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AZERBAIJAN: The State Committee doesn't censor – it "merely checks" and bans literature

By Felix Corley, Forum 18

Azerbaijan's State Committee for Work with Religious Organisations has denied that the compulsory prior approval required for all religious literature is censorship. Asked by Forum 18 News Service how he would describe it, an official stated that the Committee "merely checks" to see which books were "not appropriate" for distribution. He also stated that it maintains a list of "banned" religious literature. On asking how religious communities could see this list, Forum 18 was told that "if it's published you'll hear about it." Censorship, the leader of an Azeri religious community told Forum 18, violates the Constitution. "I believe there should be no censorship, but if someone publishes something which, for example, incites law-breaking or violence they should be punished through the courts. It is illogical to say people are law-breakers before they speak. Let them speak first and then be responsible before the law. This is the only logical approach." Human rights activists and religious communities have expressed frustration about the highly restrictive censorship system – including postal censorship – and police confiscations of books, including the Bible, which are said to be "banned".

Azerbaijan's State Committee for Work with Religious Organisations – which operates a system of compulsory prior censorship for all religious literature produced in Azerbaijan or imported into the country – maintains a list of "banned" religious literature, Forum 18 News Service has learnt. However, State Committee official Aliheidar Zulfikarov, who works in the Expertise Department that conducts the censorship, refused to make the list available. "It's not published," he told Forum 18 from his office in the capital Baku on 30 July, "though this question is being considered." Asked how local religious communities or Forum 18 could have access to the list, he responded: "If it's published you'll hear about it."

"The State Committee has always refused to tell people which literature is banned," a leader of an Azeri religious community told Forum 18. He insisted that - if the State Committee indeed has such a list - it must be made public.

The late President Heydar Aliyev claimed that the country had abolished censorship in 1998, a claim which Azeri diplomats have also been heard by Forum 18 to make. Censorship of literature also, the leader of a religious community stated, violates Azerbaijan's Constitution, Article 50 of which states:

"Freedom of information.

I. Everyone is free to look for, acquire, transfer, prepare and distribute information.

II. Freedom of mass media is guaranteed. State censorship in mass media, including press is prohibited."

"Either we have censorship – in which case there should be a law – or we don't," the leader of a religious community told Forum 18. "I believe there should be no censorship, but if someone publishes something which, for example, incites law-breaking or violence they should be punished through the courts. It is illogical to say people are law-breakers before they speak. Let them speak first and then be responsible before the law. This is the only logical approach."

Literature inciting violence has been seen by the religious community leader. "I've seen some texts that say it is halal [permissible] to kill non-Muslims, or Muslims who don't believe correctly," he told Forum 18. "But the police or the National Security Ministry (NSM) secret police should be the ones who should identify the publishers of such bad literature."

Censorship of religious literature – which existed during the Soviet period – was continued in the 1992 Religion Law and its subsequent amended versions. The Law requires permission from the State Committee before a religious community can publish, import or distribute any religious literature, in clear violation of Azerbaijan's Constitution.

Article 9.2 of the July 2001 regulation covering the duties of the State Committee clearly spells out its censorship tasks: "Take control of the production, import and distribution of religious literature, items, other religious informational materials and give its consent on the bases of the appeals of the religious institutions and relevant state bodies in accordance with the established

procedure."

Human rights activists and religious believers of a number of faiths have also long complained to Forum 18 about such religious censorship and called for its abolition (see eg. F18News 6 April 2004 http://www.forum18.org/Archive.php?article_id=295). They also call for an end to the confiscation of religious literature during police raids.

Arzu Abdullaeva, head of the Helsinki Citizens' Assembly, a Baku-based human rights group, described the religious censorship system as "horrible". "This is completely uncultured behaviour," she told Forum 18. She said that religious or any other books should only be banned if they are proved to incite violence. "People also have to trust those doing the expert analysis," she added. "I don't trust the State Committee for Work with Religious Organisations."

Equally critical of the system is Eldar Zeynalov, head of the Human Rights Centre of Azerbaijan. "Pre-publication censorship cannot be permitted," he insisted to Forum 18. "From my perspective, punishment for an offence – such as confiscation of books – is only lawful by decision of a court. A court should decide this, not officials."

Zeynalov believes that it is dangerous that decisions to ban a religious book cannot be challenged. "The possibility has to be there to challenge the decisions of any executive body." He fears that those banning religious books might do so on personal whims "if an expert has their own controversial vision". "In court there is the possibility of comparing decisions openly. This is the civilised way."

Also opposing such censorship on theoretical and on practical grounds is Fazil Gazanfaroglu Mustafaeu, the only parliamentary deputy from the opposition Böyük Qurulus Partiyasi (Great Formation Party) and a member of the parliamentary Human Rights Commission.

Zulfikarov of the State Committee's Expertise Department declined to discuss why the list is secret, how many titles are on the list and what specific titles are there. He merely noted that the list contains works "not acceptable for distribution in Azerbaijan". He insisted that works are included on the list on the decision of his Committee. "Religious books are not banned through the courts," he told Forum 18. Asked on what basis individual works are banned he responded: "I can't explain to you what the reasons are."

Told that many religious communities – most recently including Baptists and Jehovah's Witnesses - have religious literature confiscated from them in police raids on the alleged grounds that such literature is "illegal", Zulfikarov insisted that the concept of "illegal" religious literature does exist in law. However, he refused to explain on what exact basis such literature is "illegal".

Zulfikarov of the State Committee vigorously rejected suggestions that the compulsory prior approval required from the Committee for all religious literature was censorship. Asked how he would describe it, he stated that the Committee "merely checks" to see which books were "not appropriate" for distribution.

Also defending the censorship was Zulfikarov's colleague, Jeyhun Mamedov. "We have people who want to promote radical extremism," he told Forum 18 in his office on 21 May. "There are youth who read and follow these ideas. If we allowed publications freely there'd be anarchy. Books have influence."

Mamedov acknowledged that the checking of all religious literature led to much work. "It is very difficult for us," he told Forum 18. "We have to know many languages." He claimed that his Committee has staff or is in contact with outside specialists who can examine religious literature in Azeri, Russian, Arabic, Farsi, Hebrew and German.

Mamedov of the State Committee claimed that the requirement for permission not only for each title but for specific quantities to be produced or imported were abolished "a year ago". However, Forum 18 has heard complaints from many religious minorities that such a requirement still in 2008 exists in practice and has seen documentary evidence that it still existed at the end of 2007.

Mamedov also repeated claims made by the previous head of the State Committee, Rafik Aliev, that copies of sacred books, such as the Koran, and the Jewish and Christian Bibles, are not subject to censorship or restriction. "These can be printed without restriction," he claimed to Forum 18. However, religious minorities have insisted to Forum 18 that they cannot freely print or import such sacred books.

Bibles in Georgian and Azeri were among the Christian books confiscated in June from Baptist pastor Hamid Shabanov in the north-western Zakatala District. Police claimed such literature is "banned". The nature of this literature was also raised during Shabanov's trial which ended on 29 July with the case being sent back for further investigation (see F18News 30 July 2008 http://www.forum18.org/Archive.php?article_id=1165).

Also confiscated earlier this year in Zakatala was Jehovah's Witness literature, which the authorities also declared to be "banned" (see F18News 12 June 2008 http://www.forum18.org/Archive.php?article_id=1142).

However, many Muslims have told Forum 18 that publishing Islamic literature is not difficult, and that often printers do not ask to see any approval from the State Committee before they print books or other literature.

Religious minorities though, especially those wanting to publish in Azeri, face difficulties. "If a book is connected with religion, the printer will ask to see permission in writing from the State Committee, including the number of copies they are allowing to be printed," one Protestant told Forum 18. "No printing house will print anything without this approval."

Several religious minority communities stated that the State Committee requires not only a copy of the full text, but also written agreement from the author or other owner of the copyright.

Religious minorities expressed frustration to Forum 18 not only about denials of permission, a frequent occurrence, but at the way the State Committee often fails to respond to requests for permission.

Fr Jan Capla, a Slovak priest who heads Baku's Catholic community, stated that his Church has not tried to print literature. "We have the desire to print literature here, but it demands a lot of energy and money," he told Forum 18. He also complained that literature sent by post often fails to arrive, "whether or not there is permission from the State Committee". He noted that because of the difficulties getting literature from abroad, the parish has to receive the lectionary readings for each day by email from Russia, rather than on paper.

Some religious communities report no problems bringing literature into Azerbaijan. "We have to observe some formalities over publishing bulletins and importing books, but there are no basic problems now," Natasha Gaidarova of Baku's Lutheran community told Forum 18. Like Baku's Catholic congregation, the Lutherans point out on their regular bulletin that it is for internal, congregational use.

Others face greater difficulties. "There are always literature problems," Pavel Byakov, pastor of a Council of Churches Baptist congregation in Sumgait [Sumqayit], on the Caspian Sea, told Forum 18.

Religious literature is often confiscated from those crossing into Azerbaijan, especially across land borders. He said that a group of Baptists returning in 2007 from Russia on the train from Makhachkala, the capital of the southern Russian region of Dagestan, were held up by Azeri customs. Customs officers refused to allow them to re-enter Azerbaijan with religious literature. "We had to give it to our brothers in Dagestan," Pastor Byakov told Forum 18.

He said religious literature sent by post is still blocked. The only literature his Churches have been able to print within Azerbaijan was a small 2-page anniversary brochure.

All incoming parcels are sent to the International Post Office in Baku, regardless of where the intended recipient lives in Azerbaijan. Wherever they live in the country (which has a land area of 86,600 km² or 33,436 miles²), the intended recipient has to – in person - go to the International Post Office in Baku. They then have to collect one copy of each title posted to them and - in person - take it to the State Committee. When and if the State Committee grants or withholds permission to receive the title, the intended recipient then has to - in person - collect a letter from the State Committee and take it back to the International Post Office. If the State Committee has granted permission, the intended recipient will at last receive the literature they have been sent.

Many members of religious minorities have complained of the extraordinary effort needed to try to extract even a handful of books that should rightfully be theirs, which often ends in failure (see F18News 14 August 2006 http://www.forum18.org/Archive.php?article_id=827). Protestants in particular have told Forum 18 that the difficulties of receiving religious literature sent by post have forced them to ask friends abroad not to send them literature. One Protestant stated that "people have given up sending literature by post."

An ethnic Azeri Protestant, who preferred not to be identified, told Forum 18 that each time he returns to the country through Baku airport he is not allowed to go through the Green Customs Channel and is directed through the Red Customs Channel, where those arriving are checked. "We can bring in only two or three Christian books," he reported. "If there weren't such restrictions we could bring in what we like."

Branislav Solovic of the Baku Office of the Organisation for Security and Cooperation in Europe (OSCE), told Forum 18 in 2003 – referring to the difficulties Baptists encountered in trying to import the Biblical book of "The Wisdom of Solomon" in Azeri – that "in general any censorship of religious literature would be a violation of OSCE Commitments." He cited in particular Paragraphs 16.9 and 16.10 of the Vienna Concluding Document (1989) (<http://www.osce.org/item/16059.html>), which states:

"(16.) In order to ensure the freedom of the individual to profess and practice religion or belief, the participating States will, inter alia,

(16.9) - respect the right of individual believers and communities of believers to acquire, possess, and use sacred books, religious publications in the language of their choice and other articles and materials related to the practice of religion or belief;

(16.10) - allow religious faiths, institutions and organizations to produce, import and disseminate religious publications and

materials;" (see F18News 20 March 2003 http://www.forum18.org/Archive.php?article_id=20).

Members of the Hare Krishna community told Forum 18 that they have not tried to print literature or import it into Azerbaijan in recent years. In earlier years a massive shipment was confiscated, but at least some was later returned. In 2004, an official of the State Committee's Juridical Department stated that if it was discovered that the Hare Krishna community was distributing any literature that had not been authorised for distribution by the State Committee, community members would be punished. Asked how the authorities would know if an individual book had been approved for distribution, the official told Forum 18 that "the Expertise Department would check on their computer" (see F18News 20 March 2003 http://www.forum18.org/Archive.php?article_id=20).

Customs officers used to confiscate books, Hare Krishna devotees told Forum 18. "In about 2005, one devotee had about 25 books confiscated by Azerbaijani customs when they were returning by train from Russia through Dagestan. Officers said – this is a religious book, and of a different faith." Hare Krishna devotees state that customs officers still routinely examine books their members bring into the country. But now, they are generally allowed through.

Religious minorities have also told Forum 18 that some photocopy shops refuse to copy their literature. "If it's 50 or so copies many won't accept it, either because they are Muslims or because they are afraid of the police," one Protestant told Forum 18. "Please don't do it here – it's dangerous, they say."

The NSM secret police is particularly vigilant about literature sold in an Iranian-run Muslim bookshop in central Baku, various sources told Forum 18. They say NSM officers and staff of the State Committee are often observed checking the content of books on the shelves. "The shop doesn't need permission from the State Committee to sell books," Haji Khanmirza Bagirov, imam of a small mosque in Baku's old town, told Forum 18. "But they keep a close watch to check that they don't sell banned literature."

Staff at the Chirag bookshop in Baku, which sells some Christian books among its English- and Azeri-language material, complain that each Christian title they sell requires specific permission from the State Committee. "Each title and the quantity we want to import needs to be approved," they told Forum 18. "This also applies for locally-produced religious books. Legally they should respond within one month, but in practice this is often between four and six months."

Staff report that they have to take one copy of each title to the State Committee, which often keeps the copy. If they ask permission later for the same title they often have to supply a further copy, even though the State Committee has already approved the title on a previous occasion. "How can you get examples in to the country for the Committee to approve if you can't legally import them without permission?" the staff ask.

In one typical case, the bookshop staff say they applied for permission to import a range of books in August 2007. The reply came in December 2007, with most approved in the quantities applied for. However, three titles were rejected completely with no explanation. "The delays in permission are affecting our profits," the staff complained.

Azerbaijan may possibly be planning to increase censorship. The head of the State Copyright Agency's Monitoring Department, Ali Ismailov, told the Azeri Press Agency (APA) on 12 March that it would conduct a joint "monitoring programme" across Azerbaijan to check up on religious literature and audiovisual material being imported, sold or distributed. "Control in this sphere will be stepped up," he told APA.

Ismailov told Forum 18 on 13 March that check-ups would be made in bookshops and publishing houses, but he seemed vague on the details. "I don't know when the monitoring programme will start." He claimed that the sole interest by his Agency was in checking that books were not pirated but published with authors' permission. "We're not going to ban anything," he told Forum 18. "The job of controlling religious literature is done by the State Committee for Work with Religious Organisations".

Officials at the State Committee declined to make any comment to Forum 18 on the State Copyright Agency's plans (see F18News 19 March 2008 http://www.forum18.org/Archive.php?article_id=1102). (END)

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

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

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

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

A printer-friendly map of Azerbaijan is available at

<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=azerba>.

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