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AZERBAIJAN: Waiting for state approval to sell religious books

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

An official of the State Committee for Work with Religious Organisations – which operates Azerbaijan's harsh religious censorship system – admitted in mid-April that about 100 shops wishing to sell religious books are still waiting for the necessary licences. Only 16 such licences have been issued since the system's introduction in 2009. Forum 18 News Service notes that selling religious books without a licence risks a maximum punishment for a first offence of two years' imprisonment. Baku's Metro banned the sale of religious books in early April. One religious publisher told Forum 18 that after the compulsory licensing system was introduced, several bookshops returned books as they were too afraid to sell them without a licence. Jehovah's Witnesses have failed in about 15 legal cases challenging State Committee religious censorship decisions.

About a hundred shops that wish to sell religious books and religious items are still waiting for the approval they need from Azerbaijan's State Committee for Work with Religious Organisations before they are legally allowed to sell them, Forum 18 News Service has learnt. Selling religious books without a State Committee licence is subject to a massive fine or imprisonment of up to two years for a first "offence". Only 16 such licences have been handed out so far, only one of them since November 2011. In early April, the Metro in the capital Baku ordered vendors to stop selling religious literature, apparently for not having the required licence.

All religious literature published in or imported into Azerbaijan is subject to strict compulsory prior censorship by the State Committee.

Human rights defenders and religious communities have long condemned state censorship of religious literature as a violation of freedom of expression. However, Jehovah's Witnesses are the only religious community known to Forum 18 to have tried to challenge the State Committee's censorship decisions. Yet despite about 15 legal cases they have failed to have the system changed or abolished.

Meanwhile, the court hearing in the State Committee's suit to liquidate the Baku-based Greater Grace Protestant Church – due to have continued today (25 April) – has again been postponed, a court official told Forum 18 on the afternoon of 25 April.

Metro religious book sales ban

Vendors told the local news agency Vesti.az on 7 April that the management of Baku's Metro had told them to stop selling religious books at kiosks and stalls in stations. The agency was unable to gain comment from the Metro's management, but attributed the decision to its head, Tagi Ahmedov.

In answer to questions about the Metro sales ban, on 10 April the State Committee reminded the local media that selling any religious book requires a licence from it. It stressed that such licences were introduced in the amendments to the Religion Law adopted in May 2009 and an October 2009 Instruction on the Rules of Granting Permission in Connection with the Creation of Specialised Sales Points for Religious Literature, Objects of Religious Significance, as well as Other Materials of Informational Character. The State Committee said it had issued sixteen such licences.

Hidayat Orujev, Chair of the State Committee, handed out the first fifteen licences to sell religious literature at a meeting at the State Committee offices on 30 November 2011, the State Committee website noted the same day. This means that only one further such licence has been approved between November 2011 and April 2012.

Forum 18 asked the State Committee in writing for a list of the sixteen licensed religious booksellers on 10 April. However, it has yet to receive the list.

No-one at the State Committee or Baku Metro was prepared to discuss the Metro sales ban with Forum 18.

Baku residents told Forum 18 in mid-April that, despite the newly-imposed ban, some religious books remain on sale at various stalls in the Metro.

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Hundred potential religious booksellers waiting

About a hundred applications for licences to sell religious books and other materials are still being considered by the State Committee, the head of its Legal Department Yusif Askerov announced. "At present in the republic, sixteen specialised sales points have been created," he told the local correspondent Ainur Aliyeva of the Moscow-based Mir24 television station in a report broadcast on 18 April. "In the near future we are planning to create a further approximately similar number of specialised sales points for religious literature."

It remains unclear how long the approximately one hundred applications have been waiting for approval, or how the State Committee decides which to approve and which to reject.

As early as January 2010, applications had already been submitted for such licences. One would-be religious book trader in Baku told Forum 18 in April 2011 that they had been waiting for more than one year for the State Committee to respond to their application for a licence (see F18News 12 April 2011 http://www.forum18.org/Archive.php?article_id=1561).

In mid-March 2012 officials announced that the State Committee would be accepting electronic applications for permission for religious bookshops, for legal status for individual religious communities, for permission to build places of worship, for approval of religious books for publication or import, and for legal status of religious educational establishments. The section on the State Committee website for the first three of such applications was launched on about 25 April, giving a list of document required for each application and an email address for submission.

It remains unclear whether the State Committee will process applications submitted electronically more quickly and less subjectively than paper applications.

Is selling unapproved religious literature dangerous?

One publisher of religious literature – who asked not to be identified for fear of state reprisals – said that after the introduction of the bookseller licensing system, several general bookshops returned copies of the publisher's religious books. "They were afraid to sell them as they did not have a State Committee licence," the publisher told Forum 18 in early April.

State Committee officials in different regions of Azerbaijan have often led raids on shops and individuals selling religious literature without a licence. Nine such shops were raided in and near Azerbaijan's second city Gyanja [Gäncä] in early 2011 (see F18News 12 April 2011 http://www.forum18.org/Archive.php?article_id=1561).

Punishments

While censorship of religious literature publication, import and distribution has existed since independent Azerbaijan's first Religion Law in 1992, state controls have steadily increased with each new version of the Law. The May 2009 Religion Law amendments increased the State Committee's literature controls still further (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/Archive.php?article_id=1690).

In December 2011 the "legal" provisions regarding censorship were further tightened on the initiative of the Presidential Administration. The Milli Mejlis (parliament) passed a new Criminal Code Article 167-2, banning: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation". Such "crimes" – including distributing uncensored religious literature – had previously only been punished under the Administrative Code.

Punishments for first time offenders acting alone are a fine of 5,000 to 7,000 Manats or up to two years' imprisonment. Under Article 167-2.2, 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.

Fines of up to 9,000 Manats represent massive sums for most people in Azerbaijan (1,000 Manats is equivalent to 7,290 Norwegian Kroner, 964 Euros or 1,273 US Dollars). The minimum monthly wage has been 93.50 Manats (682 Norwegian Kroner, 90 Euros, or 119 US Dollars) per month from 1 December 2011.

How often is permission to publish or import denied?

Would-be publishers or importers of religious literature are required to submit a copy of the proposed work to the State Committee's Expertise Department, together with a request to print or import a specified number of copies. Publishers told Forum 18 that if a request is for the exact reprint of a work which has already passed through the State Committee censorship, it is not necessary to submit the text once again, merely a request for re-publication permission specifying the number of copies the publisher would like

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to produce.

Religious literature published openly in Azerbaijan usually contains a sentence on the copyright page "Publication approved by the State Committee for Work with Religious Organisations", together with the code of the approval (DK for State Committee and a number and letter). Sometimes the date when the approval was given is also noted.

One Baku-based publisher of Muslim literature told Forum 18 that they always seek the required permission from the State Committee before publishing. "Sometimes this takes a month, perhaps longer if a book is very long or we present several books at once," the publisher told Forum 18. The publisher claimed the State Committee has never reduced the number of copies of a work that it requested to print.

A Baku-based Muslim author also told Forum 18 in early April that permission from the State Committee generally takes up to two months. The author said the State Committee has not rejected any of their books.

By contrast, Jehovah's Witnesses complained to Forum 18 that dozens of their publications have been refused import permission, but note the State Committee last refused outright the import of any publication in January 2011. However, they complained to Forum 18 that each time officials grant import permission they reduce the number of copies Jehovah's Witnesses have applied for "from anywhere between 30 and 80 per cent".

The Baku-based Muslim publisher claimed that the State Committee "cannot ban" books, but often "politely" makes observations on changes it would like to see in the text of forthcoming books. "We then make the changes or cut a paragraph for example," the publisher told Forum 18. "If they propose too many changes, we see that their comments should be taken into account and don't publish the book. Avoiding possible threats to the state is more important to us than the fate of any one book."

Which religious books are banned?

State Committee officials frequently insist that they have refused permission for religious books to be published in or imported into Azerbaijan. They have also referred to a list of prohibited literature. Forum 18 asked the State Committee in writing on 15 December 2011 for a copy of the list. Despite several reminders, Forum 18 has yet to receive the list.

The press has often claimed that specific Iranian Muslim leaders' works are on the prohibited list, though this is impossible to verify.

Books are often confiscated in police raids on individual religious believers' homes and sent to the State Committee's Expertise Department. Among seizures in 2012 were copies of the works of the late Turkish theologian Said Nursi from Muslims, as well as Christian books from Baptist pastor Telman Aliyev, who serves a congregation in Neftechala (see F18News 15 March 2012 http://www.forum18.org/Archive.php?article_id=1678).

One of the confiscated books - a Russian-language translation of a book The Resurrection Factor by the American author Josh McDowell - was not returned to Pastor Aliyev. The State Committee told Forum 18 in mid-April that "as a result of an examination" of the book, "statements were uncovered propagandising inter-religious intolerance, as a result of which this book was confiscated under the appropriate procedure". The State Committee did not explain what exactly it objected to in the book.

Postal censorship

Azerbaijan also imposes a strict censorship regime on literature sent by post – owing to which many religious communities have stopped using the postal system as a way to receive literature. All incoming postal parcels are sent to the International Post Office in Baku, regardless of where the intended recipient lives in Azerbaijan. The recipient needs to get permission for the specific religious books from the State Committee and then – if approved – collect the books in person from the International Post Office (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/Archive.php?article_id=1690).

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.

One Baku-based Muslim complained to Forum 18 in early April that it took about a month to get a parcel of books containing religious books sent from abroad, though another parcel from abroad containing religious books had been delivered uncensored.

Difficulties challenging censorship

Jehovah's Witnesses, frustrated by the State Committee's denial of permission for the import of their publications or reduction in quantities allowed, are the only Azerbaijani religious community known to Forum 18 to have challenged the censorship through the courts. "For many years, State censorship in Azerbaijan has seriously limited Jehovah's Witnesses' lawful access to religious publications essential to their worship," they complained to Forum 18.

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Jehovah's Witnesses welcomed as "unprecedented" a 9 September 2011 ruling by Baku's Administrative Economic Court No. 1 declaring unfounded the State Committee's arbitrary bans and reduction in the numbers of copies of religious publications for which Jehovah's Witnesses requested permission. Judge Tahira Asadova's decision concluded that nothing in their magazine Watchtower incited the use of force against others or encouraged religious hostility or enmity, Jehovah's Witnesses told Forum 18. It obliged the State Committee to allow the import of, among other publications, the 15 December 2010 issue of Watchtower magazine which it had previously blocked.

However, this ruling was subsequently overturned, while about 15 other similar suits over religious censorship failed, Jehovah's Witnesses lamented to Forum 18 in early April.

Greater Grace liquidation case postponed

Meanwhile, the State Committee's suit to liquidate Baku's Greater Grace Church at Baku's Administrative Economic Court No. 1 has again been postponed, the Judge's assistant Sevinj Ahmedova told Forum 18 from the court on 25 April. She said the postponement of the hearing due that day – as with the postponement of the 19 April hearing - had come at the request of the Church and no new date for the next hearing has yet been set.

The State Committee argues that the Church's state registration – which it gained with the Justice Ministry in 1993 – should be stripped from it as it failed to re-register with the State Committee. The case began under Judge Asadova (the same judge who had ruled in favour of the Jehovah's Witness suit in September 2011) on 15 March, which several subsequent hearings, most recently on 12 April (see F18News 13 April 2012 http://www.forum18.org/Archive.php?article_id=1689).

On 17 April, as a result of the hearing five days earlier, the Church asked the Chair of the Court, Museyib Huseynov, to remove Judge Asadova from the case. The Church argued that she had shown bias in hearing the case. However, Judge Huseynov rejected the request the same day. "I considered there was no basis to uphold the complaint," he told Forum 18 from the court on 23 April. "Judge Asadova committed no mistake and she'll continue."

Greater Grace Church also appealed for help from Azerbaijan's Ombudsperson for Human Rights Elmira Suleymanova. However, church members told Forum 18 they have had no response from her office.

Forum 18 asked the Ombudsperson's spokesperson Zemfira Maharramli in writing on 24 April what action Suleymanova has taken or intends to take in response to the Church's appeal. However, Forum 18 had received no response by the end of the working day in Baku on 25 April. (END)

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1690.

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://education.nationalgeographic.com/education/mapping/outline-map/?map=Azerbaijan.

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