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AZERBAIJAN: Conscientious objector prisoner freed

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Azerbaijan has freed a Jehovah's Witness conscientious objector prisoner, Samir Huseynov, Forum 18 News Service has learnt. Huseynov was freed from jail on 1 May, despite his appeal against his sentence being refused. "Because I have not been cleared, I now have a criminal record," Huseynov complained. "If I want to get a job, any employer will find this out and will treat me with more caution." He insisted that "the state one hundred percent had no right to imprison me," telling Forum 18 that "I have rights guaranteed under the European Convention of Human Rights." Jehovah's Witnesses state that no other of their young men are facing prosecution for refusing compulsory military service on religious grounds, although several have this year been harassed by military conscription offices. When it entered the Council of Europe in 2001, Azerbaijan promised to introduce an Alternative Service Law by January 2003. But it has not done this. An official claimed that an Alternative Service Law "will be adopted this year."

Jehovah's Witness conscientious objector Samir Huseynov was freed from prison on 1 May, despite failing in his appeal against his sentence, as he told Forum 18 News Service on 14 May. He is now back in his home village of Dalmamedli near the city of Gyanja [Gäncä] in western Azerbaijan. "Because I have not been cleared, I now have a criminal record," Huseynov complained. "If I want to get a job, any employer will find this out and will treat me with more caution." He insisted he should never have been imprisoned for refusing to perform compulsory military service. "The state one hundred percent had no right to imprison me," he told Forum 18. "I have rights guaranteed under the European Convention of Human Rights."

Jehovah's Witnesses say no other of their young men are currently facing prosecution for refusing military service, although several have this year been summoned by Military Conscription Offices and harassed after declaring that they will not serve in the armed forces because of their religious faith.

Azerbaijan committed itself to introduce an Alternative Service law by January 2003 when it entered the Council of Europe in 2001, but failed to do so. A parliamentary official says that a draft Alternative Service Law is about to be presented to parliament.

"The draft Law has not yet been presented to parliament," Jeyhun Garajayev, an expert on the Permanent Commission on Legal Policy and State Building, told Forum 18 from Baku on 14 May. "But our leaders have said we are ready to adopt this law and it is at a decisive stage. It will be adopted this year." He initially said the draft is being prepared by the Presidential Administration, but added that it could be being prepared by a group of parliamentary deputies.

Garajayev repeatedly refused to admit that his country had failed in its obligation to the Council of Europe to adopt this law. However, he claimed that this was "connected to objective conditions", a reference to the unresolved conflict with Armenia over Nagorno-Karabakh.

Garajayev said the draft Law is still in the "working phase" but that he expects it to be presented during parliament's spring session, which finishes at the end of May. He said the draft will first be presented to one of parliament's commissions, probably to his Commission on Legal Policy. He claimed that the text will be published on the parliamentary website before it is even considered by the Commission.

Garajayev contradicted Safa Mirzoev, the head of the Parliamentary Administration, who was reported by the Trend News Agency as telling journalists on 2 May that the draft Law would be adopted at the spring session. Mirzoev claimed that the draft Law has been approved by "international organisations", which the agency did not name. The agency noted that not all parliamentary deputies supported the idea of introducing an alternative service. Forum 18 was unable to reach Mirzoev on 14 May.

One human rights activist complained about the secrecy surrounding the adoption of the Alternative Service Law. "The draft law is top secret and was never publicly discussed," Eldar Zeynalov, head of the Baku-based Human Rights Centre of Azerbaijan, told Forum 18 on 14 May.

The Geranboy District Court in western Azerbaijan sentenced Huseynov in October 2007 to ten months' imprisonment for refusing military service on grounds of religious conscience under Article 321.1 of the Criminal Code. He was transferred to Prison No. 16 in

the Baku suburb of Bina in January (see F18News 19 March 2008 http://www.forum18.org/Archive.php?article_id=1102).

Huseynov failed in his first appeal, but then challenged his sentence at the Regional Appeal Court in Gyanja. He was brought to Gyanja from Baku on 14 April ahead of the appeal hearing, which took place a week or so after his transfer. That appeal failed, but he was allowed another appeal shortly after, which was held on 1 May. "The three judges took just twenty minutes to hear the appeal," he told Forum 18. "One of them then told me that my appeal was being rejected but that I was being freed, without explaining why."

He said his lawyer received a copy of the written Appeal Court ruling and passed it on to him on 13 May. The written verdict rejected his appeal for the original sentence to be overturned, but ruled that he should be freed early because the sentence of ten months was too harsh.

Huseynov said at the Military Conscription Office last year he was insulted when he declared he could not serve in the armed forces because of his faith. But he says he was generally well treated during his imprisonment and not beaten. He said the head of Prison No. 16 asked why he had been imprisoned. "I told him I am a Jehovah's Witness and he was very interested to find out about us," Huseynov told Forum 18. "He treated me with respect."

However, Huseynov added that this did not prevent the prison head listing him as a dangerous prisoner, requiring him to sign in every hour between 7 am and 10 pm at the guardhouse. "They had no reason to do this," he insisted. "And there is always the danger that if you sign in late you will be punished." He said he was held in a cell for 12 prisoners, which often held about 13 or 14.

Huseynov said he does not know if the military authorities will again try to conscript him.

The Jehovah's Witness community in Dalmamedli has several times had its meetings raided by police, Huseynov reported. "They've occasionally stopped us meeting and studying the Bible, speaking to us very crudely." He said that in June 2007 several local Jehovah's Witnesses were fined, but complained against them and did not pay. He said the local community has not been harassed in 2008.

However, raids on Protestant and Jehovah's Witness communities in other parts of Azerbaijan have continued in 2008 (see F18News 6 February 2008 http://www.forum18.org/Archive.php?article_id=1082). (END)

For a personal commentary, by an Azeri Protestant, on how the international community can help establish religious freedom in Azerbaijan, see http://www.forum18.org/Archive.php?article_id=482.

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/Archive.php?article_id=92.

More coverage of freedom of thought, conscience and belief in Azerbaijan is at <http://www.forum18.org/Archive.php?query=&religion=all&country=23>.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806.

A printer-friendly map of Azerbaijan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=azerba>.

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