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AZERBAIJAN: Is confiscating religious literature censorship?

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

Azerbaijani customs and secret police officers spent more than six hours searching a family minibus returning from Russia in late September, seizing religious literature they found hidden and confiscating the van and the driver's passport, members of the Byakov family told Forum 18 News Service. One copy of each book and magazine has been sent to the State Committee for Work with Religious Organisations in Baku for "religious expert analysis". Azerbaijan bans the import of religious literature without State Committee permission. After five months, a car confiscated from other Baptists after religious literature was found in it has been returned, but a criminal case against the three for "illegal" religious literature distribution continues. Claiming that censorship has been abolished in Azerbaijan, Prosecutor Zahid Valiyev denied to Forum 18 that confiscating religious literature represents censorship.

One month on from the September seizure of religious literature and a family minibus by Azerbaijani Customs on the border with Russia, neither the literature nor the minibus have been returned, Forum 18 News Service has learnt. In a separate case, a family car confiscated along with religious literature in May was returned in mid-October, but the literature has not been returned. The local Prosecutor told Forum 18 that the criminal case against three local Baptists is still being investigated, despite earlier comments to the three that they will be amnestied. Claiming that censorship has been abolished in Azerbaijan, the Prosecutor denied that confiscating religious literature represents censorship.

The latest seizure of the literature and the vehicle come as Azerbaijan faced wide-ranging criticism in a legal Opinion by the Council of Europe's Venice Commission and the Organisation for Security and Co-operation in Europe (OSCE) over the failure of the controversial Religion Law to meet Azerbaijan's international human rights commitments. A senior Presidential Administration official and a senior official of the ruling New Azerbaijan Party have both rejected the Venice Commission/OSCE's recommendations for legal changes to bring the Law into compliance (see F18News 23 October 2012 http://www.forum18.org/Archive.php?article_id=1757).

Seized

Late on 21 September, members of the Byakov family, members of a Council of Baptists congregation in Sumgait, and another congregation member were stopped at the border crossing at Yalama in Khachmaz [Xacmaz] District on Azerbaijan's northern border as they returned in the family minibus from Russia, family members told Forum 18 on 22 September. Customs officers ordered the seven passengers to carry their belongings through the passenger customs inspection. Pyotr Byakov – who was driving – was ordered to take the minibus to a special point for it to be thoroughly examined.

"Two cars with flashing lights then arrived bringing [National Security Ministry, NSM] secret police," family members told Forum 18, "and about 15 officers began searching the vehicle, taking off the interior panels to search behind them." Officers seized 700 Baptist brochures, 50 books and 70 booklets from hiding places in the vehicle. They then detained Pyotr Byakov, took his passport and seized the minibus.

"The search began at about 9 pm, and the search and filling in of forms lasted until after three o'clock in the morning," family members told Forum 18. "We were then freed, although Pyotr was held until the daytime."

"Officials said the literature was not allowed and asked why we had brought it into the country," family members told Forum 18. "They said the minibus would be held until the case was resolved." Officers asked Pyotr Byakov why the literature had been hidden. "He responded that the last time he had brought religious literature from Russia carrying it openly, officers had confiscated it."

The confiscated literature was sent for an "expert analysis" to see if it was "against the law", officers told family members. In mid-October, family members were told it had come back from the first analysis, but had then been one copy of each publication had been sent for a "religious expert analysis" to the State Committee for Work with Religious Organisations in Baku, which operates Azerbaijan's religious censorship. Officials told family members the new analysis would take "at least a month".

No response

No Customs Service officials in Khachmaz District were prepared to explain why the religious literature and minibus were seized and why they have not yet been returned. Forum 18 reached the telephone of District Chief Said Akhundov on 23 October, but his assistant said he was away on business in Baku and he was unable to pass on his mobile telephone number. The assistant said no one else could answer Forum 18's questions.

Border religious censorship

The harsh religious censorship which exists within Azerbaijan also extends to preventing uncensored importation of religious literature and other objects (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/Archive.php?article_id=1690).

The customs advice for individuals crossing the border back into Azerbaijan – available on the State Customs Committee website – notes in Point 4: "The following goods can be brought by physical persons through the customs border of the Azerbaijani Republic with the permission of the competent agency: weapons designed for official or private use, as well as ammunition for them can be carried only with the special permission of the Interior Ministry; literature, objects, as well as other media of religious significance can be carried only with the permission of the State Committee for Work with Religious Organisations." Point 4 continues with other items.

Car released, but case continues

Meanwhile, a car confiscated from a Baptist in Kusar [Qusar] District of northern Azerbaijan was finally returned in mid-October after five months. Although the Zhiguli car was returned to Telman Yarmetov, religious literature confiscated from him and two other local Baptists at the same time has not been returned. Another of the three Baptists, Ilgar Mamedov, told Forum 18 on 23 October that the books remain with the Prosecutor's Office.

The three Baptists – Mamedov and Yarmetov, as well as Akif Babaev – were detained by police on 17 May for sharing their beliefs in the village of Mujuk. They were taken to the police station in Kusar. The police chief ordered that all their literature (120 items of 13 different publications) should be confiscated, as well as Yarmetov's car.

The three were threatened with prosecution under Criminal Code Article 167-2, Part 1 ("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") (see F18News 28 June 2012 http://www.forum18.org/Archive.php?article_id=1715).

Mamedov added that Kusar Prosecutor's Office had told them in late September that the case against the three would be closed under amnesty.

Asked about the case against the three on 23 October, Kusar District Prosecutor Zahid Valiyev laughed, describing it as a "long story". He said the investigation against them was continuing, but refused to specify how long this would last, which Article of the Criminal or Administrative Code they are being investigated under, and whether Mamedov, Babaev and Yarmetov will be brought to trial.

Valiyev refused to explain why Yarmetov's car had been held for five months and denied that religious literature had been confiscated. "It was merely temporary removal, as they were distributing the literature illegally," he told Forum 18.

Censorship "abolished"?

Asked about whether the seizure of the religious literature from the three Baptists represented state censorship, Prosecutor Valiyev responded: "The president abolished censorship. There is freedom of speech, freedom of expression and freedom of conscience here." Asked how he could therefore explain the confiscation of their religious literature and the criminal case against them for distributing such literature, Valiyev replied: "You are mixing up two different things." He refused to explain and put the phone down.

Former President Heydar Aliyev indeed claimed in 1998 that the country had abolished censorship, a claim which Azeri diplomats have also been heard by Forum 18 to make more recently. Censorship of literature violates Azerbaijan's Constitution, yet the Religion Law requires permission from the State Committee before a religious community can publish, import or distribute any religious literature. Also, Article 22.2 bans any person or organisation from importing, exporting, selling or otherwise distributing religious literature and other objects, unless they have state permission (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/Archive.php?article_id=1690).

No travel

One consequence of the continuing criminal investigation is that Mamedov is unable to travel outside Azerbaijan, he complained to

Forum 18. "They haven't seized my passport, but as long as the case continues against me I can't leave the country."

No family support

Mamedov also complained that the local office in Gusar of the Centre for Social Protection – part of the Labour and Social Protection Ministry – cut off financial support both for his family and that of Babaev in September 2011. "Both our family and Akif [Babaev]'s family have seven children each, all minors, with both expecting an eighth. I have no work and our family lives very poorly," he told Forum 18. "But they gave no reason why they cut off the money."

Mamedov speculates that it could have been cut off to punish him and Babaev for their religious activity. He pointed out that the two were among four local Baptists given a five-day prison term in a late-night court hearing on 31 October 2010, the day police raided a Baptist Harvest Festival service held in his home (see F18News 1 November 2010 http://www.forum18.org/Archive.php?article_id=1505).

"Maybe it was punishment for this, maybe it was corruption, maybe it is because we do not qualify – though I find that hard to believe," Mamedov told Forum 18. He said after getting no explanation from the local Centre for Social Protection he had written to the Heydar Aliyev Foundation in Baku, a charitable foundation headed by President Ilham Aliyev's wife Mehriban. However, it passed on the letter to the Labour and Social Protection Ministry.

Amina Seyidzade, the Deputy Head of the Ministry's State Social Security Service, responded to Mamedov on 23 August, suggesting that he resubmit his documents to the local Centre.

"Whenever I asked the Centre in Gusar, they just said I should get a job," Mamedov told Forum 18. "But there aren't any jobs here."

No answer

Forum 18 tried to reach Seyidzade at the Ministry in Baku, but her telephone went unanswered each time it called on 24 October.

The woman who answered the phone the same day at the Centre for Social Protection in Gusar told Forum 18 that the Centre's head, Zakiyya Nazirova, was out of the office until 29 October. The official – who would not give her name – appeared to be familiar with Mamedov's and Babaev's cases. She promised to find out why assistance to the two families had been cut off. However, when Forum 18 called back as arranged, she declined to give any information and referred Forum 18 to Nazirova.

The Regulations governing eligibility for Social Assistance, approved by the Cabinet of Ministers in February 2006 and last updated in July 2008, allows such social support to be cut off, but only in specific circumstances. (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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