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THE EUROPEAN ASSOCIATION OF  
JEHOVAH'S CHRISTIAN WITNESSES

**From the European Association of Jehovah's Christian Witnesses**

**Complementary Submission to the UN Human Rights Committee  
subsequent to the adoption of the List of Issues**

**Fourth periodic report pursuant to article 40 of the Covenant**

# **Azerbaijan**

**(118<sup>th</sup> Session of the Human Rights Committee, 17 October – 4 November 2016)**

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## SUMMARY OF THE SUBMISSION

This complementary submission to the Human Rights Committee on Azerbaijan highlights violations of the provisions of the International Covenant on Civil and Political Rights (“ICCPR”) subsequent to the adoption of the *List of issues taken up in connection with the consideration of the 4<sup>th</sup> periodic report of Azerbaijan* (CCPR/C/AZE/Q/4).

The European Association of Jehovah’s Christian Witnesses (EAJCW) noted with great appreciation that the Human Rights Committee requested that Azerbaijan comment on guaranteeing freedom of conscience and religious belief and specifically addressed a number of issues faced by members of Jehovah’s Witnesses.

### **I. Observations on the *List of Issues* in relation to the fourth periodic report of Azerbaijan (CCPR/C/AZE/Q/4) and related *Reply to the List of Issues* (CCPR/C/AZE/Q/4/Add.1)**

1. In its *List of Issues* (CCPR/C/AZE/Q/4 para. 20) adopted in connection with the consideration of the fourth report on Azerbaijan, the Committee requested that Azerbaijan comment *inter alia* on the following important issues:
  - A. to indicate any steps taken towards abolishing the requirement of registration for religious communities;
  - B. to describe any measures taken to amend the 2009 religion law with a view to bringing it into full compliance with the Covenant and to provide a report on how the restrictions imposed on the exercise of freedom of religion, notably by the 2011 Law on Religious Activity and Religious Associations are compatible with the State party’s obligations under article 18 of the Covenant;
  - C. to clarify the legal situation of other religious minorities and to comment on the reported increase in arrests of members of religious groups;
  - D. to comment on cases of deportation of Jehovah’s Witnesses on the basis of article 300 of the Code on Administrative Violations; and
  - E. to describe the efforts made towards adopting the necessary legal provisions regulating the status of conscientious objectors to military service, and to ensure that conscientious objectors do not face prison sentences.
2. The Azerbaijan authorities failed to address the core issues in their *Reply to the List of Issues*, ignored the recommendations and concerns repeatedly expressed by the Committee. Furthermore, serious abuses continue to occur in Azerbaijan. This supplementary submission lists developments that have been observed after the filing of the initial submission by the EAJCW on 17 December 2015.

## II. Update on ongoing violations of the International Covenant on Civil and Political Rights (“ICCPR”) – Articles 2, 18, 19, 21 and 22)

### A. Refusal of Registration of religious community

3. While the Committee invited Azerbaijan to indicate any steps taken towards abolishing the requirement of registration for religious communities, the reply provided by the government ignores this recommendation and erroneously claims that the “the registration procedure is quite simple.” By stating that “occurrence of any problem regarding the state registration is usually related with the religious organizations themselves,” it further implies that the religious minority is the one to be blamed for the refusal of registration.
4. In compliance with the May 2009 amendments to the Law on Freedom of Religious Beliefs, the Religious Community of Jehovah's Witnesses in Baku applied for re-registration prior to the deadline in January 2010. Since then, the State Committee for Work with Religious Associations (SCWRA) has refused re-registration on technicalities, leaving the community without full legal status. The community's current legal status remains uncertain, and the SCWRA excludes Jehovah's Witnesses from the list of registered religious associations posted on its official website, [www.scwra.gov.az](http://www.scwra.gov.az). After repeated attempts to obtain an official explanation as to why Jehovah's Witnesses do not appear on this list, a written answer was eventually provided on 23 October 2013 stating “that the official website of the Azerbaijan Republic State Committee for Work with Religious Associations lists religious communities that, based on the additions and amendments made in 2009 to The Azerbaijan Republic Law on Freedom of Religious Beliefs, obtained state registration.” This reality is different from the false statement made in paragraph 152 that Jehovah's Witnesses “are officially registered without facing any obstacles.”
5. No progress has been made regarding the registration of Jehovah's Witnesses in Ganja and Barda.
6. For more than five years, the SCWRA has refused to grant Jehovah's Witnesses registration in Ganja. Please find below a chronology of the efforts pursued in this particular case:
  - Jehovah's Witnesses first applied for registration in Ganja on **8 June 2011**. The State Committee has never made a decision on that application. During the past five years, more than a dozen Jehovah's Witnesses in Ganja have been subject to severe fines for meeting for worship in private homes without such registration.
  - On **21 January 2015** Marc Hansen and Vasiliy Kalin, representatives of the European Association of Jehovah's Christian Witnesses, together with Kirill Stepanov, a local representative, met with the chairman of the State Committee personally. During that meeting the chairman recommended that in order to resolve this matter the Community file new documents. The chairman gave the assurance there would be no further obstacles to the registration of the Ganja Religious Community of Jehovah's Witnesses.
  - On **1 September 2015** Kirill Stepanov delivered to Mr Anar Alizada of the State Committee copies of all of the application materials for registration of the Ganja Religious Community of Jehovah's Witnesses.

- On **18 September 2015** Mr Alizada telephoned Kirill Stepanov and said that no deficiencies were found in the documents and asked him to file originals of the documents as soon as possible.
  - On **21 September 2015** the Community submitted the application including two copies of the Charter.
  - On **23 October 2015** the State Committee returned the Community's documents because they had failed to include in the application two copies of its Charter certified by the founder(s) or his/her (their) authorized representative." The State Committee had not pointed out this purported problem previously.
  - On **10 November 2015** the Community refiled its application; this time with two copies of its Charter certified by the founder(s) or his/her (their) authorized representative. The application was otherwise identical to the application filed on 21 September 2015.
  - On **18 February 2016** the State Committee asked the Community to withdraw its application because of a purported problem with one of the founders. The State Committee had not pointed out this purported problem previously. Mr Bahruz Muslimov assured Mr Stepanov that if the Community filed a new application in all other respects the same as the one submitted on 10 November 2015, then the Committee would approve it because there were no other shortcomings with the documents.
  - On **15 March 2016** the Community refiled its application for registration. Aside from changes to some of the founders, the application was identical to the application filed on 10 November 2015.
  - On **26 April 2016** the State Committee returned the Community's application on the alleged basis the Community had used the wrong form for Attachment No. 1. The State Committee had not pointed out this purported problem previously.
  - On **16 May 2016** the Community refiled its application for registration using the form for Attachment No. 1 recommended by the State Committee. The application was otherwise identical to the previous applications.
- On **3 August 2016** the State Committee returned the Community's application. The State Committee now asked that Jehovah's Witnesses "take into consideration" the fact that some of the founders have been brought to administrative liability in the past. This remark is inappropriate. Had the State Committee made a decision within 40 days, as required under Article 8.1 of the *Law of the Azerbaijan Republic on State Registration and State Register of Legal Entities*, many if not all of these fines would never have been imposed. Not only have these individuals been punished with severe fines for exercising their constitutional and ICCPR-protected freedom of worship, but the State Committee is now suggesting they should be further punished by being deprived of the right to be founders or members of a Religious Community.
- The State Committee has never raised this issue until now – after the Community filed several applications and after the State Committee gave repeated assurances all of the documents were in order.
- On **14 September 2016** representatives of EAJCW met with the Chairman of the State Committee and it was indicated that no progress would be made with the Ganja application until the matter of re-registration of the Baku Community was resolved. The State Committee made an offer to assist in expediting this re-registration provided accurate documents were submitted. While Azerbaijan was invited to indicate any steps taken towards abolishing the requirement of registration for religious communities, the only move observed is a new step backwards since the meeting held with the same authority more than one-and-a-half year ago on January 21, 2015 it was claimed that there would be no further obstacles to the registration of the Ganja Religious Community of Jehovah's

Witnesses. It therefore cannot be stated that "the registration procedure is quite simple" or that "occurrence of any problem regarding the state registration is usually related with the religious organizations themselves" as alleged in the answer from the government.

7. There is a clear pattern in the above chronology. Each time the Community has applied, the State Committee has found a new reason to withhold registration. This contradicts Article 4.2 of the Guidelines for State Registration of Non-Profit Organizations and Academic Institutions and Article 8.3 of the Law of the Azerbaijan Republic on State Registration and State Register of Legal Entities. The law requires that "**all** deficiencies that give no reason for rejection should be found **at the same time**, and be presented to the applicant for further correction." (Emphasis added.)
8. It is also worrying to observe that the official reply of the Government of Azerbaijan lists the religious minority of Jehovah's Witnesses as a 'sect' (§154). This pejorative term indicates the government's negative preconceived ideas and discrimination.
9. The lack of registration largely explains the recent increase of police harassment observed in Gakh and other places as exemplified hereafter.

**B. Incompatibility between the current legislation on religion and the State party's obligations under article 18 of the Covenant**

10. The SCWRA has not refused import of any new publications of Jehovah's Witnesses since November 2015. At present, Jehovah's Witnesses do not have any claims in Azerbaijan courts against the SCWRA's censorship of their religious literature.
11. However, in April 2016 the SCWRA ran out of control stamps. Each piece of imported literature—whether a book, DVD, or even one-page leaflet—must have the SCWRA's control stamp on it. The cost of a single stamp is 0.02 manats, and religious communities must obtain them at their own expense. This places an additional financial burden on the religious community. The SCWRA still has no stamps. As a result, the Religious Community has imported 84 different publications (98,702 items) without control stamps. The SCWRA has asked that the Community not distribute any of those publications until control stamps are provided. Individual Witnesses risk arrest and prosecution for possessing or distributing religious literature without a control stamp, even though the SCWRA approved its import.
12. The Law on Freedom of Religious Beliefs (Article 12) confines the activity of religious associations to their registered legal address. This provision contradicts international jurisprudence, which recognizes the right to manifest religious belief in democratic societies.
13. **Gakh**. On 8 March 2016 Rahim Karimov and Giorgi Okrojashvili were speaking to a person who showed interest in the Bible and in the religious publications of Jehovah's Witnesses. A police officer approached them and asked what they were distributing. Rahim explained that they were talking about the Bible and that all of their religious literature had been granted permission for import by the SCWRA; each item bore the SCWRA's control stamp approving distribution. Despite this, the police officers detained the Witnesses and took them to the local police division. They were held at the Police Division for approximately five hours,

interrogated, and ordered to write statements. Officers exerted psychological pressure and physically intimidated the two Witnesses. The police drew up Protocols on Administrative Violations and accused them of violating Article 515.0.4 of the Administrative Violations Code. On 7 April 2016 Gakh District Court Judge Atabay Kichibayov acquitted both men.

14. **Gakh.** On 11 April 2016 police detained Gulara Huseynova and Rasmiyya Karimova for allegedly distributing religious publications, even though at the time they were simply walking on the street. The officers seized religious publications from their bags and took them to Gakh District Police Station. Later, the police charged both Witnesses under the Administrative Violations Code. At a hearing on 12 May 2016 Gakh District Court Judge Atabay Kichibayov acquitted both women.
15. **Gakh.** On 15 May 2016, Rahim Karimov and Luka Khutsishvili talked to a man about the Bible for approximately 10 to 15 minutes in a local market. They had spoken to the man previously. After the two Witnesses said goodbye, police detained them and took them to the Gakh District Police Station. They later charged the men under Article 515.0.4 of the Administrative Violations Code. On 9 June 2016, Gakh District Court Judge Atabay Kichibayov acquitted the two Witnesses.
16. Between January and August 2016, police detained and questioned 25 other Jehovah's Witnesses for sharing the Bible's message with others.

#### **C. Police Interference with Manifestation of Beliefs, Raids, Arrests and Fines.**

##### **Update on the court case of Irina Zakharchenko and Valida Jabrayilova:**

17. The Ministry of National Security (MNS, now State Security Service, or SSS) unjustly jailed two women for sharing the Bible's message with their neighbours. Irina Zakharchenko and Valida Jabrayilova were in pretrial detention from 17 February 2015 to 28 January 2016.
18. The two women were not only deprived of their liberty for almost one year, but they were detained in atrocious conditions. This took a serious toll on their physical, mental, and emotional well-being. In particular, 55-year-old Ms Zakharchenko at the time of her release was emaciated due to malnutrition, sleep deprivation, and inadequate medical care.
19. The MNS isolated the women from the outside world. They could receive visits only from their lawyers. They were denied visits from family and friends and could not have access to their religious literature for most of the year in detention, contrary to what the government claims in paragraph 62 of its reply.
20. On 28 January 2016, Pirallahi District Court Judge Akram Gakhramanov found Ms. Zakharchenko and Ms. Jabrayilova guilty and fined them each 7,000 manats (3,945 euros). The fines were cancelled owing to their time in pretrial detention. The judge completely ignored the Opinion of the UN Working Group on Arbitrary Detention (WGAD), which concluded the women had acted lawfully and ought to be compensated for the violation of their rights.
21. The women appealed their convictions but on 29 March 2016 the Court of Appeal summarily dismissed their complaints. The appeal court completely disregarded the Opinion of the UN WGAD. The women are in the process of appealing to the

Supreme Court of Azerbaijan. If their appeal is rejected, both women will have criminal records which will further limit the exercise of fundamental rights, including the type of employment they can obtain.

22. On 29 February 2016 Ms Zakharchenko and Ms Jabrayilova filed a lawsuit against the State Security Service seeking compensation for the violation of their rights and freedoms. The claim is pending before Judge Khalig Imanov of Baku Administrative-Economic Court No. 2.
23. **Baku.** On 20 January 2016 police detained Aynura Gadimova and Yasaman Gulmammadova for talking with others about the Bible in an apartment building. On the way to the 34th Division, a police major named Zulfugar swore at the Witnesses and spoke abusively of their religion. He also confiscated Yasaman's copy of the Bible. At the police station, the chief ordered that the Witnesses' fingerprints be taken and threatened they could be fined. The officers told the Witnesses it was illegal to preach from door-to-door. He warned them not to preach again. After they wrote statements, they were released.
24. On 29 February 2016 Chichak Aghalarova and Ilaha Zulfugarova were visiting an apartment block to speak to neighbours about the Bible. A security guard and two uniformed police officers approached them. The police took them to the 36th Division. Officers ordered the Witnesses to write statements and asked them who gave them permission to preach and distribute literature. The police confiscated their literature, including their Bibles, and threatened to take them to court. The Witnesses were released later that evening.
25. On 24 July 2016 police took Gulgaz Novruzova and Rakhila Shukurova to the Khatai District Police Station for speaking to people about the Bible in a public park. The women were asked why they did not read the Koran and officers sneered at the name Jehovah. An Officer named Sadig threatened to fine the women 1,500 AZN. The women were ordered to write statements before being released.
26. On 23 June 2016 a police officer named Emin telephoned Hagigat Bayramova, a pensioner, and summoned her to the 12th Division. She was questioned about her employment and her religious beliefs. The next day, Emin telephoned Ms Bayramova again and asked her to return to the police station immediately. When she arrived, a different officer said he had received a complaint that she forced people to attend religious meetings. She explained that she forces no one and simply shares the Bible's message. The officer then asked why she does not preach the Koran instead and told her she should not preach to others. The police let her go after about 45 minutes.
27. On 22 April 2016 Khayala Jafarova and Jaarey Suleymanova were talking to their neighbours about the Bible, when police detained them and took them to the 35th Police Division. The women were interrogated, ordered to write statements and to sign protocols. The police confiscated all of their religious literature, including the Bible. One of the officers threatened that they would be charged under Article 515 of the Administrative Violations Code and fined 1,500 AZN. They were released and ordered to return the next day. The next day, the women were subjected to further verbal abuse and offered release if they would renounce their religion.
28. On **10 April 2016**, Gulnara Heydarova and Jamila Maharramova were speaking about the Bible with neighbours in an apartment block. A police officer approached them and began to shout at them. A police car arrived and they were taken to the 17th Division. The officers looked at the women's Bibles and scoffed

at them, saying that everyone is Muslim, so why tell them about the Bible. At the station they were interrogated but refused to sign documents.

29. **Barda.** On **4 August 2016**, Jamila Gurbanova and three other women planned to go to Yevlakh to share their beliefs. When they got on the bus, they decided to speak with other passengers about the Bible and gave out several pieces of literature. One of the passengers was an employee of the SCWRA. He phoned the police, who took Ms Gurbanova and the SCWRA employee to the police station. She was asked why she preaches Christianity instead of the Koran and her religious literature was confiscated, even though it had control stamps. The officers threatened to have Ms Gurbanova fined under Article 515.0.4 of the Administrative Violations Code. She was released at 19:30, having written a statement.
30. **Gazakh.** On **8 July 2016** a police officer named Ilham summoned Lala Yusifova to the police station. He said he had received a letter from the State Security Service saying she had preached to a man named Amil. He then ordered her to dictate a statement, which she did in response to his questions. In the statement, she confirmed that she had discussed the Bible with Amil. The police released her after approximately one hour.
31. **Lokbatan.** On **16 July 2016**, police detained Basti Rasulova and Elman Karimov, a minor. Ms Rasulova was released, but Elman was taken to the police station. Police officers called Elman's parents and his mother, Natasha, went to the station. Later, Ms Rasulova was also summoned to the police station. The officers said it was illegal for a minor to preach and that they would be fined. A couple of hours later, however, all were released.
32. **Sumgayit.** On **22 March 2016**, Alexander Kholodenin and his daughter, Elena Katrakhova, spoke with an acquaintance at a park. Later in the morning, two uniformed police officers approached Mr Kholodenin. They asked to look inside his bag, where he had a Bible and Bible literature. The police then took him to the 3rd Division. The chief showed him a photograph of the conversation above and confiscated his Bible, literature, and mobile phone. Captain Mehdi Mammadov arrived and ordered that Elena be summoned. When she arrived, she too was interrogated. They were later released and ordered to return the following morning with a Russian translator. The next morning, Mr Kholodenin asked for his publications and was told they had been forwarded to the SCWRA. On **April 20** the police returned his belongings.
33. **Gakh.** On 23 March 2016 police officers abruptly stopped the observance of the Memorial of Christ's death—the most sacred religious event of the year for Jehovah's Witnesses—held in the private home of Givi Khutsishvili. Police officers showed what purported to be a court order authorizing their search and seizure. Police confiscated personal copies of religious publications, including Bibles. Officers then took all of the attendees to the local police division where they were interrogated and ordered to write statements. Protocols on Administrative Violations were drawn up regarding six of the male attendees. All were released later that evening.

In early May, police charged 34 individuals under Article 515.0.4 of the Administrative Violations Code for “a religious association acting outside its registered legal address.” On 24 May 2016, Gakh District Court Judge Atabay Kichibayov acquitted 10 of them. On 27 May, Judge Kichibayov acquitted another

17. The police appealed against all 27 acquittals. Between 28 July and 1 August, the Shaki Court of Appeal reversed 26 of the acquittals and imposed convictions and fines of 1,500 manats (845 euros) each. Givi Khutsishvili was fined 1,800 manats (1,014 euros).
34. On 4 August, in light of the Court of Appeal's reversals, Judge Kichibayov fined the remaining seven individuals 1,500 manats (845 euros) each.
35. **Mingachevir.** On 9 January 2016 police officers abruptly stopped a peaceful religious service held in the private home of Eldar Aliyev. Bursting into the house the police officers shouted at the attendees, demanding they stop the meeting. The police officers declared the meeting was unlawful and that a permit was required to hold such meetings. Representatives of the Executive Authority, the municipality, and the SCWRA participated in the raid. Officers confiscated the attendees' personal copies of religious publications, including Bibles. The representative of the SCWRA stated that the Bible is a banned publication and it must therefore be confiscated. Afterward the police took all attendees to the Mingachevir Police Division, where police questioned them and ordered them to write statements. The police held the Witnesses until 10:30 p.m., having deprived them of their liberty for six hours.
36. On 29 January 2016 Irada Ismayilova and Ruginyya Mammadova were speaking with others about the Bible. They knocked on the door of a police officer named Shakir. He told them he had to take them to the police station. Five minutes later, a police car picked them up. At the station, they were taken to an officer named Allahverdi. He shouted at the Witnesses, asking who gave them permission to preach. When one of the Witnesses referred to the Constitution, Allahverdi angrily replied that the Constitution allows them to stay at home, but not to talk to others. When they tried to explain to him their Bible message, he would not permit them and said they were uneducated zombies, whereas he graduated from university. Finally, he threatened them not to keep preaching. The Witnesses were released later that evening.
37. On 8 February 2016 Eldar Aliyev and three others filed a lawsuit against the Mingachevir City Police Department seeking compensation for the violation of their rights and freedoms. On 27 April 2016 Shaki Administrative-Economic Court Judge Kanan Valiyev ruled the lawsuit inadmissible because it should have been commenced in the district court instead of the administrative court. On 22 June 2016 the Shaki Court of Appeal partially satisfied the claimants' appeal and returned the case to trial level.
38. In the meantime, on 3 March 2016, Mingachevir City Court Judge Huseyn Mirzaliyev convicted Eldar Aliyev under Article 515.0.2 of the Administrative Violations Code, and imposed a fine in the amount of 1,500 manats (845 euros). On 22 April 2016, Shaki Court of Appeal Judge Mirbahaddin Huseynov upheld the conviction and fine on appeal.
39. After the raid the police officers had summoned parents and children of the participants in the religious meeting. Police informed one of the parents, Arzu Ibrahimova, that they had issued a Protocol on Administrative Violation against her and that all materials, as set out under Article 51 of the Administrative Violations Code, were transferred to the Commission on Cases and Protection of Juveniles.

40. **Sahil Settlement, Baku.** On 17 January 2016 police officers burst into the home of Marina Asadova and abruptly interrupted a meeting for worship. The officers did not allow the meeting to continue and took Ms Asadova to the local Police Division. Once the officers verified the religious publications under discussion were labelled with SCWRA control stamps, they returned Ms Asadova home. The police recorded information about all of the Witnesses visiting the home and released them. The police warned that such meetings must not be held in Ms Asadova's home again.
41. **Ganja.** On 14 November 2015, police officers raided the home of Nijat Panahov during a peaceful religious meeting. Police officers searched the home, confiscated religious literature and recorded everything on camera, without showing any warrant or court order sanctioning the search and seizure. The police then took all who attended the religious service to the Kapaz Police Division. There, reporters from various TV channels made video recordings of them and broadcast news stories about them. Police officers questioned the Witnesses one by one and ordered them to write statements. The Witnesses were held at the Police Division until the following morning, without food or drink, deprived of their liberty for approximately ten hours.
42. From 18 to 26 November, at court hearings before Ganja Kapaz District Court Judge Yashar Hashimov, 12 of the Witnesses were each fined 2,000 manats (1,127 euros), making the total sum of the fines 24,000 manats (13,524 euros).
43. In December 2015, the Ganja Court of Appeal dismissed all of the Witnesses' appeals against their convictions and fines.

#### **D. Deportation of Foreigners**

45. In its answer, Azerbaijan fails to comment on the current 12 cases of deportation of Jehovah's Witnesses.
46. The law prohibits "foreigners and persons without citizenship ... from participating in religious propaganda." In December 2015 the Criminal Code was amended so that foreigners now face imprisonment for one to two years for engaging in so-called "religious propaganda," and up to five years imprisonment in cases involving a prior arrangement or a repeated violation.

#### **E. Conscientious objection to military service**

47. In addition to the previous cases of criminal convictions reported in our original submission, in 2016 Daniel Khutsishvili was threatened with criminal prosecution for conscientiously objecting to military service. When the State Service for Mobilization and Conscription in Gakh called Mr Khutsishvili up for military service, he explained his religious beliefs and requested alternative service. The SSMC informed him the Constitution provides the right to alternative service, but the law on alternative service is not operative.
48. No Jehovah's Witnesses are currently imprisoned as conscientious objectors to military service, but the threat of imprisonment remains present and credible.

### **III. Conclusions and Recommendations**

49. Jehovah's Witnesses in Azerbaijan, and worldwide, restate the concerns conveyed in their initial submission in their entirety (please see initial submission of EAJCW dated 17 December 2015). It is their hope that Azerbaijan takes positive steps to stop human rights violations against all peaceful citizens, including Jehovah's Witnesses.