



THE EUROPEAN ASSOCIATION OF
JEHOVAH'S WITNESSES

5 April 2023

From The European Association of Jehovah's Witnesses

Contribution for the

44th session of the Universal Periodic Review (6–17 November 2023)

Azerbaijan

Contact address: Am Steinfels 1, 65618 Selters, Germany
Tel: 49 6483 41 3802 – Email: inboxopieajw@jw.org

1 KINGDOM WAY | WEST HANNINGFIELD | CHELMSFORD CM2 8FW | UNITED KINGDOM

IBSA HOUSE | THE RIDGEWAY | LONDON NW7 1RN | UNITED KINGDOM
TELEPHONE: 020 8906 2211 (+ 44 20 8906 2211) | FAX: 020 8906 3938 (+ 44 20 8906 3938)

OFFICES IN: AUSTRIA BELGIUM FRANCE GEORGIA GERMANY GREECE ITALY POLAND RUSSIA SPAIN SWITZERLAND

TABLE OF CONTENTS

SUMMARY OF THE SUBMISSION.....	2
I. INTRODUCTION.....	2
II. ISSUES.....	2
III. IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS.....	6
IV. CONCLUSION AND RECOMMENDATIONS.....	7

SUMMARY OF THE SUBMISSION

This submission to the Human Rights Council (HRC) on Azerbaijan highlights human rights issues and current failures to implement accepted recommendations by Azerbaijan during the previous Universal Periodic Review cycle.

Jehovah’s Witnesses in Azerbaijan and as a worldwide organization respectfully request the Government of Azerbaijan to:

- (1) Grant full registration to Jehovah’s Witnesses throughout Azerbaijan;
- (2) End police interference with Jehovah’s Witnesses’ public manifestation of belief;
- (3) Recognize the right to conscientious objection and provide an alternative civilian service programme conforming to international standards; and
- (4) Abide by its commitment to uphold the fundamental freedoms guaranteed by the Constitution of Azerbaijan, the International Covenant on Civil and Political Rights (the Covenant) and the European Convention on Human Rights (the European Convention), which recognize the right to manifest religious beliefs, whether individually or collectively, publicly or privately.

I. INTRODUCTION

1. The European Association of Jehovah’s Witnesses is a charity registered in the United Kingdom. It provides support to Jehovah’s Witnesses facing fundamental human rights violations in various parts of the world.
2. In the 1970s, a small group of Jehovah’s Witnesses in Azerbaijan began to meet together. Owing to persecution by the authorities, the group was forced to stop meeting. In the early 1990s, Jehovah’s Witnesses in Azerbaijan began to meet again. By the end of the 1990s, the Witnesses had become a sizeable group. According to the latest available figures, some 3,600 people worship with Jehovah’s Witnesses in Azerbaijan.
3. Jehovah’s Witnesses’ Religious Community was first officially registered in Azerbaijan in 1999, as Jehovah’s Witnesses in Baku. It was re-registered in 2002, but a new re-registration was denied in February 2010. After numerous applications, Jehovah’s Witnesses Religious Community of Baku City was officially registered in 2018, and the earlier registered body was dissolved.

II. ISSUES

4. Azerbaijan acceded to the Covenant on 13 August 1992. It ratified the European Convention on 15 April 2002, which entered into force at once.

A. Registration of Jehovah’s Witnesses Religious Community

5. On 4 May 2021, several changes were made to Azerbaijan’s Law on Freedom of Religious Beliefs (the revised Law).

6. Article 9.1(2) of the revised Law formally prohibits the activity of religious communities outside of their legal address.
7. Article 9.1(3) of the revised Law states that the territory of activity of Religious Centres is not limited to a legal address. Jehovah's Witnesses have not been able to register as a Religious Centre in Azerbaijan and have not been granted registration at any location other than Baku, despite having sizeable congregations of believers in a number of cities. Despite assurances given by the State Committee for Work with Religious Associations (SCWRA), it is not clear to what extent the revised Law may be used to curtail their freedom to peacefully manifest religion as guaranteed under article 18 of the Covenant and article 9 of the European Convention.

B. Possible interference with the religious autonomy of the community

8. Under article 8 of the revised Law, religious ministers are appointed with the approval of the SCWRA. This potentially encroaches on freedom to peacefully manifest religion as guaranteed by article 18 of the Covenant and article 9 of the European Convention. As yet, this has not been applied to the appointment of Jehovah's Witnesses' religious ministers.

C. Interference with manifestation of religious belief

9. On several occasions, the police have interfered with Jehovah's Witnesses while they were peacefully sharing their religious beliefs with others. Typically, police officers take the Witnesses to the police station and threaten them. The following are illustrative examples of such police interference and intimidation:
10. **Gakh.** On 1 September 2019, five Jehovah's Witnesses shared their faith with others in a village in the Gakh district. When they returned to the city of Gakh, an employee of the SCWRA was waiting for them at the bus stop. This official forcefully warned the Witnesses not to preach or distribute religious publications again.
11. **Masalli.** On 9 September 2019, two female Jehovah's Witnesses were sharing their faith with others when a police officer apprehended them and escorted them to the police station. The officers told the Witnesses that their activity was illegal, wrongfully accused them of preaching for money, and searched their electronic devices. The Witnesses were released after two hours and were ordered not to return.
12. **Gusar.** On 16 November 2019, three Jehovah's Witnesses were sharing their beliefs with others in a park when a police officer apprehended them and escorted them to the police station. The police department chief warned the Witnesses against preaching in Gusar, hurled obscenities at them and threatened to rape them. The Witnesses completed written statements and were released.
13. **Baku.** On 9 December 2019, two Jehovah's Witnesses were peacefully sharing their beliefs with others in a park when a police officer apprehended them and escorted them to the police station. During the journey, another officer in the police car asked why they were not preaching the Koran and accused the Witnesses of engaging in illegal activities. The Witnesses were released after about two hours.
14. **Sumgayit.** On 15 December 2019, police officers apprehended two Jehovah's Witnesses and escorted them to the police station. The police searched the Witnesses' belongings and confiscated their literature. The officers told the Witnesses that their literature was illegal, that Azerbaijan was a Muslim country and that their teachings confused people.

15. **Barda.** On 21 December 2022, two Jehovah’s Witnesses were peacefully sharing their beliefs with others. One of the people they met was a police officer, who demanded that they accompany him to the police department, where an officer insisted on inspecting all religious publications in the Witnesses’ bags. This officer said that although all the publications had SCWRA control stamps, they also required an additional “official stamp” and that the Witnesses needed documentation from the SCWRA giving them the right to preach. The police detained the Witnesses for more than five hours and returned their publications the same day.
16. **Baku.** On 23 February 2023, a group of Jehovah’s Witnesses were sharing their beliefs with others when the police detained all of them and escorted them to the police department. One of the officers demanded that they all write a statement promising that they would not preach in this district any more. The Witnesses refused, and after pressuring them to write a statement, the police released them two and a half hours later.
17. The lack of more recent incidents is likely because Jehovah’s Witnesses suspended their public activity during the Covid-19 crisis.

D. Denial of Right to Conscientious Objection to Military Service

18. Upon accession, Azerbaijan gave undertakings to the Council of Europe “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.”¹ Nevertheless, Azerbaijan consistently ignores binding judgments of the European Court of Human Rights and its own unilateral declarations that recognize the right of religiously motivated conscientious objection to military service as being protected by article 9 of the European Convention.²
19. In addition, despite having disingenuously claimed to the Human Rights Committee on 9 August 2016 that “alternative service is an option provided by the law,”³ Azerbaijan in fact has no provision for alternative civilian service. Jehovah’s Witnesses continue to face criminal prosecution as conscientious objectors, despite their requesting the option to undertake a genuine civilian alternative. Below are some recent examples.
20. On 25 July 2022, **Royal Karimov** was summoned to the Gadabay District State Service for Mobilization and Conscription (SSMC). He was assured that he would be allowed to return home after submitting documentation establishing his conscientious objection to military service. Instead, he was detained and taken to the police station, where he was held overnight before being forcibly taken to a military unit in Ganja. Mr. Karimov explained his position to Gadabay District SSMC officers, officers of the Gadabay District Police Department and officers of the military unit in Ganja. Nevertheless, in flagrant violation of international law, he was detained until his release on medical grounds on 1 November 2022.
21. On 4 May 2022, **Seymur Mammadov** was summoned to report to the SSMC, where he filed a statement explaining his religious beliefs and request for alternative civilian service. On

¹ Parliamentary Assembly of the Council of Europe Opinion 222 (2000), para. 14.3g
<https://pace.coe.int/en/files/16816/html>

² *Mushfig Mammadov and Others v. Azerbaijan*, nos. 14604/08 and 3 others, 17 October 2019; *Emil Mehdiyev v. Azerbaijan*, no. 52773/19, 28 October 2021; *Vahid Abilov v. Azerbaijan*, no. 54768/19; *Bayatyan v. Armenia*, no. 23459/03, 7 July 2011.

³ Replies of Azerbaijan to the list of issues, CCPR/C/AZE/Q/4/Add.1, para 162.

5 May, Mr. Mammadov underwent a medical examination. On 19 May, he received a letter from the SSMC stating that he was restricted from leaving the country because of his refusal of military service. On 21 June 2022, he was summoned to the Prosecutor's Office, where he again explained his conscientious objection to military service. On 22 September 2022, Goranboy District Court sentenced Mr. Mammadov to nine months' imprisonment under article 321.1 of the Azerbaijan Criminal Code.

22. In a hearing on 12 December 2022, at the Ganja Court of Appeal, the prosecutor stated that he supported the first instance decision. However, given Mr. Mammadov's age and positive character references, he requested a two-year suspended sentence. The court partially satisfied the appeal and replaced imprisonment with a one-year suspended sentence. On 12 January 2023, Mr. Mammadov filed a Cassation complaint, and four days later a bailiff tagged him with an electronic bracelet.
23. **Sanan Yagubov** is unable to obtain a passport and hence has been under de facto arrest within the borders of Azerbaijan. Since 2015, he has provided information regarding his religious position to the SSMC on numerous occasions, both verbally and in writing. In 2019, the SSMC sent his documents to the Prosecutor's Office, which returned the documents, explaining that Mr. Yagubov has a constitutional right to alternative service. Despite this decision, the SSMC summoned him again in 2022 and 2023, and he again explained his position. On 7 March 2023, Mr. Yagubov wrote to the SCWRA, the main office of the SSMC and the Ombudsman of the Azerbaijan Republic, asking for assistance in obtaining a passport.
24. **Aslan Aliyev** remains under travel restrictions imposed by the SSMC because of his conscientious objection to military service. He has submitted appeals on multiple occasions, most recently on 23 February 2021. On 18 September 2019, Mr. Aliyev met with the SSMC chief, and on 30 September 2021, he met with an employee of the SSMC. Both stated they were unable to help him. On 2 November 2021, Mr. Aliyev sent a letter to the Ombudsman. The Ombudsman's Office replied that his letter had been forwarded to the SSMC, which claimed that they had verbally explained the reasons for the restrictions. On 9 March 2022, Mr. Aliyev wrote to the Chairman of the SCWRA. On 9 August 2022, he received a reply from the SCWRA, which stated that according to Article 76.1 of the Constitution of Azerbaijan, "the defence of the motherland is the duty of any citizen" and that every man must do military service. The letter also said that a law on alternative service has not been adopted.
25. Since 2018, **Fuad and Kanan Hasanaliyev** have explained their religious beliefs to SSMC officers verbally and in writing on numerous occasions. On 28 December 2022, their parents received a letter from the SSMC alleging that the brothers are evading the military draft. The next day, Fuad and Kanan Hasanaliyev presented themselves to the SSMC and again requested civilian alternative service. They were told that officers will contact them in due course.
26. On 5 March 2022, **Rajab Farzaliyev** was summoned to report to the SSMC. He underwent medical examination and was found fit for military service. On 10 March 2022, he filed a statement with the SSMC explaining his religious beliefs and requesting alternative civilian service. On 12 April 2022, Mr. Farzaliyev was summoned to report to the Prosecutor's Office, where he met with an investigator. On 13 April 2022, he filed a statement with the Prosecutor's Office and also verbally explained his religious beliefs and refusal of military service. It remains unclear what will result from the investigation.
27. On 23 September 2019, **Jalal Gasimov** was summoned to the SSMC. Mr. Gasimov reported to the Saatli Department of the SSMC, passed a medical examination, and explained his

conscientious objection to military service. On 17 January 2020, Mr. Gasimov again reported to the SSMC for further medical examination. The SSMC officials exerted strong psychological pressure on Mr. Gasimov and threatened to send his case files to the Prosecutor's Office. In September 2020, he was sent for another medical examination and is awaiting the results.

III. IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS

28. Following its previous review in 2018, Azerbaijan was provided with specific recommendations made by member States: (A/HRC/39/14, para. 140)
29. Italy recommended: "Increase action aimed at ensuring the promotion of freedom of religion for all confessions throughout the country." (A/HRC/39/14, para. 140.67)
30. In addition, Azerbaijan undertook to take note of the following recommendations. (A/HRC/39/14/Add.1, p. 5)
31. Switzerland recommended: "Guarantee the rights to freedom of expression, both online and offline, freedom of association and peaceful assembly." (A/HRC/39/14, para. 141.37)
32. Ghana recommended: "Take steps to cease restrictions on the right to freedom of opinion and expression, and ensure that the right to manifest one's religion in private or in public is fully protected and realized." (A/HRC/39/14, para. 141.45)
33. Peru recommended: "Guarantee the rights to freedom of expression and peaceful assembly." (A/HRC/39/14, para. 141.49)
34. Spain recommended: "Facilitate the procedure of compulsory registration for minority communities and do not unnecessarily obstruct their religious freedom." (A/HRC/39/14, para. 141.96)
35. Jehovah's Witnesses in Azerbaijan have seen very limited evidence of progress in the implementation of these recommendations.
36. Azerbaijan's failure to comply fully with its obligations under articles 18, 19 and 21 of the Covenant; articles 9, 10 and 11 of the European Convention; and its accession commitments to the Council of Europe is demonstrated by:
 - (1) The denial of full registration throughout Azerbaijan to Jehovah's Witnesses.
 - (2) Ongoing interference with peaceful manifestation of religious beliefs.
 - (3) Denial of the right to conscientious objection along with the absence of a genuine non-punitive alternative civilian service programme conforming to international standards.

IV. CONCLUSION AND RECOMMENDATIONS

37. Jehovah's Witnesses in Azerbaijan and as a worldwide organization express concern at the failure to register their religious community throughout the country, at the ongoing interference with their peaceful public manifestation of belief and at the failure to provide an alternative civilian service in harmony with international standards. Each of these constitutes a violation of human rights, as exposed above in the submission. Jehovah's Witnesses in Azerbaijan and as a worldwide organization respectfully request the Government of Azerbaijan to:
- (1) Grant full registration to Jehovah's Witnesses throughout Azerbaijan;
 - (2) End police interference with Jehovah's Witnesses' public manifestation of belief;
 - (3) Recognize the right to conscientious objection and provide an alternative civilian service programme conforming to international standards; and
 - (4) Abide by its commitment to uphold the fundamental freedoms guaranteed by the Constitution of Azerbaijan, the Covenant and the European Convention, which recognize the right to manifest religious belief, whether individually or collectively, publicly or privately.