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AZERBAIJAN: Censorship case to join 56 other ECtHR cases?

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

After failing in the Supreme Court to overturn a state ban on his book on Islam, Elshad Miri is preparing a case to the European Court of Human Rights. It would join 56 existing cases at the Strasbourg court (involving 94 individuals and 7 communities) over Azerbaijan's repeated freedom of religion or belief violations.

On 25 June, Azerbaijan's Supreme Court rejected Muslim theologian Elshad Miri's appeal against the state ban on publishing one of his books on Islam. Miri is now preparing to lodge a case to the European Court of Human Rights (ECtHR) in Strasbourg.

"As soon as I have the written Supreme Court decision, I will prepare the case to the European Court with my lawyer," Miri told Forum 18 on 2 July. He said the Court had one month to issue the decision in writing.

Miri's case would join at least 66 other cases lodged from Azerbaijan since 2004 over its persistent and repeated violations of the right to freedom of religion or belief. The ECtHR is yet to rule on 56 of these known cases (involving 94 individuals - one twice - and 7 communities), lodged between 2007 and 2018.

Of the 56 known cases from Azerbaijan awaiting an ECtHR decision, 37 were lodged by Muslims, 18 by Jehovah's Witnesses and one by individuals on behalf of an NGO (see full list below).

The ECtHR will only consider cases which have gone through all the courts in an applicant's home country. (The last two digits of a case's Application No. are the year when the Court registered the application.)

The ECtHR cases related to the Azerbaijani government's violations of freedom of religion or belief cover a wide range of violations. Some cases cover more than one violation (such as police seizing religious literature during a raid on a meeting for worship):

- Jailed for leading prayers (2 cases involving 1 individual applicant)
- Jailed or fined for conscientious objection (4 cases involving 5 individual applicants)
- Jailed for meeting for worship (4 cases involving 7 individual applicants)
- Police raids on and punishments for meetings for worship (33 cases involving 45 individual applicants and 2 communities)
- Unlawful house search (1 case involving 1 individual applicant)
- Punishment for talking to others about faith (3 cases involving 9 individual applicants)
- State censorship of religious literature (5 cases involving 18 individual applicants and 4 communities)
- Registration denial (1 case involving 2 individual applicants and 1 community)
- Commenting on freedom of religion or belief issues (1 case involving 1 individual applicant)
- Movement restrictions because of appearance (1 case involving 3 individual applicants)
- NGO registration denial (1 case involving 2 individual applicants on behalf of one NGO)

While the ECtHR found in favour of the applicant in one case from Azerbaijan, eight other cases were dismissed as inadmissible or closed, or the applicant withdrew the case (see below).

Forum 18 was unable to reach Chingiz Asgarov, the Azerbaijani government's Agent at the ECtHR (see below).

In addition to their 18 applications to the ECtHR in Strasbourg, Jehovah's Witnesses in Azerbaijan have lodged 11 complaints to the United Nations Human Rights Committee. Six cover police raids on meetings for worship, four cover talking to others about faith, and one covers state censorship of publications they wished to import into Azerbaijan.

Officials unreachable

The telephone of Chingiz Asgarov of the Presidential Administration's Department for Coordination of Law Enforcement Agencies – who is the Azerbaijani government's Agent at the ECtHR – went unanswered each time Forum 18 called on 2 and 3 July.

Asked in October 2012 why Azerbaijan was then jailing conscientious objectors in violation of its commitments to the Council of Europe, Asgarov told Forum 18: "Do you think that as the government Agent to the European Court I control all courts in Azerbaijan? Is it my duty?" (http://www.forum18.org/archive.php?article_id=1755)

Aynur Sabitova, head of the Human Rights Department at the Justice Ministry in Baku, refused to answer any of Forum 18's questions on 3 July, asking that they be sent in writing.

Colleagues of Yaqut Aliyeva, spokesperson for the State Committee for Work with Religious Organisations in Baku, told Forum 18 on 2 July 2019 that she was not in the office and asked it to send its questions in writing. Forum 18 asked in writing the same day what steps (if any) Azerbaijan is taking to prevent future violations of freedom of religion or belief, and why individuals have to seek justice from the ECtHR rather than through domestic courts. Forum 18 had received no reply by the end of the working day in Baku on 3 July.

Supreme Court rejects Miri's final appeal

On 25 June, Judge Khaqani Mammadov of the Supreme Court in the capital Baku finally rejected Muslim theologian Elshad Miri's suit against the State Committee for Work with Religious Organisations, according to the court website.

Miri had been seeking to overturn the State Committee's ban on the publication and distribution in Azerbaijan of his book "Things Not Existing in Islam". The book covers seven of what Miri regards as myths about what Islam teaches. (http://www.forum18.org/archive.php?article_id=2351) Chapters include "There is no magic in Islam" and "There is no child marriage in Islam".

The State Committee implements the prior compulsory state censorship of all religious literature produced in or imported into Azerbaijan. (http://www.forum18.org/archive.php?article_id=2429)

"As soon as I have the written Supreme Court decision, I will prepare the case to the European Court with my lawyer," Miri told Forum 18 on 2 July. He said the Court had one month to issue the decision in writing.

Colleagues of Yaqut Aliyeva, spokesperson for the State Committee, told Forum 18 on 2 July that she was not in the office.

The State Committee had imposed the pre-publication ban on Miri's book in February 2018 (http://www.forum18.org/archive.php?article_id=2351) because an official disagreed with the book theologically. Replying, Miri told the State Committee that "it is not correct to ban a book I wrote in a country which does not [officially] have censorship".

Miri lost his suit at the lower courts in Baku and lodged his Supreme Court appeal in March 2019. The first hearing was on 30 May. (http://www.forum18.org/archive.php?article_id=2485)

If Miri lodges a case to the ECtHR in Strasbourg, his case will join many more seeking to overturn not only Azerbaijan's state censorship of all religious literature, but many other violations of the right to freedom of religion or belief.

ECtHR: Jailed for leading prayers

1) Babayev v. Azerbaijan (Application No. 34015/17). Police arrested Shia Muslim Imam Sardar Babayev in February 2017 for leading prayers in a mosque having gained his religious education outside Azerbaijan. He initially brought the case to challenge his pre-trial detention. The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-186531>) about the case on 4 September 2018.

2) Babayev v. Azerbaijan (Application No. 26896/18). After a court jailed Imam Sardar Babayev in July 2017 for three years, his lawyer lodged this second case (http://www.forum18.org/archive.php?article_id=2353) to challenge the conviction for leading prayers.

ECtHR: Jailed or fined for conscientious objection

1) Mammadov and Huseynov v. Azerbaijan (Application No. 14604/08). Goranboy District Court jailed Jehovah's Witness Samir Huseynov for ten months in October 2007 for refusing compulsory military service on grounds of conscience. He was freed in May 2008 after serving most of his sentence. (http://www.forum18.org/archive.php?article_id=1129) Baku's Sabail District Court gave Jehovah's Witness Mushfiq Mammadov a suspended six month prison term in July 2006 for refusing compulsory military service on grounds of conscience. He was tried on the same charges again in October 2009, by which time he was aged 26. At the end of his second trial, taking account of the two months he had spent in pre-trial detention, the judge fined him 250 Manats. The Supreme Court rejected his final appeal in December 2010 (http://www.forum18.org/Archive.php?article_id=1544). The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-170069>) about the case on 29 November 2016. The ECtHR received all submissions from both parties by 9 June 2017 and the case is awaiting an ECtHR decision.

2) Farid Mammadov v. Azerbaijan (Application No. 45823/11). Baku's Nasimi District Court jailed Jehovah's Witness Farid Mammadov for nine months in July 2010 for refusing compulsory military service on grounds of conscience. He was not imprisoned until September 2010 when his first appeal failed. The Supreme Court rejected his final appeal in January 2011. (http://www.forum18.org/Archive.php?article_id=1544) The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-169330>) about the case on 10 November 2016. The ECtHR received all submissions from both parties by 27 May 2017 and the case is awaiting an ECtHR decision.

3) Fakhraddin Mirzayev v. Azerbaijan (Application No. 76127/13). Ganca's Kapaz District Court jailed Jehovah's Witness Fakhraddin Mirzayev for one year in September 2012 for refusing compulsory military service on grounds of conscience. He was amnestied in May 2013 after eight months' imprisonment. The Supreme Court rejected his final appeal in June 2013. (http://www.forum18.org/archive.php?article_id=1852) The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-169313>) about the case on 10 November 2016. The ECtHR received all submissions from both parties by 27 May 2017 and the case is awaiting an ECtHR decision.

4) Mirzayev v. Azerbaijan (Application No. 41792/15). Goychay Court jailed Jehovah's Witness Kamran Mirzayev for nine months in March 2013 for refusing compulsory military service on grounds of conscience. He was amnestied in June 2013 after serving three months' imprisonment. The Supreme Court rejected his final appeal in February 2015 (http://www.forum18.org/archive.php?article_id=2061), arguing that relevant legislation implementing an alternative service had not yet been passed and alternatives to service only applied when the nation was not at war. The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-171871>) about the case on 9 February 2017. The ECtHR received all submissions from both parties by 13 August 2017 and the case is awaiting an ECtHR decision.

ECtHR: Jailed for meeting for worship

1, 2, 3) Hajiyev v. Azerbaijan (Application No. 74567/14), Mammadov v. Azerbaijan (Application No. 71584/14), Sabzaliyev v. Azerbaijan (Application No. 73334/14). Armed police and NSM secret police raided Eldeniz Hajiyev's home in Baku in April 2014 as Muslims were meeting to study the works of Said Nursi. Officers seized religious literature and arrested Hajiyev, together with Ismayil Mammadov and Revan Sabzaliyev. The three lodged the ECtHR cases after their September 2014 transfer to house arrest (http://www.forum18.org/archive.php?article_id=1999) and before their trial and October 2015 jailing. (http://www.forum18.org/archive.php?article_id=2173) The three alleged that their detention had been "illegal" and violated their human rights. The ECtHR asked the government questions about all three cases on 22 March 2018.

4) Mammadov and Others v. Azerbaijan (Application No. 30498/17). Police raided a religious meeting in a Baku home by Muslim readers of Said Nursi's works in April 2014 (see above). In October 2015, a Baku court jailed Ismayil Mammadov, Eldeniz Hajiyev, Shahin Hasanov and Zakariyya Mammadov. Their April 2016 appeal hearing reduced their sentences but did not overturn them (https://www.forum18.org/archive.php?article_id=2173). They lodged a case to the ECtHR on 10 April 2017 about their jailing. The ECtHR has not yet asked the government questions about the case.

ECtHR: Police raids on and punishments for meetings for worship

1) Religious Community of Jehovah's Witnesses and Hansen v. Azerbaijan (Application No. 52682/07). In December 2006, police, national security officers, officials and state-affiliated media raided a meeting for worship in a building in Baku (http://www.forum18.org/archive.php?article_id=896) owned by a Norwegian Oddvar Hansen, which he leased without charge to Baku's Jehovah's Witness community. Officers seized religious literature and computers. A court ruled that the search had been illegal because police had obtained no court order, but this was overturned by a higher court and the community was not notified of the final Supreme Court hearing. The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-176042>) about the case on 11 July 2017. The ECtHR received all submissions from both parties by 7 February 2018 and the case is awaiting an ECtHR decision.

2) Mammadova v. Azerbaijan (Application No. 30640/09). In July 2008, a police officer detained Russian citizen Imamzade Mammadova as she was hosting a Jehovah's Witness meeting for worship at her home in Zaqatala. Police fined her for "illegal"

religious activity, and then took her to the Migration Service which deported her to Russia (http://www.forum18.org/archive.php?article_id=1179). The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-191382>) about the case on 6 February 2019.

3) Valiyev and Others v. Azerbaijan (Application No. 42651/11). Police raided a Jehovah's Witness meeting for worship in Yegana Gahramanova's home in Ganca in December 2010. Officers detained her, Teymur Valiyev, Saladdin Mammadov and Rashad Niftaliyev. A court fined all four for "illegal" religious activity (http://www.forum18.org/archive.php?article_id=1527), though Valiyev's fine was changed to a warning because of his disability. The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-192097>) about the case on 6 March 2019.

4) Sheveli and Shengelaya v. Azerbaijan (Application No. 42730/11). Police raided a Jehovah's Witness meeting for worship in Yegana Gahramanova's home in Ganca in December 2010 (see case Valiyev and Others above). Officers also detained Vepkhvia Sheveli and Ekaterine Shengelaya, a married couple from Georgia. A court fined them and deported them. (http://www.forum18.org/archive.php?article_id=1527) The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-175876>) about the case on 6 July 2017.

5) Niftaliyev and Others v. Azerbaijan (Application No. 561/12). In June 2011, police raided a Jehovah's Witness meeting for worship in Yegana Gahramanova's home in Ganca. A court fined Gahramanova, as well as Rashad Niftaliyev, Rana Sadigova and Teymur Valiyev (though his fine was reduced to a warning because of his disability) (http://www.forum18.org/archive.php?article_id=1604) for an "illegal" religious meeting. The Baku Jehovah's Witness community joined the application to the ECtHR. The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-175874>) about the case on 6 July 2017. The ECtHR received all submissions from both parties by 7 February 2018 and the case is awaiting an ECtHR decision.

6) Genc and Others v. Azerbaijan (Application No. 71032/12). In April 2012, police in Ganca raided a Muslim meeting for worship in a home. Officers took Turkish citizens Sadullah Eren Genc, Saim Samir and Tugrul Kiraz to the police station. A court later fined each and ordered their deportation, though an appeal court subsequently changed the deportation orders to warnings. (http://www.forum18.org/archive.php?article_id=1719) The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-175873>) about the case on 6 July 2017.

7) Panahov and Others v. Azerbaijan (Application No. 17374/16). In May 2013, police raided a Jehovah's Witness meeting for worship at Shalala Atamova's home in Shamkir. Police questioned her, Nijat Panahov, Mehpara Jafarova and Lala Yusifova (among others), warned them not to hold such meetings and freed them. The four challenged the police action in court, seeking an apology for the raid, a pledge not to raid meetings for worship in future and compensation. Local courts rejected their suit. (http://www.forum18.org/archive.php?article_id=1894) The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-192029>) about the case on 26 February 2019.

8), 9), 10), 11), 12), 13), 14) Alakbarov v. Azerbaijan (Application No. 55503/15); Ismayilov v. Azerbaijan (Application No. 55507/15); Jabrayilov v. Azerbaijan (Application No. 55510/15); Sabuhi Mammadov v. Azerbaijan (Application No. 55512/15); Huseynov v. Azerbaijan (Application No. 55520/15); Gasimov v. Azerbaijan (Application No. 55524/15); and Yunusov v. Azerbaijan (Application No. 55531/15). In June 2015, police and officials raided Sabuhi Mammadov's home in Gadabay where Muslims who study Said Nursi's works were meeting. A court fined Mammadov for organising an "illegal" religious meeting, while Emin Alakbarov, Javanshir Ismayilov, Elmira Jabrayilov, Samir Huseynov, Rovshan Gasimov and Parvin Yunusov were among 13 others fined for "hooliganism" (http://www.forum18.org/archive.php?article_id=2080). The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-176039>) about the seven cases on 11 July 2017.

15), 16), 17), 18), 19), 20), 21) Agayev v. Azerbaijan (Application No. 9327/16); Khanlayev v. Azerbaijan (Application No. 9594/16); Rahimov v. Azerbaijan (Application No. 11504/16); Bakirov [Bashirov] v. Azerbaijan (Application No. 11601/16); Mammadov v. Azerbaijan (Application No. 11604/16); Sungur v. Azerbaijan (Application No. 11071/16); and Mikdat v. Azerbaijan (Application No. 11573/16). In September 2015, police raided a meeting to study Muslim theologian Said Nursi's works at a home in Baku. They seized religious books and took about 85 people to the police station. Samir Agayev, Fakhraddin Khanlayev, Latif Rahimov, Sayavush Bashirov and Zakariyya Mammadov were fined for an "illegal" meeting, while two Turkish visitors - Nurullah Sungur and Mikdat Senol – were fined and deported. (http://www.forum18.org/archive.php?article_id=2106) The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-192840>) about the seven cases on 3 April 2019.

22), 23), 24), 25), 26), 27), 28), 29), 30), 31) Rzamov v. Azerbaijan (Application No. 81005/17); Guliyev [Quliyev] v. Azerbaijan (Application No. 81009/17); Gasimov v. Azerbaijan (Application No. 81024/17); Khanlayev v. Azerbaijan (Application No. 81043/17); Elmar Aliyev v. Azerbaijan (Application No. 81049/17); Shikhmammadov v. Azerbaijan (Application No. 81051/17); Seyfalov v. Azerbaijan (Application No. 81083/17); Amrahov v. Azerbaijan (Application No. 81084/17); Badirxanov v. Azerbaijan (Application No. 81088/17); and Gulaliyev v. Azerbaijan (Application No. 81095/17). In March 2017, police raided a home in Quba where Muslims who study Said Nursi's works were meeting and seized religious literature. Almost all of those present were fined in March 2017, including these 10 men (http://www.forum18.org/archive.php?article_id=2294).

32) Rafiyev v. Azerbaijan (Application No. 81028/17). In March 2017, police raided a home in Quba where Muslims who study Said Nursi's works were meeting and seized religious literature (see the 10 cases above). Almost all of those present were fined in March 2017, including Vuqar Rafiyev (http://www.forum18.org/archive.php?article_id=2294). The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-186530>) about Rafiyev's case on 6 September 2018.

33) Hajiyev v. Azerbaijan (Application No. 21807/18). A Baku court fined Eldeniz Hajiyev under Administrative Code Article 515.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies") to punish him for a meeting for worship without state permission. He lodged a case to the ECtHR on 27 April 2018. The ECtHR has not yet asked the government questions about the case.

ECtHR: Unlawful house search

1) Miragayev v. Azerbaijan (Application No. 29550/14). In May 2012 police and National Security Ministry (NSM) secret police raided Zeka Miragayev's Baku home (http://www.forum18.org/archive.php?article_id=1719). They confiscated 30 copies of the Koran, 24 other books (including some by Said Nursi), a computer and a small sum of money. He failed through the local courts to have the raid and confiscations of his religious literature declared illegal. The application concerns the allegedly unlawful search of the applicant's flat. The applicant also complains that he was not duly notified of the hearing before the Supreme Court. The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-187776>) about the case on 24 October 2018.

ECtHR: Punishment for talking to others about faith

1) Nasirov and Others v. Azerbaijan (Application No. 58717/10). In three separate incidents, police stopped seven Jehovah's Witnesses as they were sharing their faith door to door and seized religious literature (Famil Nasirov and Amina Mammadova in Baku in March 2010 (http://www.forum18.org/archive.php?article_id=1420); Gulnaz Hasanova, Salatin Iskandarova and Shafiga Mammadova in Agstafa in April 2010 (http://www.forum18.org/archive.php?article_id=1443); and Rahima Huseynova and Aygul Nasirova in Sumgait [Sumqayit] in May 2010). Courts initially fined the individuals for "illegally" distributing banned religious literature. The appeal courts upheld the decisions of the first-instance courts, stating that books that had been distributed were allowed only for internal use of a religious organisation and not to be distributed in public places. Most of these fines were overturned on appeal. The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-177153>) about the case on 30 August 2017.

2) Gridneva v. Azerbaijan (Application No. 29578/11). In September 2010, police in Baku stopped Jehovah's Witness Nina Gridneva while she was offering religious literature on the street and seized the literature. A court subsequently fined her for "illegal" religious literature distribution. (http://www.forum18.org/archive.php?article_id=1520) The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-174268>) about the case on 18 May 2017.

3) Bagirov v. Azerbaijan (Application No. 41832/15). Baku's Qaradag District Court fined Jehovah's Witness Ismayil Bagirov 1,500 Manats in January 2015 (http://www.forum18.org/archive.php?article_id=2042) for sharing his faith in a Baku shopping centre and offering religious literature. The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-193189>) about the case on 26 April 2019.

ECtHR: State censorship of religious literature

1) Mammadov v. Azerbaijan (Application No. 7308/12). In July 2007, police raided a religious meeting of Muslims who read Said Nursi's works at Shukran Mammadov's home in Ujar and seized books and religious materials, handing them to the State Committee. Baku courts rejected his demand for the State Committee to return the books (http://www.forum18.org/archive.php?article_id=1522), claiming that they contained passages encouraging sectarianism and therefore not recommended for distribution. The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-181912>) about the case on 6 March 2018.

2) Religious Community of Jehovah's Witnesses v. Azerbaijan (Application No. 52884/09). In June 2008, the State Committee rejected some items of the community's request to import Jehovah's Witness literature. It claimed these works insulted other (mainly Christian) religions and beliefs. The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-173023>) about the case on 23 March 2017.

3) Jafarov and Others v. Azerbaijan (Application No. 406/12). In December 2009, the State Committee rejected an application to import Jehovah's Witness literature, claiming it incited "religious intolerance against members of the Catholic, Protestant and Russian Orthodox churches". In 2010, the State Committee issued four further denials, claiming the literature encouraged intolerance of Christians or misrepresented the Koran. The Baku Jehovah's Witness community and ten of its members, including Adam Jafarov, failed to overturn these denials through the local courts. The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-182157>) about the case on 12 March 2018.

4) Tagiyev and Others v. Azerbaijan (Application No. 66477/12). In October and November 2010, the State Committee rejected in

full or in part the community's requests to import Jehovah's Witness literature. The State Committee rejected in full or in part five further applications between December 2010 and May 2011. The Baku Jehovah's Witness community and seven of its members, including Arif Tagiyev, failed to overturn these denials through the local courts. The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-178976>) about the case on 31 October 2017.

5) Religious Community of Jehovah's Witnesses v. Azerbaijan (Application No. 12739/13). In March 2011, the State Committee rejected the community's request to import Jehovah's Witness literature. A Baku court held that as the community was asking for more literature than the number of its members warranted, the community wanted the literature to share their faith with others. It rejected the community's appeal against the denial. The community subsequently sought to have five further 2011 State Committee literature import denials overturned. The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-192837>) about the case on 3 April 2019.

ECtHR: Registration denial

1) Moroz and Others v. Azerbaijan (Application No. 49264/12). The State Committee for Work with Religious Organisations rejected the application for state registration which a Jehovah's Witness community in Baku lodged in 2009. The community challenged what it regarded as an unjust and arbitrary registration denial. After nearly two years of legal hearings, in February 2012 Jehovah's Witnesses finally lost their case in the Supreme Court (http://www.forum18.org/archive.php?article_id=2081), when Leonid Moroz, another community member and the Baku community itself lodged their ECtHR application. The ECtHR has not yet asked the government questions about the case.

ECtHR: Commenting on freedom of religion or belief issues

1) Movsum Samadov v. Azerbaijan (Application No. 48431/11). Movsum Samadov, Chair of the Islamic Party, was arrested in January 2011 five days after a speech was placed on the internet where he harshly criticised the regime of President Ilham Aliyev. In particular he condemned the enforced closure of mosques, attempts to ban the call to prayer from mosques and punishments on women for wearing the hijab. In October 2011, after the case was lodged, a Baku court jailed Samadov for 12 years (http://www.forum18.org/archive.php?article_id=2263). The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-145864>) about the case on 30 June 2014.

ECtHR: Movement restrictions because of appearance

1) Pashayev and Others v. Azerbaijan (Application No. 18068/08). In June 2007, Elmar Pashayev, Kamil Almammadov and Vugar Mammadov visited Quba District from Baku for a few days, but the police told them they had violated temporary residence registration rules and ordered them to leave the district. They complain that they were singled out solely because they were dressed in "traditional Islamic attire" and wore long beards. They tried to sue the local police but the courts claimed they never received the suits. The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-176041>) about the case on 11 July 2017.

ECtHR: NGO registration denial

1) Maharramova and Huseynova v. Azerbaijan (Application No. 31592/14). The group Religion and Women's Rights, founded in 2011, applied to the Justice Ministry for registration as an NGO. The Ministry twice in 2011 and twice in 2012 sent the application back, citing alleged irregularities in the documentation. The NGO challenged the denial through the courts, finally losing in the Supreme Court on 6 November 2013. Afruza Maharramova and Sadaya Huseynova lodged a case to the ECtHR on behalf of the NGO in April 2014. The ECtHR asked the regime questions (<http://hudoc.echr.coe.int/eng?i=001-168327>) about the case on 11 October 2016.

ECtHR: NGO won case

Islam-Ittihad Association and Others v. Azerbaijan (Application No. 5548/05). On 21 October 2014 the ECtHR found that Azerbaijan's forcible dissolving in 2003 of the Islam-Ittihad Association violated the NGO's rights (<http://hudoc.echr.coe.int/eng?i=001-147866>) under Article 11 ("Freedom of assembly and association") of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Islam-Ittihad Association had failed to overturn the stripping of state registration from it through the Azerbaijani courts. (http://www.forum18.org/archive.php?article_id=369)

In its judgment, published on 13 November 2014, the ECtHR found that the Association was closed down for, among other things, deciding to organise pilgrimages to Muslim holy shrines and criticising, in an internal meeting, the state-backed Caucasian Muslim Board. The group had criticised the Board for having "a monopoly on Islam in the country and that its officials had weakened the social and moral situation of the country, which was already low, by accusing each other of corruption in the media". The state described this as "illegal" religious activity.

In its judgment, the ECtHR also criticised the fact that Azerbaijan's published law gives the authorities "an unlimited discretionary power" to define and so prosecute "illegal" religious activity.

The Justice Ministry does not appear to have re-registered the Islam-Ittihad Association following the ECtHR's 2014 decision in the Association's favour. The telephone at the Ministry's Registration Department went unanswered each time Forum 18 called on 3 July.

ECtHR: Inadmissible, rejected, closed and withdrawn cases

- 1) Juma Mosque Congregation and Others v. Azerbaijan (Application No. 15405/04). The community of a Shia Mosque in Baku's Old City and ten of its members lodged a case about the June 2004 police expulsion of worshippers and enforced closure of the mosque in July 2004 (http://www.forum18.org/archive.php?article_id=369). Police then raided the community's worship in a home. The ECtHR rejected the case on 8 January 2013 (<http://hudoc.echr.coe.int/eng?i=001-116090>), claiming that the applicants had not taken their complaints through all the local courts.
- 2) Delahaije and Others v. Azerbaijan (Application No. 59271/09). Six Jehovah's Witnesses from outside Azerbaijan were detained between 2 and 20 days after a December 2006 raid on a religious meeting. They were then deported for "religious propaganda". (http://www.forum18.org/archive.php?article_id=898) The ECtHR ruled the application inadmissible on 5 January 2017.
- 3) Suleymanov v. Azerbaijan (Application No. 16599/09). The Sunni Abu-Bekr Mosque in Baku was hit by a grenade attack in August 2008 that killed three people, also injuring the imam Gamet Suleymanov. He complained of the government's failure to recognise anyone as victims of the attack. (http://www.forum18.org/archive.php?article_id=1558) The authorities have kept the mosque closed since the attack. The ECtHR ruled the application inadmissible in December 2012.
- 4) Valiyeva and Others v. Azerbaijan (Application No. 40387/11). The State Committee refused to allow the import of Jehovah's Witness publications. The ECtHR ruled the application inadmissible on 5 January 2017.
- 5) Mursalov and Others v. Azerbaijan (No. 4668/10). Police raided four Jehovah's Witness home meetings, searched the homes, confiscated religious literature, and subjected those present to verbal abuse and detained them, beating and threatening some of them. The ECtHR ruled the application inadmissible in June 2017.
- 6) Mukhtarov and Others v. Azerbaijan (No. 6013/10). Police raided three Jehovah's Witness meetings and assaulted, verbally abused and questioned at least some of those present. The ECtHR ruled the application inadmissible in June 2017.
- 7) Gaziyevev and Others v. Azerbaijan (Application No. 49349/12). In 2010, Zaqatala District Registration Office refused to issue passports to Vusal Jabrayilov and Elshad Musayev. After a traffic incident, they forcibly had their beards shaved. In June 2011, Zaqatala District Police officers forcibly shaved Abakar Gaziyevev (they also beat him) and Allahyar Yusubov. The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-177154>) about the case on 29 August 2017. The ECtHR struck out the application (<http://hudoc.echr.coe.int/eng?i=001-189546>) on 13 December 2018 because the applicants and their lawyer failed to respond to requests for their observations.
- 8) Jafarov v. Azerbaijan (Application No. 46446/15). The then NSM secret police arrested Jeyhun Jafarov, a translator of Islamic works and broadcaster on Islamic themes, in March 2015 on treason charges, which he rejected. He complained about being arrested and tortured. A Baku court ordered his transfer to house arrest in September 2016 and later the criminal case was closed with no trial. (http://www.forum18.org/archive.php?article_id=2309) The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-182159>) about the case on 12 March 2018. Jafarov withdrew his application on 2 July 2018 and the ECtHR struck out the case (<http://hudoc.echr.coe.int/eng?i=001-190016>) on 17 January 2019. (END)

Full reports on freedom of thought, conscience and belief in Azerbaijan
(<http://www.forum18.org/archive.php?query=&religion=all&country=23>)

For more background, see Forum 18's Azerbaijan religious freedom survey (http://www.forum18.org/archive.php?article_id=2429)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (http://www.forum18.org/archive.php?article_id=1351)

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