

There are over 700 of Jehovah's Witnesses in Azerbaijan who meet weekly in 12 congregations and groups. For the Memorial of the death of Jesus (the only religious event observed by Jehovah's Witnesses), 1,672 persons attended in 2008. Authorities registered Jehovah's Witnesses in Azerbaijan on December 22, 1999. In harmony with changes in the law, their religious organization was reregistered on February 7, 2002. In spite of their being legally registered, Jehovah's Witnesses are experiencing difficulties exercising their religious freedom to obtain religious literature and to gather together for religious meetings. Government agencies have illegally raided religious meetings and mistreated those in attendance. Others have been deported. Conscientious objectors are criminally charged and sentenced. Religious literature is censored and often denied importation.

Illegal police interferences

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

An individual complaint was filed with the Khatai District Court by 19 members of the congregation on the grounds that their right to freedom of religion was violated by the police. The hearing was scheduled for June 25, 2007. On July 24, 2007, the Khatai District Court issued a decision to dismiss the claims of the 19 individuals on the grounds that the applicants did not give sufficient evidence that during the raid on December 24, 2006, they were handled roughly, pushed, beaten and verbally abused, or that their human dignity was disgraced. The decision alleges that there is no proof that some personal items and literature seized during the raid were not returned to their owners. On August 17, 2007, the 19 applicants appealed this decision. The appeal court hearing was first assigned to October 17, 2007, but was later postponed until November 14, 2007. On December 12, 2007, the court ruled to uphold the decision of the Khatai District Court. A cassation appeal was filed with the Supreme Court on March 11, 2008. In a hearing on May 8, 2008, the Supreme Court decided to return the case to the appeal court; however, they have not yet provided a written ruling to explain the reasons for this decision.

In the city of Astara, policemen arrived at the apartment of Sabina Gasanova's father on August 14, 2007, and said that they wanted to talk with Sabina, since allegedly the local Muslim priest had been complaining about her. The policemen took Sabina to the local police station and said that she should pay a fine of 16 Manat (\$18 US). After that, the policemen searched her apartment, also in Astara, and confiscated all of her religious literature. The policemen threatened her by stating that if she continued to distribute this literature, she and her relatives would have many problems.

On August 27, 2007, national television channel ANS reported on the police search that took place on August 14 at Sabina Gasanova's apartment. The report made Sabina look like a criminal for illegally distributing literature produced by Jehovah's Witnesses.

On March 25, 2008, Matanat Gurbanova, one of Jehovah's Witnesses, was not at home when policemen burst into her home in the city Zakatala. Her daughter was home along with her minor niece who is six years old. The daughter of Matanat Gurbanova, Afag Gurbanova, fainted from fear. The policemen gave her water, brought her back to consciousness and said, "Don't pretend!" They also threatened her physically. They searched the home and confiscated all the personal literature of Matanat Gurbanova and told them to appear before the investigator if they wanted to receive their literature. On April 4, 2008, Matanat Gurbanova filed a complaint with the Zakatala district Prosecutor's Office. A copy of this complaint was sent to the General Prosecutor's Office and to the Ombudsman.

Disruption of Meetings

On December 13, 2007, police raided a Bible study meeting in Baku, where some 20 were in attendance. The police officers detained all in attendance and took them to the police station, where strong psychological pressure was exerted on them. The police officers interrogated each person individually, threatening and verbally abusing them, in an effort to force them to sign a protocol and to pay a fine. They hit Roman Mukhtarov, who afterwards went to a hospital in order to record his injuries. Initially, only those who signed the document were released. Two hours later, the remaining seven were released.

On January 30, 2008, in the city Barda, approximately 30 policemen, some of them armed, came to the house of one of Jehovah's Witnesses, Nasiba Guliyeva, where at that time a small religious meeting was being conducted. The policemen entered the courtyard, however, Nasiba Guliyeva, who came out of her house, refused to open the door of her house for the policemen. One policeman slapped her in the face. For five hours the policemen waited in the courtyard. Finally, Nasiba Guliyeva opened the door, hoping all who attended at the meeting could go home. The policemen entered the house and prevented anyone leaving. The policemen invited coworkers of the school, where Nasiba Guliyeva works, to be witnesses. After these "witnesses" signed a document stating that the policemen did not use physical force against anyone and left the house, policemen severely beat six of the male believers, including 17-year-old Fuad Mechtiyev. The policemen threw them on the floor and hit them, witnessed by all others who were present at the meeting. Policemen took all of the male attendants to the police station where Fuad Mechtiyev, Ilham Gasanov, and Maarif Mechtiyev were again beaten in a way that no traces of this violence could be found on their bodies. These believers refused to sign any documents, but instead they wrote that they are Jehovah's Witnesses and refused to change their beliefs. The policemen released them after midnight.

In Baku, on June 3, 2008, nine of the males who were attending such a meeting were taken to the police station, where they were verbally and physically mistreated. Included in that number were two 17-year-olds and one who was not yet a member of Jehovah's

Witnesses. Police told them that the religious meeting was unlawful and tried to force them to renounce their faith and to accept the teachings of Islam. The police also threatened the detainees that they would be put in prison and raped. Gradually, however, the men were released.

On June 11, 2008, in a suburb of Baku, some 15 policemen carried out a raid on another meeting in the home of one of Jehovah's Witnesses. Literature and documents were confiscated and 30 persons, including children and pregnant women, were taken into custody. Eventually all were released, but only after some had been subjected to verbal and physical abuse.

Deportation

On July 16, 2007, two Russian female Jehovah's Witnesses were deported. The reason given by police was that foreigners are not allowed to conduct religious propaganda. The initial complaint against the deportation of the Witness women was filed with the Khachmaz Court, which forwarded it to the Khachmaz Police Department. The latter never provided any answer.

The Azerbaijan government continues to violate the guarantees of Articles 9, 10, and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms by deporting citizens of member states of the Council of Europe on specious charges of engaging in "religious propaganda." Although these individuals were merely worshipping with their fellow members and not engaged in any criminal activity, they were unjustly arrested and deported from Azerbaijan. One recent incident involved two women who are Jehovah's Witnesses, Gamar Alieva and Imamzade Mamedova. They were arrested for carrying out "religious propaganda." Both were released, but after being detained for two weeks, 51-year-old Mamedova was deported to Russia on August 22, 2008. The authorities did not provide her with any authorizing documentation; she is of Azerbaijani descent but is a Russian citizen who had returned to living in Azerbaijan more than six months previously. The actions of the Azerbaijan government are in clear violation of the European Court of Human Rights decisions in *Kuznetsov v. Russia*, 11 January 2007, and *Kokkinakis v. Greece*, 25 May 2003, which held that Jehovah's Witnesses were entitled to the protection of freedom of religion under Article 9 of the Convention. In the *Kuznetsov* Court stated:

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

Problems with Import of Religious Literature

Jehovah's Witnesses have had repeated problems with importing religious literature into Azerbaijan.

Every time permission is given to import specific religious publications, the permission is limited by a clause that prohibits the literature from being given to anyone who is not a member of the congregation of Jehovah's Witnesses. Additionally, the Chairman of the Committee, Idayat Orujiev, continues to instruct the police that Jehovah's Witnesses do not have the right to distribute their literature. Consequently, the police have arrested and fined Witnesses for distributing their literature. Additionally, Mr. Orujiev and his predecessor, Mr. Rafik Aliev, have both given television interviews in which they encourage the public to treat Jehovah's Witnesses as if they had no right to distribute religious literature.

Conscientious Objection to Military Service

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

Conclusions

We are concerned that the sufferings Jehovah's Witnesses endured during the Soviet era may be revived. We urge the authorities of Azerbaijan to actively pursue dialogue with our representatives to resolve these problems peacefully and, in the meantime, to issue orders to the police to desist from interfering with religious freedom.