FORUM 18 NEWS SERVICE, Oslo, Norway
https://www.forum18.org/
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

12 May 2006

AZERBAIJAN: Religious conscientious objector in jail

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

A Jehovah's Witness, Mushfiq Mammedov, is to be tried for refusing military service on grounds of religious conscience, Forum 18 News Service has learnt. This is despite guarantees in Azerbaijan's Constitution of the right to perform alternative service. Mammedov has been in detention since 28 April, and the authorities are refusing to allow his family to visit him. "We're not allowed any meetings until the investigation is over," she told Forum 18. "We don't know how long that will go on." Azerbaijan promised the Council of Europe that it would establish alternative civilian service by January 2004. "No progress has been registered on adopting a law on alternative service," Krzysztof Zyman, of the Council of Europe's Directorate General of Human Rights told Forum 18. "The fact that the law has not been adopted is in clear violation of the commitments Azerbaijan undertook when it joined the Council of Europe." Azerbaijan joined the Council of Europe in 2001.

A 23-year-old Jehovah's Witness, Mushfiq Mammedov, is facing trial for refusing military service on grounds of religious conscience, despite guarantees in Azerbaijan's Constitution of the right to perform alternative service and Azerbaijan's commitment to the Council of Europe already to have introduced an alternative service law – which it has failed to do. "Mammedov was imprisoned exclusively for his religious beliefs, which he has adhered to for several years already," the director of the Human Rights Centre of Azerbaijan (HRCA), Eldar Zeynalov, told Forum 18 News Service from the capital Baku on 12 May. He stresses that Mammedov's beliefs "coincide with obligations which Azerbaijan has undertaken to the Council of Europe and in its Constitution".

"The HRCA urges the authorities to implement promptly Azerbaijan's obligation to establish alternative service and to end the prosecutions of citizens for their religious beliefs," Zeynalov added.

Mammedov's mother, Sevil Najafova, said she has not been allowed to see her son in prison since his arrest on 28 April. "We're not allowed any meetings until the investigation is over," she told Forum 18 from Baku on 12 May. "We don't know how long that will go on."

Although Azerbaijan committed itself to the Council of Europe to establish alternative service by January 2004, the government and parliament show no inclination to do so. "No progress has been registered on adopting a law on alternative service," Krzysztof Zyman, an official of the Council of Europe's Directorate General of Human Rights who has been handling this issue, told Forum 18 from Strasbourg on 12 May. "The fact that the law has not been adopted is in clear violation of the commitments Azerbaijan undertook when it joined the Council of Europe." Azerbaijan joined the Council of Europe on 25 January 2001.

"The current draft law is due to be considered by the Milli Mejlis [parliament], but some parliamentary deputies are very strongly against," Teymur Malik-Aslanov, who is working with the Baku office of the UN High Commissioner for Human Rights on strengthening human rights protection in Azerbaijan's legal system, told Forum 18 from Baku on 11 May. "No final date has yet been set for adopting the law, but I don't expect it in the near future."

Mammedov was called up by Sabail District Military Commissariat, within Baku, after graduating last year from Baku's International Institute, but in July 2005 refused military service. He demanded instead to be allowed to perform alternative service guaranteed by Article 76 part 2 of the Constitution, which states: "If beliefs of citizens come into conflict with service in the army then in some cases envisaged by legislation alternative service instead of regular army service is permitted." This was refused, but initially the military commissariat took no further moves against him.

However, a case was finally launched against Mammedov on 28 April under Article 321.1 of the Criminal Code, which punishes evasion of military service with a sentence of up to two years' imprisonment. He was arrested the same day by officers of the Sabail Military Commissariat, who tried to force him to sign documents and submit to the medical examination. Mammedov refused and was transferred to a police station. He is now being held in the city's Bayil investigation prison.

On 29 April, his arrest was approved by a judge at Sabail district court, and on 8 May, the Court of Appellate Jurisdiction refused his appeal against being held in prison. "Although formally it was an open hearing, relatives and representatives of the religious community were forcibly removed from the courtroom," Zeynalov reported. He said after the two sides discussed the case, the judge told Mammedov's lawyer that a decision would be delivered on 10 May. However, that same day, 8 May, in the absence of the

Copyright Forum18 News Service 2006

lawyer, the judge delivered his decision rejecting an appeal.

Adil Gadjiev, who works on alternative service at the Human Rights Ombudsperson's office, said Mammedov has not appealed to his office for help. "We can get involved if we are given documents on his case," he told Forum 18 from Baku on 11 May.

Gadjiev said that in the absence of a law establishing a mechanism for alternative service, young men have no choice but to serve in the army. "Of course this is bad," he told Forum 18. "If a right is in the Constitution there should be a mechanism for enforcing it."

He said his office had helped in the case of a previous Jehovah's Witness conscientious objector, Mahir Bagirov (see F18News 10 February 2005 http://www.forum18.org/Archive.php?article_id=507). "Bagirov has so far been the only conscientious objector to have appealed to the ombudsperson's office," Gadjiev told Forum 18. "We didn't allow the military police to hold him and we recommended that he appeal to a court. I don't know what happened further in his case." (Bagirov, who lost all cases in court, left Azerbaijan in 2005 to avoid further legal moves against him.)

The authorities have long regarded the Jehovah's Witnesses with suspicion. The local paper Baki Habar reported on 9 May that attempts by the Jehovah's Witnesses to "activate" their work in Yevlakh [Yevlax] and Shamkir regions of north-western Azerbaijan and the nearby city of Gyanja were "prevented".

Police launched two raids on Jehovah's Witness communities in Baku in June 2005, with a further raid in August. Elsewhere in Azerbaijan, individual Jehovah's Witnesses were questioned, detained and threatened. A number of Protestant communities faced similar police raids (see F18News 16 November 2005 http://www.forum18.org/Archive.php?article_id=689).

Although far fewer police raids on Protestants and Jehovah's Witnesses have been reported this year, Forum 18 has learnt that in late April, police raided a Protestant house church in Baku.

Azerbaijan already has tight restrictions on religious activity which violate the country's international human rights obligations. However Rafik Aliev, head of the State Committee for Work with Religious Organisations, is determined to tighten government controls still further, telling the press in recent months that amendments to the religion law are already being drafted. "Giving an exact date for the adoption of there amendments is impossible," he told the Baku paper Ekho on 22 April. "However, parliamentarians believe that it will happen by the end of the year." Forum 18 has been unable so far to get the text of the proposed amendments.

Amongst the other problems religious communities of all faiths in Azerbaijan face, due to state hostility and intolerance, are: non-return of confiscated buildings (see F18News 23 November 2005 http://www.forum18.org/Archive.php?article_id=694); use of the state registration system to discriminate against communities (see F18News 3 November 2005 http://www.forum18.org/Archive.php?article_id=681); and selective obstruction of foreign religious workers invited by local communities (see F18News 1 November 2005 http://www.forum18.org/Archive.php?article_id=680). (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

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

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY

Copyright Forum18 News Service 2006