismissal?

While Akhundov was being treated as an outpatient at the Special Treatment Health Complex in Baku in late November and early December 2018, Milli Majlis officials phoned the hospital and ordered that they halt treatment and send him back to the Milli Majlis "for dismissal due to my acceptance of Christianity", Akhundov told Forum 18. "The doctors treating me told me this and the doctors were very afraid of keeping me there."

On 26 November 2018, officials of the Milli Majlis began pressuring Akhundov to resign, as he wrote in his subsequent suit to court.

"When I came back from the Kazakh capital Astana [now Nur-Sultan] on 26 November 2018, the very first question to me from the Parliament leadership was whether I was a member of a sect or not," Akhundov told Forum 18. "Some deputies confirmed to me that the SSS secret police sent a letter about me, saying that Rahim has accepted Christianity and that he was a member of a sect and involved in proselytising at home."

The SSS letter to the Milli Majlis leadership called for Akhundov to be fired, he told Forum 18.

On 18 June 2020, Forum 18 asked Ilqar Jafarov, head of the Milli Majlis Division for Work with Confidential Documents, about the SSS secret police letter and what reason it contained for the demand to dismiss Akhundov. Jafarov immediately put the phone down. Subsequent calls went unanswered.

Akhundov said the then head of the Milli Majlis International Relations Department, Rashid Ibrahimov, told him in December 2018 that when they get a letter from the SSS secret police they cannot keep an employee in their job.

However, Ibrahimov denied to Forum 18 that he had any knowledge of an SSS secret police letter ordering Akhundov's dismissal.

Ilqar Farzaliyev, head of the Milli Majlis Human Resources Department both in December 2018 and now, refused to comment on Akhundov's contention that the SSS secret police had asked the Milli Majlis to fire him. "I don't know about that," Farzaliyev claimed to Forum 18 from the Milli Majlis on 12 June 2020.

On 3 December 2018, Akhundov wrote to President Ilham Aliyev to complain of this pressure. "They threaten me with dismissal .. and the leadership of the Milli Majlis demands that I resign, saying that if I do not write a voluntary resignation they will dismiss me on other grounds. In this case my employment record will be tarnished."

The Presidential Administration sent on his complaint to the Milli Majlis on 6 December 2018, asking it to investigate. However, Akhundov received no response from the Milli Majlis, despite the requirements of the Labour Code and the Civil Service Law.

On 18 December 2018, several media outlets claimed that Akhundov had been fired "for converting to Christianity".

On the afternoon of 25 December 2018, Akhundov lodged a resignation letter. However, earlier in the day the Milli Majlis dismissed him.

Farzaliyev of the Milli Majlis Human Resources Department denied that Akhundov had been fired because of his faith. "It was not because of his Christianity, absolutely," he told Forum 18. "It wasn't because of that. He uses this to pursue his case."

Similarly, the then Head of the Milli Majlis International Relations Department Ibrahimov also denied that Akhundov had been dismissed because he was a Christian. "His faith played no role in his dismissal," he claimed to Forum 18.

Asked why Akhundov had been fired, head of the Milli Majlis Human Resources Department Farzaliyev responded: "He knows the reason."

Fired for "translation mistakes" 18 years earlier?

Farzaliyev of the Milli Majlis Human Resources Department then claimed that Akhundov had been fired because of mistakes in his work. "He had two warnings about serious mistakes in his work." Asked to identify them, Farzaliyev claimed Akhundov had made "very serious mistakes" in his translations during a visit to Baku of Russell Johnston, President of the Parliamentary Assembly of the Council of Europe from 1999 to 2002. Johnston died in 2008.

Akhundov told Forum 18 that he translated for Johnston in 2001 or 2002. "I have never heard that for an ordinary mistake you dismiss a person after 18 years."

Illegally unsigned dismissal letter

The brief letter dismissing Akhundov (Order No. 228-V) dated 25 December 2018 (seen by Forum 18) was issued on behalf of the then Speaker of the Milli Majlis, Oqtay Asadov. The dismissal letter has the rubber stamp of the Milli Majlis, but is unsigned.

"However, Oqtay Asadov was on an official visit to the Islamic Republic of Iran on that date and could not sign the Order," Akhundov pointed out. He noted that information on Asadov's official visit to Iran was posted on the Milli Majlis website.

Akhundov noted that "according to the Article 84 of the Labour Code, when an employee is dismissed the dismissal order must contain important information such as signature and legal address". He added that "the dismissal letter does not have the signature of the Speaker of Parliament and the legal address of the Parliament. It is another [example of] lawlessness."

Asked why the dismissal letter was unsigned, Head of the Milli Majlis Human Resources Department Farzaliyev claimed to Forum 18 that the original with the signature of Speaker Asadov was in the archives and Akhundov was sent an unsigned copy. Asked how Asadov could have signed the letter on a day when he travelled to the Iranian capital Teheran, Farzaliyev insisted that Asadov had left only at 10 am and had signed the letter before he left.

Akhundov added that the dismissal letter, "which affects my rights and responsibilities", was sent to him only in early October 2019. No explanation was given for the delayed issuing of the dismissal letter. Without the written dismissal letter, Akhundov was unable to challenge it in court.

Asked why the Milli Majlis had not sent Akhundov his dismissal letter until early October 2019, more than nine months after his dismissal, Head of the Milli Majlis Human Resources Department Farzaliyev responded: "We sent him the letter when he asked for it."

Repeated appeals fail

During the months after his December 2018 dismissal, Akhundov repeatedly appealed to the Milli Majlis, the Presidential Administration and other state agencies.

On 24 July 2019, a senior official of the Department on Inter-Ethnic Relations, Multiculturalism and Religious issues at the Presidential Administration received him.

"I thank him that he listened to me for more than half an hour," Akhundov noted on his Facebook page the same day, "during which I explained to him that due to my faith in Jesus Christ I was watched by some unprofessional staff of the SSS secret police, and following their letter to parliament I was dismissed from my job in December 2018. I

pleaded with him to help me get my job back in parliament, because it was not right and lawful to dismiss a civil servant like me for believing in Jesus Christ and worshipping God at home."

Akhundov added that the Presidential Administration official said he was unable to raise his dismissal with President Ilham Aliyev. "So the question is how can the President help me if his staff do not report to him about a crucial issue like a freedom of religion and belief violation?"

Akhundov said that he hoped that the new leadership of the SSS secret police installed in June 2019 would have "a more professional approach than the former one to individuals' rights to conduct religious worship at home".

Suit rejected first time despite illegal actions of Milli Majlis

In October 2019, the same month he received the dismissal letter in writing, Akhundov lodged a suit against the Milli Majlis to Baku's Administrative Economic Court No. 2, seeking to have his dismissal overturned and to be restored to his job.

At the hearing on 28 November 2019, the Milli Majlis was not represented in court and sent no documents, Akhundov complained to Forum 18. Judge Zaur Tagiyev ordered that both Akhundov and the Milli Majlis provide documentation before the next hearing.

However, the court system was then changed and the case was transferred to the new Baku Administrative Court. There it was assigned to Judge Miminat Hajibayova, who heard the suit on 30 January 2020.

Akhundov insisted at the hearing that Speaker Asadov could not have signed the dismissal letter because he was on a visit to Iran on 25 December 2018. Shahin Guliyev, who represented the Milli Majlis in Court, claimed in response that Asadov left for Iran at 8 am that day and that he had signed the dismissal letter before leaving for Iran.

Judge Hajibayova also upheld the Milli Majlis' assertion that Akhundov had not filed his suit within the prescribed nine months of the contested 25 December 2018 decision. She rejected Akhundov's proof that he had received the document only in early October 2019 and had lodged his suit within weeks.

Judge Hajibayova then rejected Akhundov's suit, according to court records.

Second refusal of suit

Akhundov then appealed to Baku Appeal Court, where the case was assigned to a panel of three judges headed by Judge Hamid Hamidov. A hearing on 1 April 2020 was postponed because of the coronavirus pandemic.

On 10 June, the three Judges rejected Akhundov's appeal, according to court records. The hearing lasted only 20 minutes, Akhundov noted.

The Judges insisted that Akhundov had lodged his suit outside the time allowed for such suits. They rejected his argument that the time began when he received the dismissal notice in writing in October 2019, and that the statute of limitations is one year when illegality is involved.

"The courts cannot be independent here"

"Just because parliament endorses them as judges, they are very careful with the parliament and therefore do not dare to pass a ruling in my favour," Akhundov noted after the hearing. "So the courts cannot be independent here when it comes to face the Parliament and high ranking officials. So their ruling was a predetermined and ordered issue."

Akhundov added: "I insisted several times that I was fired due to my accepting Christianity, which is the obvious evidence that could easily be used as the violation of my basic human rights, including religious and conscientious rights. And only due to this fact the Judges should not have raised the issue of running out the statute of limitations - even legally it has nothing to do with me, it was parliament that violated the provisions of the law and did not submit to me the Order on time."

Akhundov says he will appeal further to the Supreme Court as soon as he gets the Baku Appeal Court decision in writing.

Will regime implement alternative service commitment?

By Felix Corley

Forum 18 (28.04.2020) - <https://bit.ly/2W1aW4N> - Ruling party deputy Siyavush Novruzov told parliament on 30 March that an Alternative Service Law should be adopted. Parliament's Defence Committee is handling this, he told Forum 18. The government has not made public any draft. Azerbaijan committed to the Council of Europe to have alternative service by 2003 but failed to meet its obligation. Jehovah's Witnesses say criminal cases against their conscientious objectors are not being pursued.

After pledging in 2001 to the Council of Europe it would have introduced a civilian alternative for those who cannot perform military service on grounds of conscience by January 2003, a senior ruling party politician told Azerbaijan's parliament, the Milli Mejlis, on 30 March 2020 that an Alternative Service Law should be adopted. The brief remark by parliamentary deputy Siyavush Novruzov was widely reported in the media with no comment. The government has not yet made public any draft law.

Novruzov told Forum 18 that the issue is in the hands of the Milli Mejlis Defence, Security and Anti-Corruption Committee, chaired by Ziyafat Asgarov. Telephones at the Committee went unanswered on 28 April (see below).

Some are optimistic that the government has finally decided to honour its Council of Europe commitment. "Parliament is not independent," human rights defender Rasul Jafarov told Forum 18. Novruzov "would only have said this if it comes from the government". However, Jafarov warns that even if the country adopts such a Law, he remains "quite sceptical" about how it might be implemented (see below).

The Baku-based Human Rights Club, which Jafarov heads, issued its own proposal for the text of an Alternative Service Law on its website in August 2019 to try to put the issue on the public agenda. "We have had no response to our proposal from official people," Jafarov noted (see below).

Council of Europe and United Nations bodies have repeatedly condemned Azerbaijan's long failure to introduce a civilian alternative to compulsory military service and its punishment of those unable to perform compulsory military service on grounds of conscience (see below).

Jehovah's Witnesses told Forum 18 that about ten of their young men who have been

called up for military service have submitted written applications to perform an alternative civilian service on grounds of conscience. The young men have been blocked from leaving the country, but earlier criminal cases against at least some of them appear to have been suspended (see below).

The European Court of Human Rights in Strasbourg found in October 2019 that the Azerbaijani government violated the rights of five Jehovah's Witnesses, four of whom were jailed and one given a suspended sentence and fined. The judgment became final on 17 January 2020 and the government is arranging to pay the total compensation and legal expenses of 38,269 Euros which should have been paid by 17 April (see below).

In its judgment, the Court reminded Azerbaijan of its obligation to the Council of Europe and to its own Constitution to introduce a system of alternative service, pointing out that violations flowed from the lack of such provision (see below).

The two most recent convicted conscientious objectors – Emil Mehdiyev and Vahid Abilov - lodged applications to the European Court of Human Rights in October 2019 as they were completing their one-year non-custodial sentences (see below).

Parliamentary call for Alternative Service Law

During a debate on 30 March in the Milli Mejlis about extending the period of military service by one month because of the coronavirus outbreak, deputy Siyavush Novruzov of the ruling party proposed several changes to the call-up requirements. He then added a brief remark at the end of his address noting that a Law on Alternative Service needs to be adopted.

"Parliament is not independent," Rasul Jafarov, head of the Baku-based Human Rights Club, told Forum 18 from Baku on 23 April. Novruzov "would only have said this if it comes from the government. They seem to have some kind of plan for this."

Novruzov, who chairs the Milli Mejlis Regional Affairs Committee, declined to answer any questions about his call for an Alternative Service Law. "It's not an issue for our Committee," he told Forum 18 from Baku on 28 April. "The issue is in the hands of Ziyafat Asgarov and the Defence Committee."

Telephones at the Milli Mejlis Defence, Security and Anti-Corruption Committee went unanswered each time Forum 18 called on 28 April.

Elshad Babayev of the Defence Department of the Presidential Administration said that he has not seen a text of any draft Alternative Service Law and had no information. "It is possible that something is being prepared," he told Forum 18 from Baku on 28 April. An official of the Legal Expertise Department of the Presidential Administration said he had no information about any draft Law.

Human rights defender Jafarov warns that even if the country adopts an Alternative Service Law, he remains "quite sceptical" about how it might be implemented. "They might claim that because of the war over Nagorno-Karabakh, they should wait to implement it until the war is over."

Jafarov believes the government is concerned about its image in Europe and wants to improve relations with the Council of Europe. He adds that the October 2019 European Court of Human Rights judgment in favour of five Azerbaijani conscientious objectors – which found that their rights had been violated (see below) – might have influenced the government's apparent aim to introduce an Alternative Service Law.

Jehovah's Witnesses expressed hope that such a law might be adopted, given that criminal cases against their conscientious objectors are not being pursued (see below). "We feel that there is progress with conscientious objection," they told Forum 18 from Baku on 27 April, "and we hope that soon the new Parliament will pass a new Law on Alternative Service."

Human Rights Club draft Law

In August 2019, the Baku-based Human Rights Club, which Rasul Jafarov heads, published on its website (in [Azeri](#) and [English](#)) its own proposal for the text of an Alternative Service Law to try to put the issue on the public agenda.

Article 4.2 of the draft specifies that alternative service should be available for people holding both religious and non-religious beliefs that do not allow them to perform military service. Article 5.1 specifies that any alternative service should not be longer than military service. Article 6.1 would put a State Commission for Alternative Service in charge of assessing alternative service applications, identifying places where those doing alternative service would serve, and assigning such individuals to specific institutions.

Article 9.3 of the Human Rights Club's draft Law would allow those refused alternative service to challenge the denial in court.

"We have had no response to our proposal from official people," Jafarov told Forum 18.

Council of Europe obligation ignored

Military service of 18 months (12 months for those with higher education) is compulsory for all young men. Article 76, Part 2 of Azerbaijan's Constitution declares: "If the beliefs of citizens come into conflict with service in the army then in some cases envisaged by law alternative service instead of regular army service is permitted." However, no mechanism exists to enact this provision.

Ahead of its accession to the Council of Europe in January 2001, [Azerbaijan promised](#) "to adopt, within two years of accession, a law on alternative service in compliance with European standards and, in the meantime, to pardon all conscientious objectors presently serving prison terms or serving in disciplinary battalions, allowing them instead to choose (when the law on alternative service has come into force) to perform non-armed military service or alternative Civilian service".

Azerbaijan has never done this, and conscientious objectors to military service have been repeatedly prosecuted and even jailed under Criminal Code Article 321.1. [This states](#): "Evasion without lawful grounds of call-up to military service or of mobilisation, with the purpose of evading serving in the military, is punishable by imprisonment for up to two years [in peacetime]".

United Nations (UN) human rights bodies, as well as the Council of Europe's Venice Commission and its European Commission against Racism and Intolerance (ECRI), have repeatedly criticised Azerbaijan's failure to introduce a civilian alternative to compulsory military service.

In November 2016 Concluding Observations on Azerbaijan's report to the UN Human Rights Committee (CCPR/C/AZE/CO/4), the Committee again [expressed concern about the lack of a civilian alternative to military service](#).

The Committee stated that Azerbaijan "should adopt without delay the legislation

necessary to give effect in practice to the constitutionally recognized right to conscientious objection to military service, without limitation on the category of conscientiously held beliefs. Moreover, it should provide for alternative service of a civilian nature for conscientious objectors and repeal all sanctions against them."

Forum 18 asked the Human Rights Ombudsperson's Office in Baku in writing on 17 December 2018 (resent on 30 April 2019) what action (if any) it had taken to defend the rights of convicted conscientious objectors Emil Mehdiyev and Vahid Abilov. It also asked what action (if any) it had taken to push for the adoption of a law to allow for those who have conscientious objections to military service to perform a civilian alternative service, which Azerbaijan committed to introduce by 2003. Forum 18 [received no reply from the Ombudsperson's Office](#).

Prosecutions of conscientious objectors not being pursued

About ten Jehovah's Witness young men called up for military service by Conscription Offices since 2015 have lodged statements with them explaining that they cannot perform military service on grounds of conscience and offering to perform an alternative, civilian service outside the framework of the armed forces.

Conscription Offices have handed at least some of these cases to Prosecutor's Offices to prepare criminal prosecutions. The Conscription Office [handed the case against Jehovah's Witness Levani Otarashvili to Qakh District Prosecutor's Office in 2018. The same year, Conscription Offices threatened others – including Jehovah's Witness Emin Tahmazov in Baku and Jehovah's Witness Fuad Hasanaliyev in Khachmaz – with criminal cases.](#)

On 29 July 2019, Conscription Office staff forcibly took Fuad Hasanaliyev and his older brother Kanan to a military unit in Baku and tried to force them to enlist. However, both refused and officials freed them that evening.

Ganca's Kapaz District Conscription Office even tried to conscript Fakhraddin Mirzayev again in 2019, six months before the European Court of Human Rights ruled in his favour over his 2012 jailing for refusing military service on grounds of conscience (see below).

However, Jehovah's Witnesses say that earlier criminal cases against their conscientious objectors appear to have been suspended. "Currently no one is being pursued," they told Forum 18 from Baku on 27 April.

Travel restrictions can be imposed when prosecutors launch a criminal case, as happened with Emil Mehdiyev and Vahid Abilov in 2018.

Yet despite the halting of active measures to prosecute conscientious objectors, Conscription Offices have blocked some who are not facing active prosecutions from leaving the country should they wish to do so. On 2 April 2019, as he tried to leave Azerbaijan by land for neighbouring Georgia, Azerbaijani border guards told Fakhraddin Mirzayev that the Conscription Office had blocked any foreign travel and sent him back. On 20 April 2019, the same happened to another Jehovah's Witness conscientious objector, Aslan Aliyev.

"Currently about 10 young men have travel restrictions," Jehovah's Witnesses told Forum 18. "Usually they receive no official notification. Some find out when they try to cross the border. Border control officers do not allow them to leave the country and these young men are forced to return home."

"We discussed this problem with different government agencies and they assured us that this will soon be solved," Jehovah's Witnesses added.

In some cases, Jehovah's Witness young men cannot obtain a passport. "According to our legislation, to obtain it young men need to submit a document confirming that you've already served in the army or have a deferment," Jehovah's Witnesses explained.

European Court of Human Rights judgment

On 17 October 2019, the European Court of Human Rights (ECtHR) in Strasbourg found in favour of five Jehovah's Witnesses punished through the courts between 2007 and 2013 for refusing compulsory military service on grounds of conscience. Four of them had been jailed, while the fifth had been given a suspended prison sentence and a fine. The judgment [covered four cases \(one involving two applicants\)](#), which the Court considered together.

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](#).

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](#).

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](#).

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.

In its judgment, the European Court found that Azerbaijan had violated the rights of all five. It specified compensation and legal expenses totalling 38,269 Euros payable to the applicants.

Moreover, the Court "observes that the present case casts light on a problem linked to the absence of an alternative service law in Azerbaijan". It pointed out that this violates both Azerbaijan's commitments on joining the Council of Europe and Article 76 of Azerbaijan's Constitution.

"In these circumstances," the judgment noted, "the Court considers it useful to stress that such a situation calls in principle for legislative action by the defending State in order to satisfy, in conformity with the present decision, the obligations incumbent on it of

assuring the applicants and other persons in the same situation the right to benefit from the right to conscientious objection."

Azerbaijan did not contest the European Court judgment and it became final on 17 January 2020, according to the Court website. The government had three months – until 17 April – to pay the compensation and legal costs mandated by the Court.

Forum 18 was unable to reach Chingiz Askerov, the Azerbaijani government's Agent at the Court, on 28 April. His telephone at the Presidential Administration went unanswered on 28 April.

Jehovah's Witnesses told Forum 18 that they are "in the process" of providing information to the Government Agent. "Because of Covid-19, everything is delayed or postponed," they added, but hope that the five applicants will soon receive compensation.

"At the moment we have no problems with the government regarding compensation," Jehovah's Witnesses add. Their Baku community received compensation awarded by the European Court of Human Rights in one recent case not related to conscientious objection and are awaiting compensation for another Court judgment.

Two new European Court of Human Rights cases

The two most recent convicted Jehovah's Witness conscientious objectors have lodged applications to the European Court of Human Rights. Emil Mehdiyev filed his appeal on 7 October 2019 (Application No. 52773/19), while Vahid Abilov filed his appeal on 17 October 2019 (Application No. 54768/19), the Court told Forum 18.

On 6 July 2018, Barda District Court convicted Mehdiyev and handed down a one-year suspended prison term, and required that he live under probation for one year. Ganca Appeal Court rejected his appeal on 8 October 2018. The sentence then came into legal force, meaning that it expired on 8 October 2019. The Supreme Court [rejected his final appeal on 10 April 2019](#).

On 6 September 2018, Agdam District Court found Abilov guilty and sentenced him to a one-year suspended prison term. Ganca Appeal Court rejected his appeal on 31 October 2018. The sentence then came into legal force, meaning that it expired on 31 October 2019. The Supreme Court [rejected his final appeal on 24 April 2019](#).

Shia Imam Sardar Babayev is free

***Sardar Babayev had been in HRWF Database of FORB Prisoners since his arrest.
For the first time, there are now no more FORB prisoners in the country***

HRWF (01.04.2020) – Imam Sardar Babayev has been released at the normal end of his prison term. He had been arrested on 22 February 2017 on the basis of a controversial law (Article 168-1.3.1 of the Penal Code) criminalizing religious activities by clerics who had gained theological education in a foreign country, Iran in his case.

A delegation of the United States Commission on International Religious Freedom (USCIRF) was then in Baku to meet with Azerbaijani government officials, religious communities, civil society representatives, and human rights defenders to assess religious freedom conditions and discuss the impact of Azerbaijan's religion law on the ability of individuals and communities to exercise their freedom of religion. No doubt that their presence in Azerbaijan at that time facilitated his release.

The number of people in prison in Azerbaijan for the exercise of their religious freedom has progressively decreased over the years as indicated by our database of FORB prisoners (<https://hrwf.eu/forb-and-blasphemy-prisoners-database-archive/>):

2015: 19 prisoners (6 Sunnis – 6 followers of the Turkish theologian Said Nursi – 4 Jehovah's Witnesses – 3 Shia Muslims)

2016: 12 prisoners (5 followers of Said Nursi – 3 Sunni Muslims – 2 Shias – 2 Jehovah's Witnesses)

2017: 2 prisoners (Shia Muslims)

2018: 2 prisoners (Shia Muslims)

2019: 1 prisoner (Shia Muslim)

However, the decreasing number of FORB prisoners is not the result of less repressive laws. There hasn't been any substantial change in the legislation regarding FORB, but its implementation has been less aggressive in the past few years. No doubt that the role of the US and the EU behind the scenes has contributed to these developments.

A case has been filed with the European Court of Human Rights (ECHR): *Babayev v. Azerbaijan* (Application No. 34015/17). Police arrested Sardar Babayev in February 2017. A court sentenced him in July 2017 to three years imprisonment for leading prayers in a mosque after having received his religious education outside Azerbaijan. His lawyer initially brought his case to the ECHR to challenge his pre-trial detention, but afterwards he updated it to challenge Sardar Babayev's sentence.

"No objection" to limited worship, but no legal right

By Felix Corley

Forum 18 (27.03.2020) - <https://bit.ly/2QVgIHp> - After 25 years, Aliabad's Baptist community, denied legal status the longest, finally began open worship in January. The State Committee for Work with Religious Organisations wrote that it had "no objection" to meetings once a week for two hours. Shia Imam Sardar Babayev, freed after a three-year sentence for preaching in a mosque with foreign education, will not resume preaching for fear of renewed criminal prosecution.

After more than a quarter of century of waiting, Baptists in the northern village of Aliabad could finally begin meeting openly for worship in January. However, the State Committee for Work with Religious Organisations has not given the community legal status, but merely told it that it "has no objection" for the community to meet for two hours each Saturday morning.

"Thank God they allowed us to meet and we have a document that we can do so," Pastor Hamid Shabanov told Forum 18 from Aliabad (see below).

"This is God's reply to our prayers," the head of the Baptist Union, Pastor Ilya Zenchenko, commented, "though officials say it is a response to our appeals to the president." He told Forum 18 that "it is also a result of your work, as well as work from many different sides".

Forum 18 was unable to find out from the State Committee why Aliabad's Baptist community cannot meet for worship when it chooses. Telephones went unanswered because of the Novruz spring festival holiday (see below).

The Aliabad Baptist community first began seeking legal status in the mid-1990s. It is believed to hold the record for the community in Azerbaijan waiting the longest for legal recognition. However, it is too small to seek legal status in its own right (see below).

The State Committee gave Baku's Azeri-language congregation state registration only on 13 November 2015. It gave the city's Russian-language church, which is led by Pastor Zenchenko, state registration only on 11 July 2019, nearly a decade after it applied for the compulsory re-registration.

The State Committee arbitrarily denies registration to many other religious communities, including mosques not affiliated to the Caucasian Muslim Board, as well as other religious communities, particularly away from the capital Baku. The Jehovah's Witness community in the second city Ganca has been seeking registration in vain since 2010 (see below).

State Committee officials have been telling non-Muslim communities, especially outside Baku, that they should affiliate with a registered community and become a branch of them, using the registered community as an "umbrella". Officials say this would then allow them to meet. However, officials have generally avoided putting such a commitment in writing, leaving such religious communities in a state of insecurity (see below).

Like other religious communities across Azerbaijan, the Baptist church in Aliabad had to halt public worship meetings in March because of the coronavirus outbreak (see below).

In early 2020, officials finally gave a birth certificate to an Aliabad family who had named their new son Daniel. "The parents chose the name for religious reasons," an individual close to the family told Forum 18. "But officials refused and insisted that they choose an Azeri name." Daniel was one year old when officials finally issued the certificate (see below).

Meanwhile, the only Muslim cleric known to have been jailed for leading Muslim worship after having gained Islamic education outside Azerbaijan has been freed at the end of his three-year jail sentence. Shia Imam Sardar Babayev was freed on 22 February, just three weeks before his 46th birthday. But police prevented about 80 men from gathering with him in a Baku cafe to celebrate his return. Babayev returned to the southern town of Masalli the following day (see below).

The government has given no indication of any plans to remove the Criminal Code Article under which Imam Babayev was jailed, which specifically targets Muslims leading prayers in mosques who have gained their Islamic education abroad. Imam Babayev appears to have been the only person prosecuted under this Article (see below).

Babayev's lawyer Javad Javadov told Forum 18 that the Imam will not be resuming leading prayers and preaching in the mosque for fear of renewed criminal prosecution.

Javadov noted that Imams who had such foreign education withdrew from leading prayers or preaching in mosques after the Article was adopted in 2015 for fear of criminal prosecution (see below).

25 years of legal status denials

The Baptist church in the town of Aliabad in the northern Zaqatala District, which is led by Pastor Hamid Shabanov, has been [seeking registration – in vain – since 1994](#). Forum 18 believes it to be the community which held the record for the community denied registration for the longest period.

The population of Aliabad, which is not far from Azerbaijan's border with Georgia, is mainly made up of Ingilos, Georgian speakers whose ancestors were converted to Islam several centuries ago.

Police have repeatedly raided church meetings and seized religious literature. Courts have jailed church leaders on fabricated criminal charges and also fined participants under the Administrative Code.

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 most recent raid was in November 2016, when police and the local State Committee official launched a raid 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.

In a 15-minute hearing in December 2016, Zaqatala District Court [found both Pastor Shabanov and Mehman 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.

In May 2019, Pastor Shabanov [failed to overturn the fine for the second time through the Constitutional Court in the capital Baku.](#)

In the 25 years from 1994, police officers and other officials repeatedly told church members that any meetings for worship were illegal and punishable.

"No objection" to weekly worship meetings

The granting of official permission for the Baptist community in Aliabad to meet came in a 24 January 2020 letter to Pastor Hamid Shabanov, leader of the Baptist community, from Jahandar Alifzade, Head of the Religious Organisations Department of the State Committee in Baku (and seen by Forum 18).

In response to Shabanov's letter of 9 January 2020 asking for permission to meet,

Alifzade declared that the State Committee "has no objection to members of the community meeting every Saturday from 10:00 to 12:00 in the building built for this purpose in the yard of his home in Aliabad settlement".

"Thank God we can meet," Pastor Shabanov told Forum 18 from Aliabad on 25 March. "Thank God they allowed us to meet and we have a document that we can do so."

Pastor Shabanov told Forum 18 that the local representative in Zakatala of the State Committee, Ilqar Veliyev, summoned him on 24 January and gave him a copy of the letter from Alifzade in Baku. He added that he has not received the original letter by post yet from Baku.

Pastor Shabanov added that he had asked the State Committee to be able to hold services on a Saturday morning as the village holds its market on a Sunday and villagers are often working then.

Forum 18 was unable to find out from the State Committee in Baku why Aliabad's Baptist community cannot meet for worship when it chooses. Telephones at the State Committee's Religious Organisations Department went unanswered between 24 and 26 March because of the Novruz spring festival holiday.

However, the church's public worship services soon had to stop again. Pastor Shabanov said that Veliyev, the State Committee's representative in Zakatala, had called him in early March to say that because of the coronavirus outbreak the church had to stop meeting. Veliyev told him he would call again once restrictions on public worship were lifted.

"Umbrella" status only for small groups

Since legal changes in 2011, religious communities have required 50 adult members [to apply to the State Committee 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.

Many non-Muslim religious communities outside the capital Baku are small and thus are deprived of the right to exercise freedom of religion or belief as a community.

Although it is not enshrined in any published law, the State Committee will not allow Muslim communities not affiliated to the state-controlled Caucasian Muslim Board to exist.

State Committee officials have been telling non-Muslim communities, especially outside Baku, that they should affiliate with a registered community and become a branch of them, using the registered community as an "umbrella". Officials say this would then allow them to meet. However, officials have generally avoided putting such a commitment in writing, leaving such religious communities in a state of insecurity.

As the Aliabad Baptist church does not have the required 50 adult members, it has been ineligible to apply for state registration in its own right. Only when the Russian-language Baptist community in Baku, with which it is affiliated, finally gained state registration in July 2019 could it seek permission to meet.

State Committee officials have told Jehovah's Witnesses verbally that, provided they inform it of their meeting places outside Baku, officials will not prevent them meeting for worship. Jehovah's Witnesses told Forum 18 that officials have not interrupted meetings for worship since June 2019.

State Committee officials do not explain why small religious communities cannot gain the legal right to meet for worship in their own right, or what happens to communities that are not affiliated with another community that has legal status.

Registration obstructions, denials persist

State Committee officials continue to deny state registration to religious communities that do have the 50 adult citizens required to lodge an application. Religious communities have long complained of the State Committee's [arbitrary and opaque decision-making processes](#).

Although it is not enshrined in any published law, the State Committee will not allow Muslim communities not affiliated to the state-controlled Caucasian Muslim Board to apply for registration.

Among non-Muslim communities, the Jehovah's Witness community in Azerbaijan's second city Ganca – which has more than 50 adult citizen members – has repeatedly sought registration with the State Committee.

The first application was lodged on 1 July 2010, Jehovah's Witnesses told Forum 18. Since then the State Committee has repeatedly found fault with successive applications. In August 2016, the State Committee returned the most recent application, claiming that they could not process it because several founders had faced administrative cases. (They had been prosecuted for exercising freedom of religion or belief.)

The State Committee finally registered Baku's Jehovah's Witness community in November 2018.

Members of a variety of religious communities have complained to Forum 18 of the difficulty of getting the identities of the 50 founding members notarised. All the founders have to go to a Notary Office at the same time and the process of verifying each founder's identity can take several hours in total.

"Notary Offices are often very small and even getting all 50 founders into the building at the same time can be difficult," one lawyer told Forum 18. "Trying to arrange a date and time when all the founders are available and the Notary has enough time to process them can be very hard."

Birth certificate denial to end?

Because of the Azerbaijani government's sensitivity over ethnic minorities, and the hostility of ethnic Azeri local officials, Georgian-speaking residents in northern Azerbaijan have long faced difficulty getting birth certificates for their children if they choose Georgian first names. Baptists in Aliabad who wished to give their children Biblical names have been among those facing such difficulties.

Without a birth certificate, it is impossible in Azerbaijan for children to go to a kindergarten or school, get treatment in a hospital, or travel abroad.

When Pastor Shabanov's granddaughter Esteri was born in 2009, officials [would not give her parents a birth certificate as they said they could not accept the name](#). Pastor Shabanov's son and daughter-in-law had explained to the village official that Esteri (Esther) is a Biblical name common to both Jews and Christians. However, the official showed them a typewritten booklet of recognised Azeri names and insisted they had to choose a name from the list, not a Christian first name.

In early 2020, officials finally gave a birth certificate to an Aliabad family who had named their new son Daniel. "The parents chose the name for religious reasons," an individual close to the family told Forum 18. "But officials refused and insisted that they choose an Azeri name." Daniel was more than a year old when officials finally issued a birth certificate.

Freed after three years, but afraid to resume preaching

Sardar Akif oglu Babayev (born 12 March 1974) was freed from Prison No. 17 in Bina in eastern Baku early in the morning of 22 February after serving his full three-year jail term for leading Muslim worship in a mosque after gaining his religious education abroad.

Imam Babayev was welcomed to Baku by a large group of men who had gathered at an office in the city to celebrate his return from prison, according to the local media and social media.

However, when the group tried to gather the following day in a cafe, police arrived before they could even start drinking tea together. Officers told the about 80 men present that the local authorities were going to hold an event there so they had to leave. They were polite but firm. One of them said people were waiting in the park to come in.

Imam Babayev then returned to his home in the southern town of Masalli. "Sardar won't be preaching in the mosque because of the fear of renewed criminal prosecution," his lawyer Javad Javadov told Forum 18 from Baku on 27 March.

Jailed for leading worship in mosque

Imam Babayev, who is married with three children, completed theological studies at Al Mustafa University in the Iranian city of Qom in 2000. He also studied Islam in Baku. At the invitation of the state-backed Muslim Board, he led the namaz (Friday prayers) at Masalli's Juma (Friday) Mosque from 2009.

In late 2016, the head of Masalli District administration, Rafil Huseynov, wrote a complaint about Imam Babayev. Police then investigated and launched a criminal case against the Imam under Criminal Code Article 168-1.3.1.

Article 168-1 punishes "violation of the procedure for religious propaganda and religious ceremonies", including by conducting of Islamic rites by a citizen who has received their education abroad. Article 168-1.3.1 punishes those who commit such violations "repeatedly", with a prison term of between two and five years.

Masalli District Court sentenced Imam Babayev on 3 July 2017 for leading Muslim worship in the town's Juma Mosque in November and December 2016. His three-year jail term in a general-regime prison was deemed to run from the date of his arrest, 22 February 2017. "All I have done is carry out the worship of Allah," Babayev told the court.

Shirvan Appeal Court [rejected Imam Babayev's appeal in September 2017](#). The Supreme Court in Baku [rejected Imam Babayev's final appeal against his conviction in February 2018](#).

Awaiting European Court of Human Rights judgment

Imam Sardar Babayev's lawyer Javad Javadov lodged a case to the European Court of Human Rights (ECtHR) in Strasbourg (Application No. 34015/17). He initially brought the

case on 2 May 2017 to challenge Imam Babayev's pre-trial detention, but Javadov updated the case after his July 2017 sentence. The ECtHR [asked the government questions about the case on 4 September 2018](#).

"The government gave its comments, they were sent to us and we in turn gave our comments," the lawyer Javadov told Forum 18 from Baku on 27 March 2020. He said they are now waiting for the European Court to give its judgment. "When we get the European Court decision, we will ask for a review of Sardar's case and of the law."

No plans to abolish punishments for leading Muslim worship

Article 168-1 was [added to the Criminal Code in December 2015 as part of a hastily-prepared package of amendments to a variety of laws](#). Officials did not explain why those who conduct Islamic rituals are singled out for especially harsh punishment.

Article 168-1 was amended in 2018 to allow those with foreign religious education to conduct such rituals if they have the approval of state officials and the Caucasian Muslim Board.

Imam Babayev is the only Muslim known to have been prosecuted under Criminal Code Article 168-1. One of Imam Babayev's lawyers, Javad Javadov, told Forum 18 on 27 March 2020 that he is not aware of the Article being used to punish anyone else. However, he noted that this was because Imams who had such foreign education withdrew from leading prayers or preaching in mosques after the Article was adopted for fear of criminal prosecution.

Javadov repeated his criticism of Criminal Code Article 168-1, describing it as "state interference in people's religious activities". He argued in July 2017 after Imam Babayev's verdict was handed down that [the Article is discriminatory as it violates individuals' equal human rights, including the rights to freedom of religion or belief and of expression](#).

Because of the Novruz spring holiday, Forum 18 was unable to reach officials at the State Committee to find out whether it will seek to have parliament remove Article 168-1 from the Criminal Code.

USCIRF Delegation travels to Azerbaijan to assess religious freedom conditions

HRWF calls upon the Azerbaijani government to release Shia Imam Sardar Babayev.

USCIRF (09.03.2020) - <https://bit.ly/2IBv7iq> - United States Commission on International Religious Freedom (USCIRF) Vice Chairs Gayle Manchin and Nadine Maenza traveled to Baku and Quba, Azerbaijan from February 24 to February 28 to meet with Azerbaijani government officials, religious communities, civil society representatives, and human rights defenders to assess religious freedom conditions and discuss the impact of Azerbaijan's religion law on the ability of individuals and communities to exercise their freedom of religion.



USCIRF Vice Chairs and Staff with Azerbaijan's State Committee on Religious Associations Chairman Mubariz Gurbanli and U.S. Embassy Personnel in Baku.

USCIRF Vice Chair Gayle Manchin said, "We are encouraged to see that Azerbaijan's State Committee on Religious Associations has taken some promising first steps to allow the country's many religious communities to more freely and fully practice their religion and beliefs. The last year's precipitous decline in police raids and other forms of harassment of unregistered religious communities – up until recently a hallmark of religious freedom violations in Azerbaijan – signifies an important move in the right direction that we hope the government will codify into law. We welcomed last year President Ilham Aliyev's decision to pardon a number of political and religious prisoners, and hope that additional religious prisoners will be released for the coming Novruz holiday later this month."

USCIRF Vice Chair Nadine Maenza added, "Azerbaijan has taken great pride in its history of multiculturalism and religious tolerance and should bolster those deserving values by ensuring that religious freedom is truly a reality for all. Current provisions of the religion law that mandate the registration of religious organizations in order to engage in worship or other religious practices, limit religious activity to a religious organization's registered legal address, and require state approval for all religious literature should be amended to comply with international standards. Finally, as guaranteed in the constitution of Azerbaijan, the government should adopt an alternative service and permit conscientious objection for those citizens for whom military service conflicts with the tenets of their beliefs."

USCIRF will issue its detailed findings from the visit and recommendations for U.S. policy when it releases its 2020 Annual Report on April 28. USCIRF has placed Azerbaijan on its Tier 2 list of countries for engaging in or tolerating religious freedom violations that meet at least one of the elements of the "systematic, ongoing, egregious" standard for designation as a "country of particular concern" since 2013.

HRWF Comment

The number of people in prison in Azerbaijan for the exercise of their religious freedom has progressively decreased over the years as indicated by our database of FORB prisoners (<https://hrwf.eu/forb-and-blasphemy-prisoners-database-archive/>):

2015: 19 prisoners (6 Sunnis – 6 followers of the Turkish theologian Said Nursi – 4 Jehovah's Witnesses – 3 Shia Muslims)

2016: 12 prisoners (5 followers of Said Nursi – 3 Sunni Muslims – 2 Shias – 2 Jehovah's Witnesses)

2017: 2 prisoners (Shia Muslims)

2018: 2 prisoners (Shia Muslims)

2019: 1 prisoner (Shia Muslim)

However, the decreasing number of FORB prisoners is not a result of less repressive laws. There hasn't been any substantial change in the legislation regarding FORB, but its implementation has been less aggressive in the past few years. No doubt that the role of the US and the EU behind the scenes has contributed to these developments.

One such example of this is a case that has been filed with the European Court of Human Rights (ECHR) concerning a Shia imam: *Babayev v. Azerbaijan* (Application No. 34015/17). Police arrested Sardar Babayev in February 2017. A court sentenced him in July 2017 to three years imprisonment for leading prayers in a mosque after having received his religious education outside Azerbaijan. His lawyer initially brought his case to the ECHR to challenge his pre-trial detention, but he has since updated it to challenge Sardar Babayev's sentence.

HRWF calls upon the Azerbaijani government to release Sardar Babayev and to create a legal civil service option for conscientious objectors to military service.

European court fines regime for religious censorship

By Felix Corley

Forum 18 (24.02.2020) - <https://bit.ly/3av80Sc> - The European Court of Human Rights ordered Azerbaijan to compensate Jehovah's Witnesses over an import ban on three publications. Muslim theologian Elshad Miri lodged a case to the Court over the 2018 ban on his book on Islam. The State Committee – which implements the compulsory prior religious censorship – allowed Miri to publish only 3,000 copies of his next book. Customs destroyed a Georgian Orthodox book.

The European Court of Human Rights in Strasbourg ruled on 20 February that Azerbaijan had violated the rights of Jehovah's Witnesses by banning three of their publications from import and distribution back in 2008. Azerbaijan must pay compensation for the violation and refund court fees Jehovah's Witnesses incurred trying to challenge the bans through Azerbaijan's courts.

The Strasbourg judgment came two months after Muslim theologian Elshad Miri lodged a case to the European Court of Human Rights (ECtHR) against the February 2018 ban on theological grounds on the publication in Azerbaijan of one of his books on Islam. Like all such bans, it had been handed down by the State Committee for Work with Religious Organisations (see below).

ECtHR judgments require governments not only to pay any compensation awarded but to rectify the conditions which led to the human rights violations.

Forum 18 was unable to find out what actions the Azerbaijani government (if any) is planning in response to the finding that its religious censorship violates human rights. One official at the State Committee put the phone down when Forum 18 asked about the ECtHR judgment. Others did not answer their phones. Nor too did Chingiz Askerov, the Azerbaijani government's Agent at the ECtHR (see below).

In December 2019, a Deputy Chair of the State Committee approved the publication of a more recent book on Islam by Miri. As usual, his approval letter specified the number of copies Miri was allowed to produce: 3,000 copies (see below).

The State Committee gives almost no information about which religious works it bans and why. Nor does it explain how it decides how many copies of a publication it might choose to allow.

Miri's case about his banned book is among five others that the European Court of Human Rights is still considering from Azerbaijan relating to its state censorship of religious literature (see below).

The State Customs Committee revealed on 20 February 2020 that it had that day destroyed items it had seized from people crossing the border. Among the destroyed items was a Georgian translation of a Russian Orthodox book (see below).

After criticism of the destruction of the Georgian Orthodox book on Georgian websites, and Forum 18's questions to the State Customs Committee, the State Customs Committee removed the photo of the destroyed book from its website (see below).

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 "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.

After the most recent known raid, in July 2019 a Baku court fined Kamran Huseynzade about four months' average wages for selling religious literature without state permission. The 180 books seized from him in the raid earlier that month were confiscated.

Huseynzade was fined under Administrative Code Article 516.0.2. This 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.

ECtHR rules censorship violated human rights

In a judgment issued on 20 February 2020, the European Court of Human Rights in Strasbourg ruled that Azerbaijan had violated the rights of Jehovah's Witnesses when it banned some of their religious literature (Religious Community of Jehovah's Witnesses v. Azerbaijan, Application No. 52884/09).

In June 2008, the State Committee rejected three books of the Jehovah's Witness community's request to import literature, "Worship the Only True God", "What Does the Bible Really Teach?" and "What Is the Purpose of Life?". It claimed these works insulted other (mainly Christian) religions and beliefs. Subsequent court challenges from the Jehovah's Witness community – culminating in a June 2009 Supreme Court decision - failed to overturn the ban.

The Jehovah's Witness community lodged its case to the ECtHR in September 2009. The Court asked the government questions about the case on 23 March 2017.

The European Court ruled that the banning of their publications violated the community's rights under Article 10 ("Freedom of expression") of the European Convention on Human Rights and Fundamental Freedoms. It ordered the Azerbaijani government to pay the Jehovah's Witness community 3,000 Euros in compensation, plus 42.56 Euros (the amount the community had paid to local courts to submit challenges to the original ban).

Forum 18 was unable to find out what actions the Azerbaijani government (if any) is planning in response to the finding that its religious censorship violates human rights.

An official at the "Expertise" (Censorship) Department of the State Committee told Forum 18 on 24 February that its head, Nahid Mammadov, was not in the office. Asked about the ECtHR judgment, the official put the phone down. The phone of the State Committee's press officer, Yaqut Aliyeva, went unanswered the same day.

The telephone of Chingiz Askerov, the Azerbaijani government's Agent at the ECtHR, went unanswered each time Forum 18 called on 24 February.

Jehovah's Witnesses note that the State Committee has not banned any of their publications since November 2015. However, all have to go through its censorship before they can be imported and all must have placed on them the State Committee sticker.

The State Committee has introduced electronic applications for such applications. While the law gives the State Committee 30 days to respond to applications, and in the past it often took much longer to respond, the electronic system means communities often receive a response within about three weeks, Baku residents told Forum 18 on 24 February.

ECtHR case over State Committee's 2018 book ban

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.

On 20 December 2019, Miri lodged a case in the European Court of Human Rights (Miriye v. Azerbaijan, Application No. 1717/20), Court officials told Forum 18.

Outstanding ECtHR cases over state censorship of religious literature

Among the religious freedom cases against Azerbaijan related to state censorship of religious literature still under consideration at the European Court of Human Rights in Strasbourg are:

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) 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.

3) 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.

4) 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.

5) Miriyev v. Azerbaijan (Application No. 1717/20). In February 2018, the State Committee banned Elshad Miri's book "Things Not Existing in Islam". He failed to overturn the ban through the local courts (see above).

Approval, but for 3,000 copies only

Despite the State Committee's February 2018 ban on his earlier work, Muslim theologian Elshad Miri applied on 3 December 2019 for permission to publish another, "Is This in Islam?". On 26 December 2019, in a letter seen by Forum 18, a State Committee deputy chair Gunduz Ismayilov granted him permission to publish the book.

However, in line with the State Committee's usual practice, Ismayilov specified the number of copies allowed to be produced. In Miri's case, this is 3,000 copies.

Ismayilov's telephone went unanswered each time Forum 18 phoned on 24 February. In written questions sent in the afternoon of 24 February, Forum 18 asked Ismayilov why the State Committee had granted permission for Miri to produce only 3,000 copies of his book and why he cannot produce as many copies as he might want. Forum 18 received no response by the end of the working day in Baku on 24 February.

The State Committee noted on its website on 23 January that during 2019, it had rejected 14 out of 239 of the applications for publishing books within Azerbaijan.

Religious book confiscated, burnt

On 20 February, the State Customs Committee noted on its website that it had that day destroyed thousands of items seized at its border posts. The items were burnt in a pit, with cameras to film the event as numerous officers and other onlookers watched.

Many of the destroyed items were Armenian-produced, such as brandy (Azerbaijanis and Armenians have been in conflict since the late 1980s over the territory of Nagorno-Karabakh), but also included other alcoholic drinks, medicines and mobile phones.

Photos of the items on the State Customs Committee website revealed that among the books destroyed was a Georgian translation of "A Guide for Preachers: 1,221 examples

and sayings from the Prologue and the Patericon" by Russian Orthodox priest Fr Mark Lozinsky. (The original Russian text was first published in 1996 in Russia, 23 years after Fr Lozinsky's death.)

The orange book with a cross on the cover was clearly shown in one of the photos accompanying the announcement of the destruction. It was also visible in television pictures shown that day, including on Real TV, and linked to from the State Customs Committee Twitter feed.

The assistant (who did not give his name) to a deputy head of the State Customs Committee, Lieutenant-General Asgar Abdullayev, appeared not to be aware of the destruction of the Georgian Orthodox book. But he insisted that seizing religious literature from individuals entering or leaving Azerbaijan does not constitute censorship.

"Under our laws, all religious books need approval from the State Committee for Work with Religious Organisations," Abdullayev's assistant told Forum 18 from Baku on 24 February. He claimed that any religious books seized from individuals entering Azerbaijan are held at customs for them to collect when they leave. The assistant could not explain how the Georgian Orthodox book had ended up being destroyed.

Following criticism of the destruction of the Georgian Orthodox book on Georgian websites and social media and Forum 18's questions to Abdullayev's assistant, the photo showing the destroyed Georgian Orthodox book was removed from the 20 February article on the State Customs Committee website about the destruction of seized items.

Uncensored religious literature import ban

Article 4.4 of the General Information for Individual Travellers on the State Customs Committee website notes that religious literature (on paper and in electronic form), as well as audio and video materials, can be imported only with State Committee permission.

The State Committee noted on its website on 23 January that during 2019, it had rejected 216 out of 3,888 applications for importing books into Azerbaijan. It claimed the banned books had promoted religious intolerance, discrimination and radicalism. Such claims are impossible to verify independently as the State Committee gives no information about publications it has banned.