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AZERBAIJAN: Theologian challenges state's book ban

By Felix Corley, Forum 18

Muslim theologian Elshad Miri is challenging in court the State Committee for Work with Religious Organisations decision to ban one of his books on theological grounds. The Committee operates the prior compulsory censorship of all religious materials. A court fined another bookshop owner for selling religious literature without permission.

Muslim theologian Elshad Miri is challenging the ban on one of his books on Islam imposed by the State Committee for Work with Religious Organisations because an official disagreed with it theologically. A court in the capital Baku is due to continue hearing Miri's suit tomorrow afternoon (15 May).

Soon after the February ban on Miri's book, the State Committee told a local news agency that it was considering ways to ban religious books that had received permission for publication or import in the 1990s. It said that while such retrospective bans are "difficult", it had persuaded several publishers not to reprint such religious books (see below).

A State Committee official confirmed to Forum 18 that it makes public no lists of religious publications it has banned. The official refused to discuss any other aspect of the state's prior compulsory censorship of all religious materials (see below).

Following raids on shops selling religious literature in the southern town of Masalli in March, one shop owner was fined the equivalent of four months' average wages for those in formal work. A bookseller in Baku failed to overturn a similar fine (see below).

However, a shop owner in the northern city of Sheki overturned his fine for selling religious books without the required state permission as the case against him had been prepared by the police. Only State Committee officials are allowed to bring such cases. It remains unknown if he will face a further attempt to punish him (see below).

Complete religious literature censorship

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 (each costing 0.02 Manats) 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).

"One of the main directions of our activity is to prevent the spread of unauthorised religious literature," a Deputy Chair of the State Committee, Siyavush Heydarov, told the local Trend news agency on 27 January 2017.

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).

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. People who sell religious literature and materials without such permission are routinely fined, with the materials being seized (see F18News 10 May 2017 http://www.forum18.org/archive.php?article_id=2278).

In 2017 the European Court of Human Rights in Strasbourg asked the Azerbaijani government to respond in several Jehovah's Witness cases where the State Committee banned the import of their publications or police and the courts detained and punished individuals for distributing religious literature "illegally" (see F18News 13 February 2018 http://www.forum18.org/archive.php?article_id=2351).

In January and February 2018, the State Committee sold 45,540 stickers to be placed on 34 religious titles (books, magazines or electronic materials), "Expertise" Department head Nahid Mammadov told the State Committee board on 27 February, according to

its website.

In 2017, the State Committee sold 765,151 stickers for 601 titles, deriving income from sticker sales that year of 15,303.02 Manats (72,000 Norwegian Kroner, 7,500 Euros or 9,000 US Dollars).

In 2017, out of 1,540 titles submitted for the State Committee censorship, 63 were considered unsuitable for import and distribution, Mammadov added. In 2017, out of 210 titles submitted to the State Committee for permission to publish in country, 4 were considered unsuitable and 206 were given permission to be published.

In 2017, legal and police organs sent 2,106 titles to the State Committee for assessment, Mammadov said. Of these, 99 were pronounced harmful or not given permission for import or manufacture.

Jehovah's Witnesses told Forum 18 on 14 May that the State Committee has not banned the import of any of their publications since November 2015.

No published "banned" list

The official who answered the phone of the State Committee's "Expertise" (Censorship) Department – who would not give his name – confirmed that the State Committee has not published any list of religious books or materials it has banned. "We don't have such a list," he claimed to Forum 18 on 14 May.

However, the official refused to discuss anything else about the state's religious censorship. "Our Department head Nahid Mammadov and his deputy are out of the office," he told Forum 18. "We're not authorised to answer questions."

Theologian's challenge to state's book ban

Baku-based Islamic theologian Elshad Miri lodged a suit to court, challenging the State Committee's ban on his book "Things Not Existing in Islam". The book covers seven of what he regards as myths about what Islam teaches. Chapters include "There is no magic in Islam" and "There is no child marriage in Islam".

Judge Aygun Abdullayeva of Baku's Administrative Economic Court No. 1 began hearing Miri's suit against the State Committee decision on 4 April, according to court records. After further hearings on 1 and 10 May, the case is due to resume on the afternoon of 15 May.

Miri's publisher handed the text of his book on Islam to the State Committee in January, as required by law. On 2 February, the State Committee banned it in a one-page document signed by Chief Specialist Namiq Jiriyev. He questioned Miri's interpretation of Islam on theological grounds, and concluded: "The investigation found ideas in the book that could have a negative influence on religious stability in the country. The book is, therefore, deemed unsuitable for publication."

In his response, Miri told the State Committee officials "it is not correct to ban a book I wrote in a country which does not [officially] have censorship". Jiriyev refused to discuss his ban on Miri's book with Forum 18 in February (see F18News 13 February 2018 http://www.forum18.org/archive.php?article_id=2351).

Persuasion a means of retrospective banning?

The State Committee admitted that it has talked to publishers to stop them republishing religious books that had originally received state permission for publication or import in the 1990s. "After discussions with publishers of these books, the process of renewed publication of several of them was not carried out," it declared in a statement to the local Report.az news agency, published on 21 February.

"Over the past 10 years, the State Committee for Work with Religious Organisations has not given permission for publication of new books," Report.az quoted the State Committee statement.

"Simply, the agency has not objected to the republication of books published earlier, and books whose import from abroad had been permitted. This is because from a legal point of view, it is very difficult to ban books which were published in their time after receiving a positive analysis."

Masalli: Bookshops raided, owner fined

On 14 March, officials of the Masalli Department of the State Committee for Work with Religious Organisations raided several shops selling religious literature, goods and products, the State Committee noted on its website the following day. It claimed the monitoring was to determine whether shops were abiding by legal provisions requiring all religious materials on sale to have undergone religious censorship and to have the State Committee sticker.

Officials seized 29 items from a shop owned by Panah Azizli in the Old Market district of the southern town of Masalli. They drew up a record of an offence against Azizli under Administrative Code Article 516.0.2.

This 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.

A fine of 2,000 Manats (9,400 Norwegian Kroner, 980 Euros or 1,200 US Dollars) represents nearly four months' average wages for those with a formal job. However, for those in rural areas, those without a formal job, or pensioners, such fines represent a far heavier financial burden.

Judge Anar Almammadov of Masalli District Court found Azizli guilty on 30 March and fined him 2,000 Manats, court officials told Forum 18 on 10 May. They added that Azizli did not appeal against the fine.

The official who answered the phone at the regional department of the State Committee in Masalli on 10 May refused to discuss anything with Forum 18.

Baku: Bookseller's appeal rejected

Ruhiyya Mehdiyeva, owner of the Ansar shop in Baku's Sabunchu District, has failed to overturn a large fine for offering for sale 400 religious books which had not undergone state censorship.

State Committee officials and police officers raided the Ansar shop on 17 January. State Committee officials then prepared a case against Mehdiyeva under Administrative Code Article 516.0.2. On 1 February, Sabunchu District Court found Mehdiyeva guilty and fined her the minimum of 2,000 Manats (see F18News 13 February 2018 http://www.forum18.org/archive.php?article_id=2351).

Mehdiyeva appealed against the punishment. However, on 4 April, Judge Mirpasha Huseynov of Baku Appeal Court dismissed her appeal, according to court records.

Sheki: Bookseller's case sent back

On 2 August 2017, officials raided the Rahla bookshop in Sheki owned by Baylar Mardanov. They seized 64 religious books which they said he was offering for sale without the required state permission and took them to the police station.

On 23 October 2017, Police Captain Parviz Ahmadov prepared a record of an offence against Mardanov under Administrative Code Article 516.0.2. However, police officers are not allowed to prepare such records – this can only be done by a State Committee official.

Despite this, on 27 November 2017, Judge Elchin Mehdiyev at Sheki District Court found Mardanov guilty and fined him 2,000 Manats.

Mardanov appealed against the punishment, arguing that the police had not prepared the record of an offence correctly. On 15 December 2017, a panel of judges chaired by Imanverdi Shukurov at Sheki Regional Court upheld Mardanov's appeal. The Court sent the case back to the lower court to be reconsidered, according to the decision seen by Forum 18.

On 10 January 2018, the same Judge Mehdiyev at Sheki District Court ruled that the case should be sent to the "appropriate body". Forum 18 cannot find that Mardanov's case has been returned to court. (END)

For 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.

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.

A printer-friendly map of Azerbaijan is available at <http://nationalgeographic.org/education/mapping/outline-map/?map=Azerbaijan>.

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