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## **Two women fined for religious work with children**

**Forum 18 (13.12.2022) - <https://bit.ly/3PJV4h6> - A Baku court fined Shola Jafarova two months' average wage for holding mourning meetings in the Muslim holy month of Muharram and organising children to sing a mourning song uploaded to social media. A Goychay court similarly fined Samira Jafarova for a social media video with 15 children performing a lamentation for Imam Hussain (the third Imam of Shia Islam). She told her appeal hearing that "holding a religious ceremony is her right arising from the Constitution", but the court rejected her appeal.**

Of the 20 individuals known to have been fined in 2022 for exercising freedom of religion or belief, two were fined for organising religious events involving children. Both are Shia Muslim women. A Baku court fined Shola Jafarova about two months' average wage for holding mourning meetings in the Muslim holy month of Muharram and organising children to sing a mourning song uploaded to social media.

Muslims helped collect money to pay Shola Jafarova's fine. In addition to the fine, Jafarova had to pay an extra 105 Manats because of confusion over her surname in the court decision (see below).

An official of the local Baku office of the State Committee for Work with Religious Organisations – who did not give her name – told Forum 18 on 13 December that the head Anar Kazimov was not in the office. She said she was unable to comment on Shola Jafarova's case (see below).

A court in the central town of Goychay fined Samira Jafarova about two months' average wage for recording and publishing on social media a video with 15 children performing a lamentation for Imam Hussain (the third Imam of Shia Islam) (see below).

Jafarova told Sheki Appeal Court that the parents of the 15 children had all consented to their participation and that the rites had not "negatively affected the rules of social morality, or the physical and mental health and education of the participants". She added that "holding a religious ceremony is her right arising from the Constitution and other Azerbaijani laws", according to the decision seen by Forum 18. The Court rejected her appeal (see below).

Ilham Qaribov, the regional representative of the State Committee, who is based in the nearby town of Ujar, said he had not heard of Samira Jafarova's case. "I'm hearing of it from you for the first time," he told Forum 18. He said he could not comment on the prosecution and fine because he had not seen the court decision. He took details of the case and promised to look into it. However, on 13 December he refused to discuss the case. "I don't know you," he told Forum 18, before putting the phone down (see below).

A court in Sumgait fined a local resident about two months' average wage for teaching religion to eight children (see below).

Courts handed down the [20 known fines so far in 2022](#) to punish the exercise of freedom of religion or belief (plus one acquittal) in various parts of Azerbaijan:

- 11 fines in Quba;
- 4 fines in Agdash, plus one acquittal;
- 1 fine in Oguz;
- 1 fine in Zaqatala;
- 1 fine in Goychay (see below);
- 1 fine in Baku (see below).
- 1 fine in Sumgait (see below).

The fines were equivalent to about two months' average wage for those in formal work. However, for people in rural areas, those without a formal job, or pensioners, such fines represent a far heavier financial burden.

Baku-based lawyer Asabali Mustafayev is preparing cases to the European Court of Human Rights in Strasbourg (ECtHR) on behalf of 11 Muslims fined in Quba on 10 October for meeting for worship, as well as one Muslim fined in Oguz on 1 September for hosting a meeting for worship in his home. He hopes to lodge the cases by January 2023 (see below).

On 10 November, the ECtHR accepted Azerbaijan's agreement to pay compensation to Baku's Jehovah's Witness community and two individuals for rejecting the community's re-registration application in February 2010. The regime is to pay the community compensation and costs of 5,500 Euros (see below).

Six cases from Azerbaijan – lodged between 2014 and 2022 - are known to be awaiting decisions at the ECtHR (see below). The cases relate to:

- Jailed for exercising freedom of religion or belief (1 case involving 1 individual applicant)
- State censorship of religious literature (1 case involving 1 individual applicant)
- Raid on meetings for worship (1 case involving 1 individual applicant)
- Jailed for leading prayers (2 cases involving 1 individual applicant)
- Unlawful house search (1 case involving 1 individual applicant)

On 1 November, the United Nations (UN) Human Rights Committee found that the regime had violated the rights of six Jehovah's Witnesses after police raided a meeting for worship in a Baku home in 2015. A court handed five of them an official warning, while the sixth - a Georgian citizen - was deported (see below).

In two 2021 decisions, the UN Human Rights Committee found that the regime had [violated the rights of four Jehovah's Witness women](#) given large fines for discussing their faith with others. It instructed that they be compensated.

### **Baku: Fined for religious work with children**

The regime has punished a Baku-based Shia Muslim Shola Jafarova for her religious work with children.

Jafarova gathered children during the Muslim holy month of Muharram for mourning meetings, as well as on Qadir-Khum Eid, the day Shia Muslims celebrate the Muslim Prophet Muhammad's designation of Ali as his successor. She also gathered children to perform the song "Salam Farmandeh" (about Muhammad al-Mahdi), which was uploaded to social media.

On 9 August, officers from Police Station No. 27 of Baku's Yasamal District detained Jafarova. After interrogating her, officers drew up a record of an offence against her under Administrative Code Article 515.0.3. This punishes "clergy and members of religious associations holding special meetings for children and young people, as well as the organising or holding by religious bodies of organised labour, literary, or other clubs and groups unassociated with holding religious ceremonies".

Officers then sent Jafarova's case to Yasamal District Court. On 2 September, the Judge found her guilty under Administrative Code Article 515.0.3 and fined her the minimum fine of 1,500 Manats (two months' average wage), according to case documents seen by Forum 18. The court decision gave her name as Shola Sabziyeva.

An official of the local Baku office of the State Committee for Work with Religious Organisations – who did not give her name – told Forum 18 on 13 December that the head Anar Kazimov was not in the office. She said she was unable to comment on Jafarova's case.

The telephone of the head of Yasamal District Police Station No. 27 went unanswered each time Forum 18 called between 8 and 13 December.

Muslims helped collect money to pay Shola Jafarova's fine. In addition to the fine, Jafarova had to pay an extra 105 Manats because of confusion over her surname in the court decision. "Shola repeatedly wanted to pay this fine after collecting it," the local Islamic World News website noted on 22 October. "However, the authorities raised the issue of the incorrect surname and caused the issue of late payment of his fine."

### **Goychay: Fined for memorial video**

The regime has punished a 35-year-old Shia Muslim Samira Jafarova in Goychay District of central Azerbaijan for her religious work with children.

In the summer, the State Security Ministry secret police threatened Jafarova, who is from the village of Ashagi Qaramaryam, over the publication on social media of her videos on religious themes.

On 28 August, at the end of the Muslim holy month of Muharram, Jafarova made a video with a group of 15 children from religious families in an open field with a lamentation for Imam Hussain (the third Imam of Shia Islam). She published the video on social media. On 31 August, Goychay District police raided Jafarova's home in the village. They threatened her with a fine of 1,500 Manats (equivalent to two months' average wage) and arrest. Officers took to the police station Jafarova's husband and teenage son, as well as several parents of children in the video, Islamic World News website noted.

Officers abused the husband and son at the police station, Islamic World News claimed. They demanded that the video be removed from YouTube. Officers repeated their insistence, sending messages via Jafarova's husband and son. Jafarova refused to remove the video, complaining about the demands on social media. Police threatened that Jafarova would be fined. Police then released the parents of the children in the video. The police chief then went to Jafarova's house and took her to the police station. After she wrote a statement, officers released her and her family.

On 1 September, police again took Jafarova to the police station and changed the statement received the previous day and wrote a long statement. Then they took her to Goychay District Court.

At the Court, Judge Ibrahim Fattahov found Jafarova guilty under Administrative Code Article 515.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies"). He fined her the minimum fine of 1,500 Manats (two months' average wage), according to the decision seen by Forum 18.

Judge Fattahov also threatened Jafarova with imprisonment if she continued her activities.

On 29 September, Samira Jafarova told Sheki Appeal Court that the parents of the 15 children had all consented to their participation and that the rites had not "negatively affected the rules of social morality, or the physical and mental health and education of the participants". She added that "holding a religious ceremony is her right arising from the Constitution and other Azerbaijani laws". However, Judge Gunduz Abbasov rejected Jafarova's appeal, according to the decision seen by Forum 18.

Ilqar Quliyev, listed as the police officer for Qaramaryam, told Forum 18 he had moved to a different area in 2022 and knew nothing about the case against Jafarova. Telephones at Goychay District police went unanswered each time Forum 18 called between 8 and 13 December.

Ilham Qaribov, the regional representative of the State Committee, who is based in the nearby town of Ujar, said he had not heard of Jafarova's case. "I'm hearing of it from you for the first time," he told Forum 18 on 8 December. He said he could not comment on the prosecution and fine because he had not seen the court decision. He took details of the case and promised to look into it. However, on 13 December he refused to discuss the case. "I don't know you," he told Forum 18, before putting the phone down.

### **Sumgait: Fined for teaching religion to children**

On 23 October, an official of the Sumgait office of the State Committee raided a home in the city and found a local resident teaching religion to eight children. The official drew up a record of an offence under Administrative Code Article 515.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies"). The case was then handed to court.

At Sumgait City Court on 3 November, Judge Rovshan Khalilov found the local resident guilty, handing down the minimum fine of 1,500 Manats (two months' average wage), according to the decision seen by Forum 18. The case was considered in the resident's absence.

### **Further cases to European Court of Human Rights**

At least 12 of those fined in 2022 are preparing to take their cases to the European Court of Human Rights in Strasbourg (ECtHR). Baku-based lawyer Asabali Mustafayev is preparing cases on behalf of 11 Muslims fined in Quba on 10 October for meeting for worship, as well as one Muslim fined in Oguz on 1 September for hosting a meeting for worship in his home.

All 12 Muslims were [fined the minimum fine of 1,500 Manats](#) (about two months' average wage). Appeal Courts rejected their appeals. Appeal Court decisions are final and cannot be appealed to the Supreme Court.

Mustafayev hopes to lodge the cases to the ECtHR by January 2023, he told Forum 18 from Baku on 13 December.

## **ECtHR "friendly settlement" over re-registration denial for Baku community**

On 10 November, the European Court of Human Rights in Strasbourg [accepted Azerbaijan's agreement to pay compensation](#) to Baku's Jehovah's Witness community and two individuals for rejecting the community's re-registration application in February 2010. The "friendly settlement" came in the case of Moroz and Others v. Azerbaijan (Application No. 49264/12).

The regime submitted its terms for the "friendly settlement" on 20 December 2021, under which it agreed to pay 5,500 Euros in compensation and costs. "The Court takes note of the friendly settlement reached between the parties," the 10 November 2022 decision notes. "It is satisfied that the settlement is based on respect for human rights as defined in the [European] Convention [on Human Rights and Fundamental Freedoms] and the Protocols thereto and finds no reasons to justify a continued examination of the application."

Baku's Jehovah's Witness community was first registered in December 1999 and gained the compulsory re-registration in February 2002. It applied [for another compulsory re-registration in November 2009](#), but [the State Committee rejected the re-registration application in February 2010](#), after which the community went to court. After [nearly two years from 2010 of unsuccessful legal challenges to the State Committee](#), in [February 2012 Jehovah's Witnesses finally lost their case in the Supreme Court](#).

Leonid Moroz, another community member, and the Baku community itself then lodged their ECtHR application on 1 October 2012.

The ECtHR [asked the regime questions](#) about the case on 20 September 2021.

This was the last of many cases Jehovah's Witnesses from Azerbaijan had lodged with the ECtHR.

Although the State Committee finally registered a Jehovah's Witness community in Baku in November 2018, it has repeatedly rejected applications to register any other Jehovah's Witness communities. The State Committee has [similarly denied registration to communities of other faiths](#). Although it is not specified in any published law, the regime only allows Muslims to exercise their freedom of religion or belief under the control of the state-controlled Caucasian Muslim Board.

## **Raiding meeting for worship, detentions, court-issued warnings, deportation were violations, says UN Committee**

In the latest such decision against Azerbaijan, the United Nations (UN) Human Rights Committee, ruled on 1 November ([CCPR/C/136/D/3153/2018](#)) that the regime had violated the rights of six Jehovah's Witnesses by [raiding a meeting for worship in a Baku home in April 2015](#). Police took those present to the police station for questioning, and handed cases against six of them - including the home owner Rovshan Mursalov - to court. A judge issued five of them with a warning.

A court handed the sixth - Georgian citizen Goderdzi Kvaratskhelia - a deportation order. He was held overnight and deported the following day.

The UN Committee found that the regime had violated the rights of all six under Article 18 ("Freedom of thought, conscience and religion") of the International Covenant on Civil and Political Rights.

The Committee rejected the regime's assertions that all exercise of freedom of religion or belief without state registration is illegal and that the meeting had been illegal because the state had not registered a religious community at the individual's home.

"The Committee considers that the justifications provided by the State party do not demonstrate how the requirements to be legally registered as an association prior to conducting religious worship were proportionate measures necessary to serve a legitimate purpose within the meaning of article 18 (3) of the Covenant," the decision declares. "The Committee notes that the State party did not advance any argument as to why it was necessary for the [six Jehovah's Witnesses] to first register with the Government before practicing their religion in a community in a private home."

The UN Committee ruled that the deportation of Kvaratskhelia to punish him for exercising freedom of religion or belief "was not proportionate or justified".

### **"Buying off" complainants**

In line with Azerbaijan's legally-binding international human rights obligations, the decisions of both the ECtHR and the United Nations (UN) Human Rights Committee [require the regime to change its laws and practices so that freedom of religion and belief violations cannot recur](#). Forum 18 is not aware of any proposed government legal or other changes to meet this obligation.

"It is easier a couple of times a year to buy off those few complainants who manage to get to the European Court than to change the well-established system that suits the authorities," Eldar Zeynalov of the Human Rights Centre of Azerbaijan [told Forum 18 from Baku in March 2021](#). "And if it is possible to do this without bringing the essence of the problem to public consideration at all, this is ideal for the government. And this is exactly what happens when concluding friendly settlements or when the ECtHR accepts a unilateral declaration from the government."

### **Six known cases awaiting ECtHR decisions**

The ECtHR in Strasbourg has already completed 63 cases from Azerbaijan [submitted since 2004 related to violations of freedom of religion or belief](#) and inter-related rights.

Of these 63 completed cases:

- 19 ended in findings of violations and awards of compensation;
- 20 were closed after Azerbaijan admitted violations and offered compensation in a "unilateral declaration";
- 13 were friendly settlements, where the regime agreed to pay compensation (in 1 case it also admitted violations);
- 11 were dismissed or withdrawn (one following the death of the applicant).

In 40 of the 63 concluded cases the ECtHR found that the regime had violated human rights related to the exercise of freedom of religion or belief or the ECtHR accepted the regime's admission that it had violated these rights. The regime has paid the compensation awarded by the ECtHR to the victims. However, the regime has not changed laws (as it is required to do) to prevent a recurrence of such violations.

Six ECtHR cases related to the regime's violations of freedom of religion or belief are known to remain. The cases – submitted between 2014 and 2022 – cover a wide range of violations. All 6 were lodged by Muslims. Some cases cover more than one violation, such as police seizing religious literature during a raid on a meeting for worship.

In approximate reverse chronological order of violation they are:

- Jailed for exercising freedom of religion or belief (1 case involving 1 individual applicant)
- State censorship of religious literature (1 case involving 1 individual applicant)
- Raid on meetings for worship (1 case involving 1 individual applicant)
- Jailed for leading prayers (2 cases involving 1 individual applicant)
- Unlawful house search (1 case involving 1 individual applicant)

Details of all six cases are given below.

### **ECtHR: Jailed for exercising freedom of religion or belief**

Babayev v. Azerbaijan (Application No. 19549/22)

The State Security Ministry (SSM) secret police arrested Shia Muslim Imam Sardar Babayev in October 2021. Prosecutors are investigating him on treason charges, accusing him of cooperating with and taking instructions from an Iranian intelligence agency, and acting against Azerbaijan. Imam Babayev rejects the allegations against him, arguing that they are politically motivated. His lawyer Javadov objected to the continued pre-trial detention.

The ECtHR has not yet asked the regime questions about the case.

### **ECtHR: State censorship of religious literature**

Miriyev v. Azerbaijan (Application No. 1717/20).

In February 2018, [the State Committee for Work with Religious Organisations on theological grounds banned the publication and distribution of the book "Things Not Existing in Islam"](#) by Muslim theologian Elshad Miri (also known as Miriyev). Repeated [legal appeals against the ban failed](#). After [failing on 20 December 2019 in the Supreme Court to overturn the ban, Miri lodged a case in the ECtHR](#).

The ECtHR has not yet asked the regime questions about the case.

### **ECtHR: Raids on meetings for worship**

Rafiyev v. Azerbaijan (Application No. [81028/17](#)).

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 Vuqar Rafiyev](#).

The ECtHR [asked the regime questions](#) about the case on 6 September 2018.

### **ECtHR: Jailed for leading prayers**

1) Babayev v. Azerbaijan (Application No. [34015/17](#)). Police arrested Shia Muslim Imam Sardar Babayev in February 2017 [for leading prayers in a mosque having gained his religious education outside Azerbaijan](#). The ECtHR [asked the regime 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.

2) Babayev v. Azerbaijan (Application No. 26896/18). After a court jailed Imam Sardar Babayev in July 2017 for three years, [his lawyer lodged this second case](#) to challenge the conviction for leading prayers.

The ECtHR [asked the regime questions](#) about the case on 3 May 2022.

### **ECtHR: Unlawful house search**

Miragayev v. Azerbaijan (Application No. [29550/14](#)).

In May 2012 police and the then-National Security Ministry (NSM) secret police [raided Zeka Miragayev's Baku home](#). Police confiscated 30 copies of the Koran, 24 other books (including some by Said Nursi), a computer, and a small sum of money. After [repeated failures of legal challenges to the raid and confiscations](#), the ECtHR application concerns the unlawful search of the applicant's flat. Miragayev also notes that he was not duly notified of a hearing before the Supreme Court.

The ECtHR [asked the regime questions](#) about the case on 24 October 2018. (END)

Photo: Goychay District Court - Credit :Azadliq Radiosu (RFE/RL)

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## **Conscientious objector's jail term changed to suspended sentence**

***Forum 18 (16.12.2022) - <https://bit.ly/3HNkuZs> - After 12 weeks in jail, a Ganca court changed the nine-month jail term for Jehovah's Witness conscientious objector Seymur Mammadov to a one-year suspended sentence. Another, Royal Karimov, was released after three months' forced detention in a military unit. Both had declared readiness to perform an alternative civilian service. The Human Rights Ombudsperson's Office failed to respond on what action it would take (if any) to ensure that Azerbaijan introduces a civilian alternative service for those unable to serve in the army on grounds of conscience.***

After nearly 12 weeks in jail following his 22 September conviction for refusing military service on grounds of conscience, an appeal court in the north-western city of Ganca overturned Seymur Mammadov's nine-month jail term on 12 December. The judges instead handed down a one-year suspended sentence and he was released in the courtroom.

The 22-year-old Jehovah's Witness Mammadov had repeatedly expressed readiness to perform a civilian alternative service. "We're not to blame," an officer at Goranboy District State Service for Mobilisation and Conscription insisted to Forum 18 in September after his conviction. "There is no alternative service." He declined to discuss Mammadov's case further).

Mammadov's jailing on 22 September came almost exactly a year after the European Court of Human Rights (ECtHR) in Strasbourg ordered Azerbaijan in October 2021 to pay compensation to two young men convicted earlier for refusing compulsory military service on grounds of conscience

Another Jehovah's Witness, Royal Karimov, was seized and handed over to the army on 25 July – two days after his 18th birthday - despite telling conscription officials in Gadabay, the police and personnel in the military unit that he cannot perform military service on grounds of conscience but is ready to perform a civilian alternative service. He was finally released from the military unit in Ganca on 1 November, more than three months later

Gadabay District State Service for Mobilisation and Conscription refused to discuss with Forum 18 in September why Karimov had been forcibly taken to a military unit

Jehovah's Witnesses are conscientious objectors to military service and do not undertake any kind of activity supporting any country's military. But they are willing to undertake an alternative, totally civilian form of service, as [is the right of all conscientious objectors to military service under international human rights law](#).

More than ten Jehovah's Witness young men have faced summonses, often repeated medical examinations and restrictions (including bans on leaving Azerbaijan) after telling the State Service for Mobilisation and Conscription that they cannot perform compulsory military service and that they are willing to perform an alternative, civilian service. At least one, who did not know he was banned from leaving Azerbaijan, was stopped on the border with Georgia in 2019 and sent back. He is still banned from leaving Azerbaijan

The State Service for Mobilisation and Conscription has threatened to send details of the conscientious objectors to Prosecutor's Offices with the apparent intention to see them face criminal prosecution

Despite a pledge in January 2001 to the Council of Europe to introduce a civilian alternative service for those unable to perform military service on grounds of conscience, and repeated calls by the United Nations and other international bodies, Azerbaijan has failed to do so

Forum 18 asked the Human Rights Ombudsperson's Office in Baku what action it would take (if any) to defend Mammadov's rights and what action it would take (if any) to ensure that Azerbaijan introduces a civilian alternative service for those unable to serve in the army on grounds of conscience. Its response said that under the Law on the Ombudsperson it is not allowed to investigate the decisions of Judges. It did not respond on the second question

(In 2018 the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions [downgraded the Azerbaijani Ombudsperson's Office to B status](#) because it "has not adequately spoken out in a manner that effectively promotes protection for all human rights, including in response to credible allegations of human rights violations having been committed by government authorities".)

### **Regime ignores repeated calls for alternative to military service**

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.

On 7 October 2021, in the latest of [several such decisions](#), the European Court of Human Rights (ECtHR) in Strasbourg accepted Azerbaijan's admission that it had violated the human rights of two Jehovah's Witness young men who had been convicted in 2018 for refusing compulsory military service on grounds of conscience. Both Emil Mehdiyev and Vahid Abilov had declared a willingness to conduct an alternative civilian service. Both lost their appeals against their suspended jail terms in Azerbaijan's Supreme Court before taking their cases to Strasbourg. The ECtHR [ordered that the victims be paid compensation and costs](#).

Despite the October 2021 ECtHR decision that the regime had violated the human rights of two more conscientious objectors, Saadat Novruzova of the Presidential Administration's Human Rights Protection Unit [told Forum 18 the following month](#) that changing the law to introduce a civilian alternative to compulsory military service "is not under discussion".

The 7 October 2021 ECtHR decision reminded Azerbaijan of a similar earlier decision that "calls in principle for legislative action" to [satisfy "the obligations incumbent on it of assuring .. the right to benefit from the right to conscientious objection"](#).

Forum 18 asked the Human Rights Ombudsperson's Office in Baku in writing on 29 September 2022 what action it will take (if any) to ensure that Azerbaijan introduces a civilian alternative service for those unable to serve in the army on grounds of conscience. Its 10 October response, signed by chief of staff Aydin Safikhanly, did not answer this question.

### **Refused alternative service, jailed, transferred to suspended sentence**

Seymur Afqan oglu Mammadov (born 16 August 2000) is a Jehovah's Witness from the north-western district of Goranboy. Goranboy District State Service for Mobilisation and Conscription summoned him on 4 May and conducted a medical examination.

Mammadov informed officers about his religious position as a conscientious objector to military service who is ready to perform civilian alternative service, as provided for by the Constitution and the decisions of the European Court of Human Rights (see above). Mammadov was subsequently informed that he had been restricted from leaving the country.

"We're not to blame," an officer at Goranboy District State Service for Mobilisation and Conscription [insisted to Forum 18 on 29 September](#). "There is no alternative service." The officer declined to discuss Mammadov's case further and put the phone down.

On 21 June, Goranboy District Prosecutor's Office summoned Mammadov, where he again explained his religious position. Prosecutors charged him under Criminal Code

Article 321.1 ("Evasion without lawful grounds of call-up to military service or of mobilisation"). On 6 August he was informed that his case was being referred to court.

Babek Aliyev of Goranboy District Prosecutor's Office refused to explain why a colleague opened the criminal case against Mammadov. "We are not allowed by law to give information on criminal cases," he told Forum 18 from Goranboy on 29 September.

On 22 September, Judge Taleh Mustafayev of Goranboy District Court [sentenced Mammadov under Criminal Code Article 321.1 to nine months' imprisonment](#), the Judge's assistant told Forum 18 from the court on 29 September. He insisted that the court had already sent the written verdict to Mammadov "to the place where he is" and that he can appeal if he does not agree with the decision.

Mammadov was arrested in the courtroom at the end of the trial and was taken to Investigation Prison No. 2 in Ganca. "It was a very unexpected decision, especially given the recent [ECtHR] decisions against Azerbaijan," Jehovah's Witnesses [told Forum 18 from Baku on 29 September](#).

Forum 18 asked the Human Rights Ombudsperson's Office in Baku what action it would take (if any) to defend Mammadov's rights. Its 10 October response, signed by chief of staff Aydin Safikhanly, insisted that the Law on the Ombudsperson does not allow it to investigate the activity of Judges. If the parties are not satisfied with the decision of the Court, they can appeal to a higher Court, it added.

Safikhanly also wrote that, again based on the Law on the Ombudsperson, third parties, including non-governmental organisations, can, with the consent of the plaintiff, file an appeal to the Ombudsperson's Office.

Mammadov lodged an appeal against his conviction to Ganca Appeal Court. On 10 November, the Court held a short preliminary hearing and the judges scheduled the next hearing for 28 November. However, that hearing was adjourned and scheduled for 6 December, so that Mammadov could finish his speech to the court.

Mammadov was brought to Ganca Appeal Court for the final hearing on 12 December. The prosecutor stated that he supported the decision of Goranboy District Court but, given Mammadov's age and positive character references, he requested a two-year suspended sentence, Jehovah's Witnesses told Forum 18. The court partially satisfied the appeal and replaced the nine-month jail term with a one-year suspended sentence. Mammadov was released in the courtroom immediately after the hearing.

Mammadov – who has a criminal record in addition to the suspended sentence - has the possibility to lodge a further appeal to the Supreme Court in Baku.

### **Released after three months' forcible detention in army**

Royal Karimov, a Jehovah's Witness from the western district of Gadabay, turned 18 on 23 July. Two days after his birthday, Gadabay District State Service for Mobilisation and Conscription summoned him. Once there, he explained his position that he could not serve in the army on grounds of conscience but was ready to perform an alternative civilian service. Officers assured him that he could return home after submitting documentation establishing his conscientious objection.

Instead, officers [immediately took Karimov to Gadabay District Police](#). There he again explained that he could not serve in the army on grounds of conscience but was ready to perform an alternative civilian service. Officers held him overnight at the police station. The following day he was taken to a military unit in Ganca against his will.

After being taken to military unit No. 777 in Ganca, Karimov again explained his position to officers but was not allowed to leave. He continued to be "illegally detained against his will" at the unit, Jehovah's Witnesses told Forum 18 on 29 September.

Forum 18 was unable to find out why officers seized Karimov and forcibly took him to a military unit. The man who answered the telephone at Gadabay District State Service for Mobilisation and Conscription on 29 September [refused to discuss anything with Forum 18](#).

The man who answered the telephone of the head of Gadabay District Police on 29 September listened while Forum 18 outlined Karimov's case, then put the phone down before Forum 18 could ask any questions. Subsequent calls went unanswered.

Karimov was given a medical examination in the military unit in Ganca. In October, doctors confirmed that he has flat feet and should therefore be declared unfit for military service. Later in October, the conclusion of the medical commission confirmed this finding.

On 1 November, the military unit released Karimov and he returned home, Jehovah's Witnesses told Forum 18. He was told to report to Gadabay District State Service for Mobilisation and Conscription by 3 November. When he went there that day, officials told him that the chief was in Baku at a meeting and that he needed to come back to meet personally with the chief.

On 4 November, Karimov called the Gadabay District State Service for Mobilisation and Conscription to see if he should come and if the chief was there. Officials told him that the documents were not yet ready and that they themselves would call him.

### **Summonses, medical examinations, restrictions, appeals**

More than ten Jehovah's Witness young men have faced summonses, often repeated medical examinations and restrictions (including bans on leaving Azerbaijan) after telling the State Service for Mobilisation and Conscription that they cannot perform compulsory military service and that they are willing to perform an alternative civilian service. At least one, who did not know he was banned from leaving Azerbaijan, was stopped on the border with Georgia and sent back.

The State Service for Mobilisation and Conscription has threatened to send details of the conscientious objectors to Prosecutor's Offices with the apparent intention to see them face prosecution under Criminal Code Article 321.1 ("Evasion without lawful grounds of call-up to military service or of mobilisation").

The State Service for Mobilisation and Conscription imposed travel restrictions on Jehovah's Witness Aslan Aliyev because of his conscientious objection to military service. He found out about these restrictions only when he tried to cross into Georgia on 20 April 2019. He has submitted many appeals to have the restrictions removed, most recently on 23 February 2021. On 18 September 2019, Aliyev met the State Service for Mobilisation and Conscription chief, and on 30 September 2021, he met a State Service for Mobilisation and Conscription official. Both stated they were unable to help him.

On 2 November 2021, Aliyev wrote to the Ombudsperson in Baku, Sabina Aliyeva. The Ombudsperson's Office replied that his letter had been forwarded to the State Service for Mobilisation and Conscription, who claimed that they had verbally explained the reasons for the restrictions.

On 9 March 2022, Aliyev wrote to the Chair of the State Committee for Work with Religious Organisations in Baku, Mubariz Qurbanli, but received no reply. The travel restrictions remain in place.

The State Service for Mobilisation and Conscription summoned Jehovah's Witness Rajab Farzaliyev on 5 March 2022. He underwent a medical examination and was found fit for military service. On 10 March, he filed a statement with the State Service for Mobilisation and Conscription explaining his religious beliefs, refusal of military service and request for alternative civilian service. On 12 April, the Prosecutor's Office summoned Farzaliyev, where he met with an investigator.

On 13 April, Farzaliyev filed a statement with the Prosecutor's Office and also verbally explained his religious beliefs and refusal of military service. It is still unclear what will result from the investigation, Jehovah's Witnesses told Forum 18.

The State Service for Mobilisation and Conscription in the south-eastern Saatli District summoned Jehovah's Witness Jalal Qasimov on 23 September 2019. He passed a medical examination and explained his conscientious objection to military service. On 17 January 2020, Qasimov again reported to the State Service for Mobilisation and Conscription, underwent a second medical examination, and was referred for medical examination in the capital Baku.

State Service for Mobilisation and Conscription officials exerted psychological pressure on Qasimov and threatened to send his case files to the Prosecutor's Office for criminal charges. The State Service for Mobilisation and Conscription again summoned Qasimov on 4 September 2020, 21 June 2021, and 29 October 2021, sending him again for medical examinations. They later referred him for an additional examination.

*Photo: Seymur Mammadov - Credits Jehovah's Witnesses*

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## **Direct regime employing and firing imams is "role of a religious organisation"**

By Felix Corley

***Forum 18 (10.06.2022) - <https://bit.ly/3HIPLR5> - In the first known use of new powers for appointing, re-appointing every five years, and firing all Islamic clergy, in early May, the State Committee for Work with Religious Organisations fired Imam Mirseymur Aliyev in Neftchala. He had held end of Ramadan prayers on 3 May, not the regime-enforced date of 2 May. Lawyer Asabali Mustafayev noted that the regime taking direct control of Islamic clergy means that "the state is now playing the role of a religious organisation."***

On 22 April, the State Committee for Work with Religious Organisations approved Rules for its new roles of appointing, re-appointing every five years, and firing all Islamic clergy in Azerbaijan. Religion Law amendments which came into force in March transferred these roles from the state-controlled Caucasian Muslim Board to the State Committee.

The State Committee now interviews and recruits all Islamic clergy, appointing them to a maximum five-year term of office. Every five years the State Committee then reviews all clergy and decides whether or not to reappoint them for another five years. The State Committee also decides whether to fire clergy, including for violating the restrictive Religion Law (see below).

The reasons given for appointing and firing clergy are vague and unspecific, leaving much room for arbitrary official decisions. These reasons include: violating unspecified "standards of morality and ethics"; receiving unspecified support from foreign states, organisations or individuals; having a criminal conviction; or for a number of other vague and unspecific reasons (see below).

Asabali Mustafayev, a Baku-based lawyer who has taken up freedom of religion or belief cases, says the direct state takeover of appointing, re-appointing and firing Islamic clergy violates the Constitution. "The Constitution declares that religion and the state are separate," he told Forum 18. "However, the state is now playing the role of a religious organisation" (see below).

Kanan Rovshanoglu, a commentator on religious issues, stressed that "no-one among the [Muslim] believers" had been demanding that the regime take direct control of appointing and firing Islamic clergy, or deciding every five years whether they stay in office (see below).

The State Committee enforces the dates chosen by the state-controlled Caucasian Muslim Board in advance for all mosques to celebrate major festivals, and can immediately fire imams who choose to observe festivals on different days they consider to be appropriate. The Board does not wait until devout Muslims can be certain of the date a festival should be marked before naming these dates (see below).

In an early sign of the impact of the new State Committee Rules, in early May the State Committee fired Imam Mirseymur Aliyev in Neftchala for holding the end of Ramadan prayers on 3 May, not the regime-enforced date of 2 May (see below).

"No one forced him [Imam Aliyev] to leave," Sanan Khalilov, the State Committee representative for Shirvan, which includes Neftchala, claimed to Forum 18. "I spoke to him and he said he couldn't fulfil his obligations. I simply accepted the resignation letters that he himself submitted. The State Committee then removed him" (see below).

Forum 18 was unable to find out why the regime transferred responsibility for appointing, re-appointing every five years, and firing all Islamic clergy to the State Committee. Aides to the Deputy Chair Gunduz Ismayilov and the head of its Department for Work with Religious Organisations Jahandar Alifzada refused to put Forum 18 through to them or anyone else on 10 June. Telephones at the Foundation for the Propagation of Moral Values (which is controlled by the State Committee) went unanswered each time Forum 18 called the same day.

Read full article [HERE](#)

*Photo : State Committee for Work with Religious Organisations, Baku - Cekli829/Wikimedia Commons [CC BY-SA 3.0]*

