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## AZERBAIJAN: Will regime implement UN, European Court of Human Rights decisions?

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*The UN Human Rights Committee adopted two decisions in favour of four Jehovah's Witnesses, requiring not only that Azerbaijan repay their fines and court fees but review "its domestic legislation, regulations and/or practices" to ensure similar violations cannot recur. Dozens of European Court of Human Rights judgments in freedom of religion or belief cases similarly require changes to law and practice to implement the decisions. The regime has given no public indication of any changes to law and practice to prevent further violations.*

In decisions in late 2020 and early 2021, both the United Nations Human Rights Committee and the European Court of Human Rights in Strasbourg have instructed the Azerbaijani regime to pay compensation to those whose rights to freedom of religion or belief it had violated. Both bodies also instructed Azerbaijan to amend its laws and practices that punish the exercise of freedom of religion or belief to ensure that such violations cannot recur.

The regime has given no public indication that it is preparing any changes to law and practice to prevent further violations of freedom of religion or belief (see below).

The United Nations (UN) Human Rights Committee adopted two decisions in favour of Jehovah's Witnesses in Azerbaijan in October 2020. The cases were *Rahima Huseynova v. Azerbaijan*; and *Saladdin Mammadov, Rashad Niftaliyev and Sadagat Abbasova v. Azerbaijan*. In both cases, the Committee ruled that the State had violated their rights, ordered an "effective remedy" for each (including reimbursement of the large fines and any court fees) and instructed Azerbaijan to amend laws and practice to avoid future violations (see below).

"The State party is also under an obligation to take all steps necessary to prevent similar violations from occurring in the future, including by reviewing its domestic legislation, regulations and/or practices with a view to ensuring that the rights under article 18 of the Covenant may be fully enjoyed in the State party," both UN Human Rights Committee decisions declare in identical wording. They also instructed Azerbaijan to inform it of steps it would take within 180 days (see below).

The decisions echo the call in the November 2016 Concluding Observations on Azerbaijan's report to the UN Human Rights Committee (CCPR/C/AZE/CO/4 (<https://undocs.org/CCPR/C/AZE/CO/4>)), that Azerbaijan "should bring its legislation, including the law on freedom of religious belief, into conformity with article 18 of the Covenant".

Article 18 of the International Covenant on Civil and Political Rights (<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>) protects "Freedom of thought, conscience and religion".

Jehovah's Witnesses from Azerbaijan have seven other freedom of religion or belief cases pending with the UN Human Rights Committee (see below).

Forum 18 has been unable to find out what changes in law or practice (if any) the regime is planning in order to comply with the instructions from the UN Human Rights Committee and the ECtHR in Strasbourg. Azerbaijan is coming to the end of the holidays for the Novruz spring holiday, which began on 21 March, and telephones at government offices were not answered on 25 and 26 March.

The telephone of Chingiz Asgarov, the Deputy Chair of the Supreme Court - and the regime's Agent at the ECtHR - went unanswered each time Forum 18 called on 25 and 26 March.

Mubariz Qurbanli, chair of the State Committee for Work with Religious Organisations (which controls all exercise of the right to freedom of religion or belief in the country ([https://www.forum18.org/archive.php?article\\_id=2429](https://www.forum18.org/archive.php?article_id=2429))), stated in February that it is preparing amendments to the Religion Law, but gave no indication of what they will contain or whether they are aimed at removing restrictions on the exercise of freedom of religion or belief in line with the UN Human Rights Committee and ECtHR calls.

Telephones at the State Committee went unanswered each time Forum 18 called on 26 March (see below).

Jehovah's Witnesses say the authorities have already been in contact with the four individuals about repayment of the fines and court fees. "We hope that they will receive compensation (including reimbursement for the fines imposed and for court fees) soon" (see below).

Between late September 2020 and March 2021, the European Court of Human Rights (ECtHR) issued 20 decisions in cases from Azerbaijan relating to violations of freedom of religion or belief. The total amount of compensation Azerbaijan is to pay the victims is 81,100 Euros (162,000 Azerbaijani Manats, 821,000 Norwegian Kroner or 96,000 US Dollars).

Of these 20 ECtHR decisions, 2 were findings of violations, 4 were unilateral declarations where the regime admitted violations and agreed to pay compensation and a further 12 were friendly settlements, where the regime agreed to pay compensation (in 1 case it also admitted violations) (see below).

In the case of Revan Sabzaliyev, jailed for teaching religion to children, the regime agreed a friendly settlement with the payment of compensation of 4,500 Euros (9,000 Azerbaijani Manats, 45,700 Norwegian Kroner or 5,300 US Dollars). His lawyer, Yalchin Imanov, insisted to Forum 18 that the agreement to pay compensation effectively means the regime has admitted it violated Sabzaliyev's rights (see below).

"Taking individual action on specific complaints so as not to have to change legislation and practice"

Eldar Zeynalov of the Human Rights Centre of Azerbaijan notes that the regime "usually confines itself to taking individual action on specific complaints so as not to have to change legislation and practice as a whole".

"It is easier a couple of times a year to buy off those few complainants who manage to get to the European Court than to change the well-established system that suits the authorities," Zeynalov told Forum 18 from Baku on 26 March. "And if it is possible to do this without bringing the essence of the problem to public consideration at all, this is ideal for the government. And this is exactly what happens when concluding friendly settlements or when the ECtHR accepts a unilateral declaration from the government."

After nine ECtHR cases were concluded in September 2020, when the regime admitted it violated freedom of religion or belief and the ECtHR closed the cases, lawyer Khalid Agaliyev made the same point to Forum 18 ([https://www.forum18.org/archive.php?article\\_id=2605](https://www.forum18.org/archive.php?article_id=2605)). He noted that, despite many ECtHR judgments against Azerbaijan, "we don't see any follow-up from these judgments. We want the general human rights situation to change under the influence of these judgments. Unfortunately, this is not happening".

At least 69 cases since January 2001

In the 20 years since Azerbaijan joined the Council of Europe in January 2001, individuals and communities have lodged at least 69 cases to the ECtHR over violations of the right to freedom of religion or belief (see below).

In three cases in which the ECtHR found in 2020 that Azerbaijan had violated the right to freedom of religion or belief and inter-related rights, the Council of Europe is conducting "enhanced supervision" of the implementation of these decisions. "An enhanced procedure is used for cases requiring urgent individual measures or revealing important structural problems," it explains. These cases related to the lack of a civilian alternative to military service (which Azerbaijan promised the Council of Europe it would introduce by January 2003 ([https://www.forum18.org/archive.php?article\\_id=2567](https://www.forum18.org/archive.php?article_id=2567))), the ban on all exercise of freedom of religion and belief outside a state-registered religious community's address, and prior state censorship of religious literature (see below).

The latest ECtHR decisions leave 19 cases from Azerbaijan relating to violations of freedom of religion or belief – submitted between 2012 and 2020 - known to be awaiting an ECtHR decision. Of these, 13 were lodged by Muslims, 5 by Jehovah's Witnesses and one by an NGO (see full list below).

Will proposed Religion Law amendments meet UN and ECtHR requirements?

Mubariz Qurbanli, chair of the State Committee for Work with Religious Organisations (which controls all exercise of the right to freedom of religion or belief in the country), told the local news agency Report in an interview published on 11 February that it is preparing amendments to the Religion Law.

However, Qurbanli gave no indication of what the proposed amendments will contain or whether they are aimed at removing restrictions on the exercise of freedom of religion or belief in line with the UN Human Rights Committee and ECtHR calls.

Qurbanli claimed that laws are "like a living organism, they must meet the challenges of the time and adapt to the requirements of the time". He said proposals to amend the Religion Law "are currently being discussed. I can only say that the changes are due to the

need of the time and the purpose of further improving the legal framework governing religion."

Telephones at the State Committee went unanswered each time Forum 18 called on 26 March. Forum 18 also tried to reach several members of the Milli Majlis (parliament) Public Associations and Religious Organisations Committee, including its Chair Fazail Ibrahimli and Committee member Sevinch Fataliyeva, as well as former Chair Siyavush Novruzov. Their telephones went unanswered on 25 and 26 March, or aides said they were not available until 29 March.

#### UN Human Rights Committee decisions

On 14 October 2020, the UN Human Rights Committee found that Azerbaijan had violated the rights of Jehovah's Witness Rahima Huseynova (CCPR/C/130/D/2845/2016 ([https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/AZE/CCPR\\_C\\_130\\_2928\\_2017\\_32257\\_E.docx](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/AZE/CCPR_C_130_2928_2017_32257_E.docx))).

Police in Baku detained Huseynova in December 2014 as she was talking to others of her faith. A Baku court fined her 1,500 Manats ([https://www.forum18.org/archive.php?article\\_id=2042](https://www.forum18.org/archive.php?article_id=2042)) under then Administrative Code Article 299.0.4 ("religious activity not within a religious association's registered address"), a fine upheld on appeal. The fine represented at the time more than three months' average wage for those in formal work.

Huseynova appealed to the UN Human Rights Committee in September 2016, complaining that her detention and fine were a violation of her right to freedom of religion or belief. The regime insisted to the Committee that it had acted in accordance with the law and insisted that it has the right to restrict freedom of religion or belief.

The Committee dismissed the regime's arguments that it had the right to restrict freedom of religion or belief, pointing out that it had not demonstrated that such a restriction was proportionate or protected against any specific threat to public safety, order, health or morals, or the fundamental rights and freedoms of others.

The Committee found that Azerbaijan had violated Huseynova's rights and ordered it to provide an "effective remedy" for her and others.

"This requires it to make full reparation to individuals whose rights under the Covenant have been violated. Accordingly, the State party [Azerbaijan] is obligated to, inter alia, provide the author with adequate compensation, including by reimbursing her for the fine imposed [1,500 Manats] and for court fees related to the case in question," the decision notes.

"The State party is also under an obligation to take all steps necessary to prevent similar violations from occurring in the future, including by reviewing its domestic legislation, regulations and/or practices with a view to ensuring that the rights under article 18 of the Covenant may be fully enjoyed in the State party."

On 15 October 2020, the UN Human Rights Committee found that Azerbaijan had violated the rights of three more Jehovah's Witnesses, Saladdin Mammadov, Rashad Niftaliyev and Sadagat Abbasova (CCPR/C/129/D/2928/2017 ([https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/AZE/CCPR\\_C\\_130\\_2845\\_2016\\_32258\\_E.docx](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/AZE/CCPR_C_130_2845_2016_32258_E.docx))).

Mammadov, Niftaliyev and Abbasova appealed to the UN Human Rights Committee in January 2017, complaining that the regime violated their rights when police raided a religious meeting Mammadov was hosting in his home in Ganca in October 2014, attended by about 25 people. Police searched the home, seized religious literature and took all the participants to the police station, where they held them with no food or drink and mocked their faith. A Ganca court later fined Mammadov, Niftaliyev and Abbasova 2,000 Manats each by post for holding an "illegal" meeting, fines upheld on appeal.

The regime insisted that police had raided the religious meeting because children might have been present. "Human rights and freedoms such as the right to profess any religion, to express and spread one's beliefs concerning religion may be restricted for the purpose of protecting public safety, health, order and morals, or the rights and freedoms of others," the regime told the UN Committee.

The Committee dismissed the regime's arguments, noting that the regime had not indicated why they believed unaccompanied minors might have been present or why this justified a police raid, detentions and fines. "The Committee notes that the State party has not specifically explained why the authors [Mammadov, Niftaliyev and Abbasova] were punished for engaging in religious worship without having met the precondition of officially registering as a religious association," it added.

Given its finding that Azerbaijan had violated Mammadov, Niftaliyev and Abbasova's rights, the UN Committee ordered it to provide an "effective remedy" for them and others.

Using almost identical wording to that of the Huseynova decision, the UN Committee ordered Azerbaijan to reimburse the fines of 2,000 Manats Mammadov, Niftaliyev and Abbasova had each paid, plus any court fees, and change the law and practice to ensure that no one else can face similar violations of their rights in future.

Both decisions say the UN Committee "wishes to receive from the State party, within 180 days, information about the measures taken to give effect to the Committee's Views". It added that Azerbaijan should "publish the present Views and disseminate them widely in the official languages of the State party".

Jehovah's Witnesses say the authorities have already been in contact with Huseynova, Mammadov, Niftaliyev and Abbasova. "The process started and representatives of the state already contacted the applicants," a representative told Forum 18 from Baku on 26 March. "We hope that they will receive compensation (including reimbursement for the fines imposed and for court fees) soon."

Jehovah's Witnesses from Azerbaijan have seven other freedom of religion or belief cases pending with the UN Human Rights Committee. Five relate to police raids on meetings for worship and two to speaking to others about faith.

#### ECtHR decisions

The ECtHR issued decisions in 20 cases from Azerbaijan relating to violations of freedom of religion or belief between late September 2020 and March 2021. These cases concluded with:

- Friendly settlement with compensation: 12
- Unilateral declaration: 4
- Finding of violation: 2
- Struck out after death of applicant: 1
- Inadmissible: 1

In the two cases where the ECtHR had found that Azerbaijan had violated individuals' rights, the regime had contested this.

In one of the 12 friendly settlement cases, that of Jehovah's Witness Nina Gridneva, and in the four unilateral declaration cases, Azerbaijan expressed "their acknowledgment that there was a violation of the applicants' rights guaranteed under the Convention [European Convention on Human Rights]".

The other 11 friendly settlement cases appear to include no acknowledgment by the regime that it had violated individuals' rights, despite the regime offering compensation to the victims. Nor does the ECtHR make any determination on the substance of the cases, merely striking them out when noting the friendly settlement. "Friendly settlements are without prejudice to any of the parties to the proceedings," an official of the Court told Forum 18 from Strasbourg on 25 March.

#### ECtHR judgment, unilateral declarations, striking out: Police raids on meetings for worship

1) *Mammadova v. Azerbaijan* (Application No. 30640/09). In July 2008, a police officer detained Russian citizen Imanzade 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 ([https://www.forum18.org/archive.php?article\\_id=1179](https://www.forum18.org/archive.php?article_id=1179)).

Mammadova died in June 2020, eleven years after she submitted the case to the ECtHR. Her local legal representative Leonid Moroz wished to continue the case. However, the ECtHR struck out the case on 11 March 2021, despite the fact that in October 2009, Mammadova had signed a power of attorney requesting Moroz to continue the case if she died before it was resolved. The ECtHR ruled that he could not do so because he is not a relative or heir. "Had the Court dealt with the case more quickly, it could have been resolved while Imanzade Mammadova was still alive," a Jehovah's Witness commented to Forum 18.

2) *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 (for which he was later fined) 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 ([https://www.forum18.org/archive.php?article\\_id=1522](https://www.forum18.org/archive.php?article_id=1522)), claiming that they contained passages encouraging sectarianism and therefore not recommended for distribution.

The ECtHR ruled on 3 December 2020 that Azerbaijan had violated Mammadov's rights and ordered it to pay compensation of 1,600 Euros.

3) *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.

([https://www.forum18.org/archive.php?article\\_id=1719](https://www.forum18.org/archive.php?article_id=1719))

The regime offered a unilateral declaration of its "acknowledgement of the fact that there was a violation of the applicants' rights guaranteed under the Convention" with the payment of compensation to each of 4,000 Euros. Despite letters from the three men complaining that the compensation offered was "low and not correspondent to the grievances that they had suffered", the ECtHR accepted the unilateral declaration on 21 January 2021.

4) 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.

([https://www.forum18.org/archive.php?article\\_id=1894](https://www.forum18.org/archive.php?article_id=1894))

The regime offered a unilateral declaration of its "acknowledgement of the fact that there was a violation of the applicants' rights guaranteed under the Convention" with the payment of compensation to each of 4,000 Euros. Despite a letter from the four complaining that "the issues raised in the present application have not been determined by the Court in previous cases against the respondent Government and that the Government's unilateral declaration did not address the problems underlying the alleged violations of the Convention", the ECtHR accepted the unilateral declaration on 21 January 2021.

5), 6), 7), 8), 9), 10), 11), 12), 13), 14) 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); Badirkhanov 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 ([https://www.forum18.org/archive.php?article\\_id=2294](https://www.forum18.org/archive.php?article_id=2294)).

The regime and the 10 men agreed friendly settlements, with the payment of compensation to each of 3,750 Euros. The ECtHR accepted the friendly settlement on 11 March 2021.

ECtHR Friendly settlement: Teaching religion to children

1) Sabzaliyev v. Azerbaijan (Application No. 26372/17). In April 2014, armed police raided a home in Baku's Yasamal District where Muslims who study Nursi's works were holding a meeting. Police detained and violently questioned all those present and confiscated religious literature. A Baku court jailed Revan Sabzaliyev in October 2015 for 1 year and 7 months ([https://www.forum18.org/archive.php?article\\_id=2109](https://www.forum18.org/archive.php?article_id=2109)) for teaching religion to children, and jailed four others on trial with him. Sabzaliyev's jail term was later reduced to one year ([https://www.forum18.org/archive.php?article\\_id=2173](https://www.forum18.org/archive.php?article_id=2173)).

The regime and Sabzaliyev agreed a friendly settlement, with the payment of compensation of 4,500 Euros. The ECtHR accepted the friendly settlement on 11 March 2021.

Sabzaliyev's lawyer, Yalchin Imanov, insisted that the agreement to pay compensation effectively means the regime has admitted it violated Sabzaliyev's rights. He added that his client is satisfied with the settlement. "Had he not been satisfied, he could have asked the Court to continue its consideration," Imanov told Forum 18 from Baku on 25 March. "However, he didn't feel this was necessary."

ECtHR Unilateral declarations: State censorship of religious literature

1) Jafarov and Others v. Azerbaijan (Application No. 406/12). After a series of import denials from 2008 onwards ([https://www.forum18.org/archive.php?article\\_id=1259](https://www.forum18.org/archive.php?article_id=1259)), 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 10 of its members, including Adam Jafarov, failed to overturn these denials through the local courts.

The regime offered a unilateral declaration of its "acknowledgement of the fact that there was a violation of the applicants' rights guaranteed under the Convention" with the payment of compensation to the Baku Jehovah's Witness community of 3,000 Euros and nothing to the 10 individual applicants.

In a letter, the applicants "welcomed the recognition of the violation of their Convention rights by the Government, but that they were not satisfied with the terms of the unilateral declaration. In particular, they contended that the issues raised in the present application had not been determined by the Court in previous cases against the respondent State and that the Government's unilateral declaration did not address the problems underlying the alleged violations of the Convention. They also submitted that the

Government accepted to pay compensation only to the applicant community and not to the other individual applicants, who were all victims of the Convention violation." Nevertheless, the ECtHR accepted the unilateral declaration on 15 October 2020.

2) 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 regime offered a unilateral declaration of its "acknowledgement of the fact that there was a violation of the applicants' rights guaranteed under the Convention" with the payment of compensation to the Baku Jehovah's Witness community of 3,000 Euros and nothing to the 7 individual applicants. Despite a letter from the seven welcoming Azerbaijan's admission of a violation but complaining that the ECtHR had not ruled on the underlying issue and had not offered compensation to the individual victims, the ECtHR accepted the unilateral declaration on 15 October 2020.

ECtHR friendly settlement, judgment: Punishment for talking to others about faith

1) 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. ([https://www.forum18.org/archive.php?article\\_id=1520](https://www.forum18.org/archive.php?article_id=1520))

The regime and Gridneva agreed a friendly settlement, based on the regime's unilateral declaration of its "acknowledgement of the fact that there was a violation of the applicant's rights guaranteed under the Convention" with the payment of compensation of 4,500 Euros. The ECtHR accepted the friendly settlement on 29 September 2020.

2) 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 (in the case Valiyev and Others, the ECtHR issued a judgment in September 2020 ([https://www.forum18.org/archive.php?article\\_id=2605](https://www.forum18.org/archive.php?article_id=2605))). Officers also detained Vepkhvia Sheveli and Ekaterine Shengelaya, a married couple from Georgia. A court fined them and deported them. ([https://www.forum18.org/archive.php?article\\_id=1527](https://www.forum18.org/archive.php?article_id=1527))

The ECtHR ruled on 5 November 2020 that Azerbaijan had violated Sheveli and Shengelaya's rights and ordered it to pay compensation to each of 1,500 Euros.

ECtHR inadmissible case: Movement restrictions because of appearance

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 declared the case inadmissible on 14 January 2021, as the individuals had not exhausted all remedies through the local courts.

Earlier ECtHR decisions under Council of Europe "enhanced supervision"

In three earlier cases where the ECtHR found that Azerbaijan had violated rights to freedom of religion or belief, and inter-related rights, the Council of Europe is conducting "enhanced supervision" of the implementation of these decisions, according to a list of 15 March.

"An enhanced procedure is used for cases requiring urgent individual measures or revealing important structural problems," the Council of Europe's Department for the Execution of Judgments of the European Court of Human Rights notes.

All three decisions became final in 2020 (three months after they were adopted) and relate to violations of the rights of Jehovah's Witnesses.

In the case of Mammadov and others v. Azerbaijan (Application No. 14604/08), which became final in January 2020 ([https://www.forum18.org/archive.php?article\\_id=2567](https://www.forum18.org/archive.php?article_id=2567)), the ECtHR found that Azerbaijan had violated individuals' rights by failing to allow them to opt out of compulsory military service and choose to do an alternative civilian service. The Council of Europe's Department for the Execution of Judgments of the European Court of Human Rights notes that the issue raised by the judgment is both a "complex problem" and a "structural problem".

In the case of Religious Community of Jehovah's Witnesses v. Azerbaijan (Application No. 52884/09), which became final in June

2020 ([https://www.forum18.org/archive.php?article\\_id=2546](https://www.forum18.org/archive.php?article_id=2546)), the ECtHR found that Azerbaijan had violated individuals' rights by banning Jehovah's Witness publications under the country's compulsory prior censorship of all religious literature. The Council of Europe's Department for the Execution of Judgments of the European Court of Human Rights notes that the issue raised by the judgment is a "complex problem".

In the case of Nasirov and Others v. Azerbaijan (Application No. 58717/10), which became final in June 2020 ([https://www.forum18.org/archive.php?article\\_id=2605](https://www.forum18.org/archive.php?article_id=2605)), the ECtHR found that Azerbaijan had violated individuals' rights by punishing individuals for their exercise of freedom of religion and belief outside a state-registered religious community's address. The Council of Europe's Department for the Execution of Judgments of the European Court of Human Rights notes that the issue raised by the judgment is a "complex problem".

19 known cases awaiting ECtHR decision

The ECtHR in Strasbourg has already completed 49 cases from Azerbaijan submitted since 2004 related to violations of freedom of religion or belief and inter-related rights.

The 19 known remaining ECtHR cases related to the regime's violations of freedom of religion or belief – submitted between 2012 and 2020 - cover a wide range of violations. Of these, 13 were lodged by Muslims, 5 by Jehovah's Witnesses and one by an NGO. 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 or religious meetings (3 cases involving 5 individual applicant)
- Punished for conscientious objection (2 cases involving 2 individual applicants)
- Police raids on and punishments for meetings for worship (9 cases involving 13 individual applicants and 1 community)
- Unlawful house search (1 case involving 1 individual applicant)
- State censorship of religious literature (1 case involving 1 individual applicant)
- Registration denial (1 case involving 2 individual applicants and 1 community)
- NGO registration denial (1 case involving 2 individual applicants on behalf of one NGO)

ECtHR: Jailed for leading prayers or religious meetings

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. The ECtHR asked the government questions (<http://hudoc.echr.coe.int/eng?i=001-186531>) about the case on 4 September 2018. "The government gave its comments, they were sent to us and we in turn gave our comments," his lawyer Javad Javadov told Forum 18 in March 2020 ([http://www.forum18.org/archive.php?article\\_id=2557](http://www.forum18.org/archive.php?article_id=2557)). He said they are now waiting for the ECtHR to give its judgment.

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 to challenge the conviction for leading prayers ([http://www.forum18.org/archive.php?article\\_id=2353](http://www.forum18.org/archive.php?article_id=2353)).

3) 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. 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](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: Punished for conscientious objection

1) Mehdiyev v. Azerbaijan (Application No. 52773/19). Emil Mehdiyev refused to perform military service on grounds of conscience and offered to do an alternative civilian service (which does not exist in Azerbaijan). In July 2018, Barda District Court convicted him and handed down a one-year suspended prison term, and required that he live under probation for one year. Ganca Appeal Court rejected his appeal in October 2018. The Supreme Court rejected his final appeal in April 2019 ([https://www.forum18.org/archive.php?article\\_id=2473](https://www.forum18.org/archive.php?article_id=2473)). He filed his appeal to the ECtHR on 7 October 2019. The ECtHR asked the regime questions (<https://hudoc.echr.coe.int/eng?i=001-209027>) about the case on 1 March 2021.

2) Abilov v. Azerbaijan (Application No. 54768/19). Vahid Abilov refused to perform military service on grounds of conscience and offered to do an alternative civilian service (which does not exist in Azerbaijan). In September 2018, Agdam District Court found

him guilty and sentenced him to a one-year suspended prison term. Ganca Appeal Court rejected his appeal in October 2018. The Supreme Court rejected his final appeal in April 2019 ([https://www.forum18.org/archive.php?article\\_id=2473](https://www.forum18.org/archive.php?article_id=2473)). He filed his appeal to the ECtHR on 17 October 2019. The ECtHR asked the regime questions (<https://hudoc.echr.coe.int/eng?i=001-209027>) about the case on 1 March 2021.

#### ECtHR: Police raids on and punishments for meetings for worship

1) 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) ([https://www.forum18.org/archive.php?article\\_id=1604](https://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 regime questions (<https://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.

2), 3), 4), 5), 6), 7), 8) 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" ([https://www.forum18.org/archive.php?article\\_id=2080](https://www.forum18.org/archive.php?article_id=2080)). The ECtHR asked the regime questions (<https://hudoc.echr.coe.int/eng?i=001-176039>) about the seven cases on 11 July 2017.

9) 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. Almost all of those present were fined in March 2017, including Vuqar Rafiyev ([http://www.forum18.org/archive.php?article\\_id=2294](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.

10) 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 March 2017 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 ([https://www.forum18.org/archive.php?article\\_id=1719](https://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 regime questions (<https://hudoc.echr.coe.int/eng?i=001-187776>) about the case on 24 October 2018.

#### ECtHR: State censorship of religious literature

1) Miriyev v. Azerbaijan (Application No. 1717/20). In February 2018, the State Committee for Work with Religious Organisations banned the publication and distribution in Azerbaijan on theological grounds of the book "Things Not Existing in Islam" by Muslim theologian Elshad Miri (also known as Miriyev). On 20 December 2019, after failing to overturn the ban through the local courts ([https://www.forum18.org/archive.php?article\\_id=2490](https://www.forum18.org/archive.php?article_id=2490)), Miri lodged a case in the ECtHR. The ECtHR has not yet asked the regime questions about the case.

#### 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 ([https://www.forum18.org/archive.php?article\\_id=2081](https://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 regime questions about the case.

#### 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. (END)

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

For more background, see Forum 18's Azerbaijan religious freedom survey ([https://www.forum18.org/archive.php?article\\_id=2429](https://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  
([https://www.forum18.org/archive.php?article\\_id=1351](https://www.forum18.org/archive.php?article_id=1351))

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