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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

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AZERBAIJAN: "I want my rights to be protected by our government, not violated"

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

Seven Jehovah's Witnesses in northern Azerbaijan were in November and December each fined the equivalent of one year's salary for a teacher for exercising their freedom of religion or belief, Forum 18 News Service has learned. The fines followed a police raid on a Jehovah's Witness family, which took place without a search warrant. Police forced their way into the family's home and confiscated books including personal Bibles, money, and personal medical and financial documents. Against the law, police gave the family no record of their confiscations. One of the women present was injured by police, and she had to be hospitalised when she later during detention had an epileptic fit. Police detained those present at a police station for 12 hours, claiming that they were terrorists, and repeatedly threatened detainees with sexual violence and loss of employment. Police also pressured detainees to give up their faith. Following a similar raid in May 2012 a Muslim from Baku, Zeka Miragayev is preparing a case for the European Court of Human Rights. "I want my rights to be protected by our government, not violated," he told Forum 18.

Seven Jehovah's Witnesses in the small town of Aliabad in northern Azerbaijan were given large fines in late November and early December to punish them for exercising their freedom of religion or belief, according to court documents seen by Forum 18 News Service. Local residents estimate that each of the fines represent about one year's salary for a local state employee such as a teacher. The fines followed a police raid on a Jehovah's Witness family. An eighth Jehovah's Witness was given an official warning. All eight are challenging the convictions in Sheki Appeal Court.

Also given a large fine was a Muslim in the central northern city of Mingechaur [Mingäcevir], who prayed over graves in a local cemetery at the request of relatives - but without the approval of the state-backed Caucasian Muslim Board (see F18News 19 December 2013 http://www.forum18.org/archive.php?article_id=1909).

The punishments come as a Muslim from the capital Baku, Zeka Miragayev, is preparing to lodge a suit to the European Court of Human Rights (ECtHR) in Strasbourg over a May 2012 police and National Security Ministry (NSM) secret police raid on his home. He has failed through the local courts to have the raid and confiscations of his religious literature declared illegal (see below).

Elsewhere, local authorities in the village of Peshtatuk in the southern Lerik District have reportedly demolished a mosque being built by villagers. They began building the mosque after failing to get the required compulsory approval of the State Committee for Work with Religious Organisations (see F18News 19 December 2013 http://www.forum18.org/archive.php?article_id=1909).

State reprisals

All Jehovah's Witness communities – like all Muslim communities outside the Caucasian Muslim Board and many other communities including all Baptists and Seventh-day Adventists – were denied re-registration following the 2009 Religion Law's implementation. Against Azerbaijan's international human rights obligations, this Law makes exercising freedom of religion or belief with other people without state permission illegal. Any activity such communities conduct risks state reprisals (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

Aliabad in Zakatala [Zakataly] Region is also where local Baptists have been seeking state registration since 1994. This is the longest known time period that any community in Azerbaijan has been trying and failing to seek state registration. Along with communities of all faiths throughout Azerbaijan, they face many official obstacles (see eg. F18News 7 April 2010 http://www.forum18.org/archive.php?article_id=1429).

Two Baptist pastors from Alibad, Zaur Balaev and Hamid Shabanov, were imprisoned for exercising their freedom of religion or belief. Balaev was imprisoned from May 2007 to March 2008 on criminal charges he and his community insisted were fabricated (see F18News 19 March 2008 http://www.forum18.org/Archive.php?article_id=1102). Shabanov was held in pre-trial detention from June to November 2008 while being investigated. In February 2009 he was given a two-year suspended sentence (see F18News 12 February 2009 http://www.forum18.org/Archive.php?article_id=1254). Both trials were marked by multiple violations of the rule of law and legal procedure.

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Pastor Balaev and Hinayat Shabanova, Shabanov's wife, were given heavy fines in March 2013 for participating in meetings for worship without state permission, but these were overturned on appeal in April (see F18News 2 May 2013 http://www.forum18.org/archive.php?article_id=1830). Baptists in Aliabad told Forum 18 on 11 December that police have not recently raided them.

Raid

Police – some in uniform and some in plain clothes - raided the home of the Aliyev family in Aliabad for several hours on 21 September (see F18News 7 November 2013 http://www.forum18.org/archive.php?article_id=1894). The home owner, Aziz Aliyev, was in Azerbaijan's second city Gyanja [Gäncä] during the raid.

About four or five officers arrived without a search warrant, they forced their way into the house insisting that the family was storing "banned literature", Jehovah's Witnesses complained to Forum 18. Officers claimed they had received a complaint that family members "preach religion" and store illegal literature. They took the names of family members present and their guests.

Officials have long routinely ignored published law with impunity when making raids (see eg. F18News 13 June 2011 http://www.forum18.org/archive.php?article_id=1579).

Police insisted on searching the house against the family's wishes, despite having no search warrant. Only one of the police officers showed family members his police identity document, Vusal (though he did not show it for long enough to allow family members to write down his full name). Another gave his name verbally as Omar Omarov.

Confiscations, violence, threats

Other police officers (one of them with a camera) and the head of the village administration arrived, filling the yard of the house. Officers told family members that a Jehovah's Witness book and DVD were "banned" and seized them. They then asked for more religious literature. Family members refused to give it to them, telling police if they wanted it they would have to take it.

Police seized all the literature they could find in the house, including personal copies of the Bible from family members and their two guests from Baku. "The fact that their names were written in these Bibles did not hinder the police officers from confiscating them," Jehovah's Witnesses complained to Forum 18. They also took just over 57 Manats (about 450 Norwegian Kroner, 50 Euros, or 70 US Dollars) they found in a collection box, as well as personal medical and financial documents. Against the law, police gave the family no record of their confiscations of the money or other items.

When police were trying to seize the house key from Havva Aliyeva, they twisted her arm, leaving a bruise that lasted several days, Jehovah's Witnesses told Forum 18. Officers told one of the guests, Samira Agayeva who is from Baku, that if she signed a statement that she was not a Jehovah's Witness, they would let her go.

Police shouted at Gamar Aliyeva, threatening that she would lose her job as a teacher. Officers told her she had "lost her mind and that is why she went to this religion", Jehovah's Witnesses complained to Forum 18.

Police then took all the Jehovah's Witnesses to the police station. On the way, the mother of the family Havva Aliyeva, suffered an epileptic attack. She and her son were taken to hospital, where she was given an injection and kept until the evening. Police initially refused to allow her to see her husband, Aziz Aliyev, who had returned that evening from Gyanja on learning of the raid.

Terrorists?

The rest of the Jehovah's Witnesses were held for several hours at the police station in Zakatala, where one police officer insulted them for their religious affiliation, Jehovah's Witnesses complained. Officers tried to force them to write statements dictated by the police, but the Jehovah's Witnesses refused.

Officers told the detainees that they are terrorists, members of a "dangerous sect", and should rot in prison. "Police officers repeatedly told them that they should read the Koran instead of their religious literature," Jehovah's Witnesses told Forum 18. "One police officer even said he would be better to be shot to death than to become a Jehovah's Witness. Other police officers said the detained were traitors because they betrayed their religion." They also accused members of the Aliyev family of being "mentally ill".

An officer who gave his name of Murad of the Criminal Investigation Department interrogated Jeyhun Aliyev, Aziz and Savva's son. "He used indecent words and said he would have sexual relations with him and his book," Jehovah's Witnesses complained. He asked who had authorised him to conduct religious meetings. "Why do you not preach the Koran and why do you conduct meetings for money?" he demanded. Aliyev insisted that it is his Constitutional right to practice his faith.

The seven detainees were not freed until about midnight, 12 hours after police first arrived at the family home.

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No answers

No one at Zakatala Police Station was prepared to discuss the treatment of the Jehovah's Witnesses with Forum 18. The man who answered the phone of District Police Chief Arif Babayev on 11 December told Forum 18 that it was a wrong number and that no such person existed.

Mehman Ismayilov, the State Committee for Work with Religious Organisations' representative for the north-west, which includes Aliabad, put the phone down as soon as Forum 18 introduced itself on 11 December. Subsequent calls went unanswered.

Fines

Despite being absent at the time of the September raid, homeowner Aziz Aliyev was among eight Jehovah's Witnesses found guilty at Zakatala District Court of violating Administrative Code Article 299.0.2. This punishes "violating legislation on holding religious meetings, marches, and other religious ceremonies" with fines for individuals of between 1,500 and 2,000 Manats (11,400 to 15,200 Norwegian Kroner, 1,400 to 1,880 Euros, or 1,900 to 2,550 US Dollars).

In 26 November hearings, Judge Arif Ismayilov found Aziz Aliyev, together with his wife Havva and their son Jeyhun, guilty. Aziz and Jeyhun Aliyev were each fined 1,500 Manats. Havva Aliyeva was given an official warning.

Also on 26 November at the same court, Judge Elbrus Mammadov fined Vaguf Aliyev and his wife Gamar Aliyeva, together with Yevdokiya Sobko, 1,500 Manats each.

The final couple, Rauf and Samira Agayev from Baku, were each fined 1,500 Manats by Judge Ismayilov on 3 December.

Local residents estimate that each of the fines represent about one year's salary for a local state employee such as a teacher.

All eight have lodged appeals to Sheki Appeal Court, but no date has been set for any hearings, Jehovah's Witnesses told Forum 18.

It does not appear that any court or other proceedings have been opened against the police or other officials who broke Azerbaijan's laws during the raid. Forum 18 is not aware of any case where police or other officials have been punished for preventing people exercising the internationally-recognised right to freedom pof religion or belief or related human rights.

"Illegal" literature?

The verdict in Aziz Aliyev's case – seen by Forum 18 – notes that the State Committee in Baku had declared in a 5 November communication that six named Jehovah's Witness books had not received the compulsory Committee approval for import into Azerbaijan. One of them was the "2013 Yearbook of Jehovah's Witnesses".

"That these publications were in the house meant in the opinion of the police and the judge that these publications were used at the meetings that are conducted in that house," Jehovah's Witnesses told Forum 18. "And that means in the opinion of the police and the judge that those persons who were in the house violated Administrative Code Article 299.0.2."

But Jehovah's Witnesses dispute this. "Interestingly, one of the six publications is the book 'What Does the Bible Really Teach?', which the State Committee has in the past approved for import several times," they told Forum 18. "Later, they refused to give permission for another import of this book. However, currently thousands of these books are in the country that were imported with the State Committee's permission."

They added that none of these six publications were scheduled for use at the 21 September meeting. "They were simply the personal literature of the family living in that house," they insisted to Forum 18.

The State Committee operates Azerbaijan's strict prior compulsory censorship of all religious literature produced, distributed, and imported, in defiance of its international human rights obligations. Bizarrely, a court has claimed that this is "to create an environment of freedom of conscience" (see F18News 12 November 2012 http://www.forum18.org/archive.php?article_id=1766).

Jehovah's Witnesses were not given a copy of the 5 November State Committee communication. Nor was any official comment given on the many other books confiscated during the September raid. The literature has not been returned.

The man who answered the phone of Orhan Ali, spokesperson for the State Committee in Baku, told Forum 18 on 11 December it was a wrong number and put the phone down. Subsequent calls went unanswered.

European Court of Human Rights challenge over raid

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Meanwhile, Baku-based Muslim Miragayev says he is preparing to lodge a case to the European Court of Human Rights (ECtHR) in Strasbourg over a May 2012 police and NSM secret police raid on his home in the city's Narimanov District. He told Forum 18 from Baku on 11 December that he and his lawyer, Nizami Abbasov, are preparing to lodge the application "in the next week".

Miragayev said that following the rejection of his last appeal at Azerbaijan's Supreme Court, he could lodge a further case to Azerbaijan's Constitutional Court. But, he added, he sees "no point" in that, choosing instead to go direct to Strasbourg.

"I want my books, computer and money back and want compensation for the damage they did," Miragayev told Forum 18. "I want my rights to be protected by our government, not violated, including the right to practise my faith freely in accordance with our Constitution."

Illegal search with no warrant upheld by courts

Officers searched Miragayev's Baku home without a warrant in his absence. They confiscated 30 copies of the Koran, as well as 24 other books, including some by the Turkish theologian Said Nursi. They also took 34 Manats (265 Norwegian Kroner, 35 Euros or 43 US Dollars) and 500 US Dollars (392 Manats, 3,050 Norwegian Kroner or 410 Euros), as well as a notebook computer. Miragayev was also upset that the officers failed to take off their shoes in his home, as is normal in Azerbaijan (see F18News 11 July 2012 http://www.forum18.org/archive.php?article_id=1719).

Miragayev brought a suit against the 18th district police station in Baku's Narimanov District, as well as the Narimanov District branch of the NSM. After the suit was rejected by a local court in January 2013 and Baku Appeal Court in June, he lodged a final suit in August at the Supreme Court.

However, in a 26 September hearing under Presiding Judge Kamaladdin Badalov, the Supreme Court rejected Miragayev's appeal, according to the court website.

Fined for selling religious literature

On 10 July, Judge Mirpasha Huseynov of Baku Appeal Court upheld the lower court punishment handed down to Beymurad Beybalayev. He had been found guilty by Baku's Binagadi District court under Administrative Code Article 300.0.3. This punishes "selling religious literature, religious objects and information material in places not approved by the State Committee for the sale of such religious material".

Azerbaijan's tight system of religious censorship requires state permission not only before religious literature can be printed or imported, but also on where it is allowed to be distributed. Religion Law amendments – signed into law by President Ilham Aliyev in April 2013 - require all religious materials, such as books, video and audiotapes, and discs to be specially marked to show they are allowed for sale in the country (see F18News 2 May 2013 http://www.forum18.org/archive.php?article_id=1830). (END)

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1690.

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 compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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.

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