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AZERBAIJAN: Fined for selling religious books

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

Kifayat Maharramova was fined four months' average wages in Gyanja in early May for selling religious books and discs without the state permission required to sell religious books or items. Police and State Religion Committee officials often confiscate religious books in raids.

Kifayat Maharramova is the most recent individual known to have been fined to punish her for selling religious literature without the required approval from the State Committee for Work with Religious Organisations. She was fined in Azerbaijan's second city Gyanja [Gäncä] on 1 May. In 2017, two booksellers in the capital Baku failed to overturn similar fines on appeal. All three were fined 2,000 Manats each, equivalent to about four months' average wages for those in work.

In the southern town of Astara close to the southern border with Iran, Police are investigating after officers confiscated "banned" religious books (see below).

However, in Baku in March a court handed down an acquittal after a bookshop that sells Christian books proved that the items it had on sale had State Committee approval or were sample copies to be submitted for such approval. Eight years after it first applied, the State Committee has finally given the shop the licence it needs to sell religious books and items (see below).

Meanwhile, two female Jehovah's Witnesses who spent 50 weeks in pre-trial detention before being convicted of offering one religious book without state permission may have been acquitted at the Supreme Court. At a February hearing the Judge told them verbally they were acquitted. However, three months on he has not yet issued a written verdict (see below).

State Committee officials involved in implementing the compulsory religious censorship deny that religious books have been "banned". They insist that they simply deny permission for them to be distributed or imported as "inappropriate" (see below).

Forum 18 was unable to reach Nahid Mammadov, head of the State Committee "Expert Analysis" (Censorship) Department in Baku. His colleagues told Forum 18 on 10 May that he was not in the office and no one else was able to answer any questions about the religious censorship system.

Complete religious literature censorship

Religious literature and other materials can be sold or distributed only at specialised outlets which have been approved both by the State Committee and the local administration.

In addition, all religious literature produced in, published in (including on the internet) or imported into Azerbaijan is subject to prior compulsory censorship. When the State Committee does give permission to publish or import a work it also specifies how many copies can be produced or imported. All religious materials sold must have a sticker noting that they have State Committee approval. State officials have repeatedly denied that this represents censorship (see F18News 1 October 2015 http://www.forum18.org/archive.php?article_id=2107).

The stickers from the State Committee cost religious communities or bookshop owners 0.02 Manats each. However, acquiring them can be difficult. Jehovah's Witnesses complained that between April and October 2016, the State Committee told them that it had run out of stickers. This meant that even publications the State Committee had given Jehovah's Witnesses permission to import could not be distributed without fear of punishment.

The State Committee does not publish any list of books it has banned, despite promises by the then State Committee Head in 2013 that it would do so "soon" (see F18News 2 May 2013 http://www.forum18.org/archive.php?article_id=1830).

The Old Testament, the 14-volume "Risale-i Nur" (Messages of Light) collection of writings by the late Turkish theologian Said Nursi, and several Jehovah's Witness publications were included on a police list of alleged "banned" religious literature, based on State Committee "expert analyses" (see F18News 6 May 2014 http://www.forum18.org/archive.php?article_id=1955).

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Police often confiscate these and other religious works in raids on homes. Such confiscations happened during Police and State Committee raids on 9 April on two homes in Lokbatan in Baku's Qaradag District where Jehovah's Witnesses were meeting. Confiscations and fines can also happen at picnics in the open country. Sunni Muslim Shahin Ahmadov is being charged with holding an "illegal religious meeting" after police detained him for reading aloud to three friends one of Nursi's works, while they were all enjoying a picnic in the mountains near the northern town of Qakh (see F18News 6 July 2017 http://www.forum18.org/archive.php?article_id=2294).

Punishments

Those who violate the state censorship of all religious literature face punishment. Prosecutors can bring cases under both the Criminal Code and Administrative Code.

Criminal Code Article 167-2 punishes: "Production, sale and distribution of religious literature (paper and electronic formats), audio and video materials, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation".

Punishments under Criminal Code Article 167-2 for first time offenders acting alone are a fine of between 5,000 and 7,000 Manats or up to two years' imprisonment. Such an "offence" by a group of people "according to a prior conspiracy", by an organised group, by an individual for a second time or by an official would attract a fine of between 7,000 and 9,000 Manats or imprisonment of between two and five years.

Administrative Code Article 516.0.2 punishes "Selling religious literature (printed or on electronic devices), audio and video materials, religious merchandise and products, or other religious informational materials, which have been authorised for sale under the Religion Law, outside specialised sale outlets established with the permission of the relevant government authority distributing religious literature, religious objects and information material without State Committee permission".

Punishment under Article 516.0.2 entails confiscation of the literature, merchandise and products or other materials concerned. Additional punishments under Article 516 are: for individuals fines of between 2,000 and 2,500 Manats; for officials fines of between 8,000 and 9,000 Manats; for organisations fines of between 20,000 and 25,000 Manats; and for foreigners and stateless persons fines of between 2,000 and 2,500 Manats with deportation from Azerbaijan (see F18News 2 June 2016 http://www.forum18.org/archive.php?article_id=2184).

Police and State Committee officials raided many shops in Baku and other cities and towns in autumn 2016 hunting for unapproved religious literature or for religious literature being sold in places that had not been approved. Many individuals selling such literature were fined (see F18News 16 November 2016 http://www.forum18.org/archive.php?article_id=2231).

Punishments are also handed down when police raid individuals' homes and confiscate religious literature which they claim is "banned" (see F18News 17 January 2017 http://www.forum18.org/archive.php?article_id=2247).

Gyanja: Bookseller punished

Police and local officials of the State Committee raided a shop selling religious books in Gyanja's Nizami District without the required State Committee permission, the Interior Ministry noted on its website on 27 April. The bookshop was run by local resident Kifayat Maharramova. Officers confiscated 58 religious books and 16 CDs.

On 1 May, Judge Emin Akhundov of Gyanja's Nizami District Court found Maharramova guilty of violating Administrative Code Article 516.0.2, according to court records. He fined her 2,000 Manats (10,300 Norwegian Kroner, 1,100 Euros or 1,200 US Dollars).

The duty officer at Gyanja's Nizami District Police defended the confiscation of religious books from Maharramova. "We protect social order," he told Forum 18 on 10 May. He refused to explain how confiscating religious books would protect social order. He refused to answer any other questions by telephone.

Astara: Books confiscated

On 5 May, the State Security Service secret police and the Police of Astara District in southern Azerbaijan on the border with Iran raided homes in the villages of Tangarud and Vaqo in an operation to confiscate "banned" religious literature, the Interior Ministry website noted the same day. Officers confiscated 365 religious books and 13 CDs from five homes. However, the Interior Ministry gave no information on what books and discs were confiscated and why they had been banned.

Qagayi Mammadov, the regional representative of the State Committee, insisted the raid and religious literature confiscations were nothing to do with him. "No one has complained to me," he told Forum 18 from Lenkoran on 10 May. He said Police are still

conducting an investigation. "It's not clear if any cases will go to court or not."

Baku: Fines upheld on appeal

At Baku Appeal Court on 6 May, Shahmerdan Imamaliyev failed to overturn a fine of 2,000 Manats under Administrative Code Article 516.0.2 imposed for selling religious literature without state permission, according to court records. Judge Qadim Babayev rejected his appeal against the fine handed down on 30 December 2016 by Judge Rauf Ahmedov at Baku's Nizami District Court.

Officers of Nizami District's 25th Police Station raided the Abituriyent (University Entrant) bookshop in December 2016. They confiscated 30 copies of 15 different religious books.

The man who answered the phone of the head of the 25th Police Station – who did not give his name – said that officers had taken part in a "joint operation". He insisted though that his officers had merely been accompanying others, whom he would not identify. He would not explain why a shop selling religious books should be raided and the owner punished. He then put the phone down.

Similarly, on 31 January, Judge Mirpasha Huseynov of Baku Appeal Court rejected the appeal by Islam Mammadov against a fine of 2,000 Manats under Administrative Code Article 516.0.2 for selling religious materials without state permission. Islam Mammadov had appealed against a fine handed down on 20 December 2016 by Judge Habil Mammadov of Baku's Khatai District Court.

Baku: Case dropped

On 1 December 2016, about 15 police officers and State Committee officials raided a Baku bookshop which includes Christian books among its stock, local Protestants told Forum 18. Officials confiscated for examination 396 books in Russian and Azeri. They later initiated a case under Administrative Code Article 516.0.2, which was handed to the city's Sabail District Court.

However, the State Committee found that 387 of the confiscated books had its permission for distribution. The remaining nine were sample copies awaiting its approval.

Hearings began at Sabail District Court on 21 February 2017, but in March the Judge dismissed the case, pointing out that the bookshop had not violated the law. The bookshop welcomed the acquittal, as well as the return of all the books.

The bookshop also welcomed the State Committee decision in mid-April to grant it a licence to sell religious literature and other items. The bookshop has been seeking such a licence since 2009, when compulsory licences were introduced with the amendments to the Religion Law.

Gulen's books banned

All the books by Turkish retired imam Fethullah Gulen (who now lives in the United States) are banned from import into Azerbaijan, a State Committee official revealed. The State Committee declared his works "inappropriate" for import in 2008, Nahid Mammadov, head of the State Committee "Expert Analysis" (Censorship) Department, told Turan news agency on 23 August 2016.

Mammadov claimed that the decision to declare Gulen's works "inappropriate" for import was because they allegedly promote the superiority of followers of his movement over other people.

Mammadov made his comments after police claim to have found copies of Gulen's works when they searched the homes and vehicles of several opposition political figures arrested in August 2016.

No works "banned"?

In the August 2016 interview, Nahid Mammadov claimed that no such concept as religious literature "banned" for import exists. He insisted that the State Committee gives a conclusion on the "appropriateness" or "inappropriateness" of the import of a particular work.

Mammadov said religious works are deemed "inappropriate" if they promote religious enmity, hatred or superiority of one person over another.

Works by another Muslim theologian, Said Nursi, have variously been restricted or banned. The State Committee told Baku-based Muslim Zeka Miragayev in May 2014: "In reply to your question, we inform you that since 2009 the State Committee has considered literature which is part of the complete works of Risale-i Nur and is used to spread the sect (Nurculuq) inappropriate for import in large quantities or publication, and has not objected to it being brought into the country only in special cases when there is no intention of propaganda (and on condition of no more than one copy)."

"As you can see, the State Committee has not based its response on any official document," a friend of Miragayev complained to Forum 18 from Baku in June 2014. "They didn't use the term 'forbidden' or 'banned', but the term 'inappropriate'. This is incomprehensible in terms of legislation, isn't it?" (see F18News 3 June 2014 http://www.forum18.org/archive.php?article_id=1964).

One of the State Committee deputy chairs, Gunduz Ismayilov, repeated at a press conference on 27 December 2016 that Nursi's works had been deemed "inappropriate" for import in more than one copy. He said this was not because they contain "propaganda of radicalism", but because they promote "sectarianism". "From this year it is permitted to import them for personal reading, but not for distribution," the local media quoted Ismayilov as declaring.

Acquitted or not?

On 8 February, the Supreme Court in Baku acquitted Jehovah's Witness former prisoners of conscience Irina Zakharchenko and Valida Jabrayilova of their convictions for distributing religious literature without state permission, Jehovah's Witnesses told Forum 18. Judge Hafiz Nasibov announced verbally that the Court had found no crime in the actions of the two and had annulled the decisions of the lower courts.

However, three months after the hearing the Supreme Court has still not issued its verdict in writing, Jehovah's Witnesses told Forum 18 from Baku on 9 May.

Forum 18 was unable to reach Judge Nasibov on 10 May. On 13 March, his assistant had told Forum 18 that the written decision would be issued by the end of March.

Zakharchenko and Jabrayilova were arrested in February 2015 to punish them for exercising their right to freedom of religion or belief by offering one religious booklet without the compulsory state permission. They were held by the then National Security Ministry (NSM) as prisoners of conscience for ten months before they were transferred to an ordinary prison.

The United Nations Working Group on Arbitrary Detention called in December 2015 for the two women to be freed and compensated. In January 2016 the two were convicted under Criminal Code Article 167-2.2.1 and given a large fine. At the same time the fine was waived and the women freed, but they were not compensated for their wrongful imprisonment as the Working Group had demanded (see F18News 29 January 2016 http://www.forum18.org/archive.php?article_id=2144).

Zakharchenko and Jabrayilova appealed against their conviction. On 29 March 2016, Baku Appeal Court left the sentence unchanged. The two women's further appeal reached the Supreme Court on 19 September 2016.

During the February 2017 Supreme Court hearing, lawyers for Zakharchenko and Jabrayilova "highlighted the government's breach of fundamental human rights in the unwarranted and abusive treatment of the two Witness women", Jehovah's Witnesses noted. The Court allowed both women to relate what they had endured through more than 11 months of pre-trial detention and how it had affected them.

Jabrayilova described conditions as bad in the then-NSM secret police Investigation Prison. The two women were held there from February until December 2015. "She called her confinement room a 'cage', rather than a cell, in that there was no privacy and everything was exposed to the sight of others," Jehovah's Witnesses noted. "The smell of sewage in this 'cage' was suffocating." Prison officials constantly demanded money from prisoners (see F18News 20 January 2016 http://www.forum18.org/archive.php?article_id=2140).

Other prisoners of conscience have faced torture in prison. Shia Muslim theologian and prisoner of conscience Taleh Bagirov (also known as Bagirzade) was subjected to "severe torture" and a broken nose while in detention at the Interior Ministry's Main Directorate for the Struggle with Organised Crime in December 2015 (see F18News 27 January 2016 http://www.forum18.org/archive.php?article_id=2143).

In a separate case, Jehovah's Witnesses Zakharchenko and Jabrayilova tried to gain compensation for their imprisonment. However, Baku's Administrative Economic Court No. 2 rejected their appeal for compensation. On 6 December 2016, Judge Valeh Agayev of Baku Appeal Court rejected the women's appeal against that decision. (END)

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/archive.php?article_id=2081.

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

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

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

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