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AZERBAIJAN: "The banned book the Old Testament was confiscated"

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

Three women convicted in southern Azerbaijan in May of meeting for religious purposes without state permission are challenging their convictions, Forum 18 News Service has learnt. No dates for the appeal hearings have been set. Two of the women were heavily fined and police confiscated Bibles and other religious publications. In another case, following the detention of two women and a 14-year old girl talking about their faith to others, police confiscated what they described as "the banned book the Old Testament". Also, Muslims who read the works of the late Turkish theologian Said Nursi have been seeking to find out from the State Committee for Work with Religious Organisations why his works have been banned and are confiscated by police. The State Committee replied that his works are "inappropriate for import in large quantities or publication". As one Muslim observed to Forum 18, "they didn't use the term 'forbidden' or 'banned', but the term 'inappropriate'. This is incomprehensible in terms of legislation, isn't it?"

Three women convicted in southern Azerbaijan in May under the Code of Administrative Offences of meeting for religious purposes without state permission are challenging their convictions, Forum 18 News Service has learnt. The women – two of whom were heavily fined after the meeting was raided by police – have lodged appeals to Shirvan Appeal Court. No dates for hearings have yet been set. Police also confiscated Bibles and other religious publications.

In another case, following the detention in mid-May of two women and a 14-year old girl talking about their faith to others, a court in Gakh [Qax] in northern Azerbaijan dismissed an administrative case against one of the women. No prosecution of the second adult occurred, despite police threats to bring a case. However, police confiscated an Azeri-language copy of the Old Testament insisting that it is "banned" (see below).

Also, Muslims who read the works of the late Turkish theologian Said Nursi have been seeking to find out from the State Committee for Work with Religious Organisations why his works have been banned and are confiscated by police (see below).

"Only Council of Europe member state that has system of compulsory censorship"

The Old Testament, Nursi's 14-volume Risale-i Nur (Messages of Light) collection of writings, 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).

Azerbaijan imposes tight prior state censorship on all religious literature published in or imported into the country (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690). As Azerbaijan's Jehovah's Witnesses have pointed out: "Azerbaijan is the only Council of Europe member state that has set up a system of compulsory censorship of religious literature, in violation of its own Constitution."

Forum 18 asked Orhan Ali, spokesperson for the State Committee, on 16 April whether Nursi's works have been banned, and if so who by. Despite a reminder on 25 April and on 2 June, Forum 18 had received no response by the end of the working day in Baku on 3 June. Similarly, Ali had not responded to Forum 18's similar 2 June enquiry about the apparent ban on the Old Testament.

Raid with no warrant, Bible confiscation and two fines

On 2 March, police raided a meeting in a private home in the southern town of Lankaran attended by about 20 people, Jehovah's Witnesses told Forum 18. "While the meeting was in progress, about 19 police officers crowded into the home under the pretext a neighbour had complained religious meetings were being held at the home and the residents had changed their religion," Jehovah's Witnesses stated. "The police officers did not identify themselves and refused to show any order authorising the raid."

Police confiscated several Bibles and other religious publications "for examination", and had not returned the literature by the end of May, Jehovah's Witnesses complained to Forum 18. After a six-hour process of taking statements, police took two of those present

at the meeting to the town's police station.

On 8 May, Lankaran District Court convicted Tarana Huseynova under Administrative Code Article 299.0.2 and Article 299.0.4 and fined her 1,500 Manats (11,500 Norwegian Kroner, 1,400 Euros or 1,900 US Dollars).

On 13 May, Lankaran District Court convicted Klara Shirinova and Fatmakhanim Huseynli under the same two Articles. The court fined Huseynli 1,500 Manats and issued an official warning to Shirinova.

Local residents estimate that such fines represent about one year's salary for a state employee outside Baku, such as a teacher.

Article 299.0.2 punishes "violating legislation on holding religious meetings, marches, and other religious ceremonies". Article 299.0.4 punishes "religious activity not within a religious association's registered address". Both Articles carry punishments on individuals of a fine of between 1,500 and 2,000 Manats (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

All three women have appealed against their convictions to Shirvan Appeal Court. Appeal hearing dates have not yet been set.

Qagayi Mammadov, the Lankaran regional representative of the State Committee, claimed that he knew nothing of the March raid and May punishments. "No one reported this to me," he told Forum 18 from Lankaran on 3 June. "How should I know what happens every day, every moment?"

Asked who was responsible for the violation of freedom of religion or belief, Mammadov insisted: "I can't say if the police are guilty or not. If they [the Jehovah's Witnesses involved] are not happy, let them appeal to the State Committee in Baku."

Detentions, Old Testament seized but no fine

In the northern town of Gakh, police detained two Jehovah's Witnesses, accusing them of spreading their faith illegally, officers told the APA news agency on 19 May. The police station had received information that a group of people were going from house to house sharing their faith, officers told APA, without revealing who had told the police.

Officers followed up this information by detaining local resident Tarana Khususshvili and her 14-year-old daughter Luka. They also detained a 45-year-old resident of the capital Baku, Gulara Huseynova. "A copy of the banned book the Old Testament was confiscated from them," APA quoted police as stating. Officers said administrative cases were prepared against the women and sent to Gakh District Court.

The Bible confiscated from Huseynova was "Muqeddes Kitab", a modern Azeri-language translation in Latin script of the Old Testament which was not produced by Jehovah's Witnesses.

"The police informed Gulara the 'Old Testament' was forbidden when they confiscated it," Jehovah's Witnesses told Forum 18.

The duty officer at Gakh police station refused to discuss the detention of the two women and the girl with Forum 18 on 27 May. The officer refused to transfer the call to the police chief or any other officer who could answer Forum 18's questions.

Huseynova was brought to Gakh District Court on 29 May under Administrative Code Article 299.0.4. However, Judge Atabay Kichibayov dismissed the case, Jehovah's Witnesses told Forum 18.

A court official told Forum 18 on 27 May that no case against Khusisshvili has reached the court.

Mehman Ismayilov, the northern regional representative of the State Committee, refused to discuss the detentions, religious literature seizure and attempted prosecution with Forum 18 on 3 June.

Known 2014 serious violations of freedom of religion or belief

Among serious violations of freedom of religion or belief in 2014, there have been at least 11 large fines imposed on Muslims meeting to study the works of Nursi. Two Muslims have been detained by the National Security Ministry (NSM) secret police for this "offence" (see F18News 8 May 2014 http://www.forum18.org/archive.php?article_id=1956). And since 25 April police in Baku have stopped worshippers unable to fit into the small Lezgin Sunni Mosque for Friday prayers from praying in the surrounding streets (see F18News 28 May 2014 http://www.forum18.org/archive.php?article_id=1962).

The Lankaran and Gakh incidents are the latest known serious violations of Jehovah's Witnesses' freedom of religion or belief in 2014. On 11 January, police raided a religious meeting they were holding in Azerbaijan's second city Gyanja [Gäncä]. On 23 January, a local court fined five of those present 1,800 Manats each (see F18News 10 February 2014 http://www.forum18.org/archive.php?article_id=1926). On 16 April, Jehovah's Witness conscientious objector Kamran Shikhaliyev

was sentenced to one year in a disciplinary military unit (see F18News 8 May 2014 http://www.forum18.org/archive.php?article_id=1956). His appeal is due to be heard on 11 June (see below).

When and why were Nursi's works banned?

Baku-based Muslim Zeka Miragayev has been trying to find out from the State Committee whether works by Nursi – particularly the Risale-i Nur collection – have been banned and, if so, when, why and who by. He put the questions in a 27 May enquiry to the State Committee seen by Forum 18.

Miragayev pointed to an earlier State Committee ruling that Nursi's books were not harmful (see F18News 28 April 2014 http://www.forum18.org/archive.php?article_id=1952). He also questioned State Committee comments to the APA news agency on 22 May that the import of the books had been restricted in 2009 and banned in 2012 .

In May 2012 police and National Security Ministry (NSM) secret police raided Miragayev's Baku home. They confiscated 30 copies of the Koran, 24 other books (including some by Nursi), a computer and a small sum of money. He has failed through the local courts to have the raid and confiscations of his religious literature declared illegal (see F18News 12 December 2013 http://www.forum18.org/archive.php?article_id=1906).

"Incomprehensible in terms of legislation"

State Committee spokesperson Ali responded to Miragayev by email on 27 May. "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 on 2 June. "They didn't use the term 'forbidden' or 'banned', but the term 'inappropriate'. This is incomprehensible in terms of legislation, isn't it?"

Miragayev lodged a case to the European Court of Human Rights (ECtHR) in Strasbourg. The Court accepted the case, giving it the Application No. 29550/14, according to the Court's 16 May letter to Miragayev's Baku-based lawyer Intigam Aliyev (seen by Forum 18).

Appeal against conviction for conscientious objection for military service

One 18-year-old Jehovah's Witness conscientious objector, Kamran Shikhaliyev, is awaiting his appeal at Shirvan Appeal Court. Judge Etibar Jamalov of the Court's Military Collegium is due to hear the appeal on the morning of 11 June, the Court told Forum 18 on 3 June.

Shikhaliyev was forcibly conscripted in Baku in October 2013 just days after his 18th birthday. He was transferred to a military unit. In April 2014 Jalilabad Military Court sentenced him under Criminal Code Article 335.1 ("Evasion of military service by causing harm to health or in another way"). He was sentenced to one year in a disciplinary military unit (see F18News 8 May 2014 http://www.forum18.org/archive.php?article_id=1956).

Ahead of its accession to the Council of Europe in January 2001, Azerbaijan promised "to adopt, within two years of accession, a law on alternative service in compliance with European standards and, in the meantime, to pardon all conscientious objectors presently serving prison terms or serving in disciplinary battalions, allowing them instead to choose (when the law on alternative service has come into force) to perform non-armed military service or alternative civilian service" (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

European Court of Human Rights cases

Azerbaijan's Jehovah's Witnesses have lodged 19 cases to the ECtHR in Strasbourg over denial of their human rights. The applications cover a variety of freedom of religion or belief violations and have not yet been heard:

- Three concern imprisonment of conscientious objectors to compulsory military service;
- Five concern police raids on religious meetings;
- Two concern sharing beliefs with other people;
- Five concern state censorship of religious publications;

- One covers denial of re-registration following 2009 amendments to the Religion Law;
- and three cover deportation of foreign nationals to punish them for their religious activity.

(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.

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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY