

1 October 2015

AZERBAIJAN: "We forbid religious books – but this isn't religious discrimination"

By Felix Corley, Forum 18

As legal changes are set to make the state religious censorship even tighter, Gunduz Ismayilov, a deputy chair of the State Committee for Work with Religious Organisations – which enacts the state censorship – says that large-scale distribution of works by Muslim theologian Said Nursi is "not appropriate". He made the assertion in a letter to Ismayil Mammadov, one of five Sunni Muslims facing up to six years' imprisonment in Baku for distributing religious literature. The trial is likely to end on 5 October, the lawyer Asabali Mustafayev told Forum 18 News Service. The State Committee has already banned the import of nine Jehovah's Witness publications in 2015 so far. "We forbid religious books – but this isn't religious discrimination," a junior State Committee official told Forum 18.

The State Committee for Work with Religious Organisations – which enacts the state's prior compulsory censorship of all religious literature distributed in, imported into or exported from Azerbaijan - summoned publishers and printers in late September to its Baku offices to remind them of the need to abide by the censorship rules. The meeting was held eleven days after the third of five Sunni Muslims imprisoned in Baku for selling unapproved religious literature failed to overturn his one-year prison sentence on appeal, Forum 18 News Service notes.

Four of five more Sunni Muslims – whose trial in Baku is expected to be completed on the afternoon of 5 October – face possible imprisonment of up to six years on charges of distributing "illegal" religious literature (see below).

In the absence from the office of Nahid Mammadov, the head of the State Committee "Expert" Analysis Department, between 29 September and 1 October and the refusal of the press office to answer any questions at all, Forum 18 was unable to find out from the State Committee leadership why it imposes censorship on publications with a religious theme.

A junior assistant to Mammadov, who gave his name only as Shahiyar, confirmed that the State Committee checks "all religious books". "We forbid religious books – but this isn't religious discrimination," he insisted to Forum 18 on 1 October. He refused to explain how many religious books the State Committee has banned so far in 2015. "I do not have the right to give this information." He denied that anyone has been imprisoned for distributing religious literature that has not undergone the state censorship.

Further censorship planned

Meanwhile, yet further amendments to the 2009 Religion Law and to the Media Law to increase controls on religious communities and the distribution of religious information are likely to be considered by parliament, the Milli Mejlis, on 6 October, a deputy of the Umid (Hope) Party and a member of parliament's Human Rights Committee Iqbal Agazade told Forum 18 from Baku on 1 October. The amendments were considered first by the Human Rights Committee.

The amendments would increase the State Committee's powers of inspection over the sale of religious literature under Article 29 of the Religion Law, the Trend news agency noted on 29 September, quoting unnamed parliamentary sources. They would also require registered religious communities to get permission from the State Committee before they could produce publications under Article 14 of the Media Law. The Media Law already specifically bans unregistered organisations (including religious communities) from producing publications.

State censorship

Article 22 of the Religion Law allows religious literature to be printed, published, distributed or sold only with permission from the state. It also requires that even state-approved religious literature can only be sold or distributed in state-approved venues. A separate regulation requires books the state has approved for distribution to have a special sticker from the State Committee to show it has been approved. State officials have repeatedly denied that this represents censorship (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

The State Committee banned nine Jehovah's Witness publications in the first eight months of 2015 (see below). The lawyer for some of the five Sunni Muslims on trial in Baku learned only during the trial that the State Committee had "not recommended for mass distribution" works by the late Turkish Muslim theologian Said Nursi seized in police and National Security Ministry (NSM) secret police raids, including in April 2014 and September 2015.

"This is a question we ask: how can anyone know what books the State Committee has banned?" the lawyer Asabali Mustafayev told Forum 18 from Baku on 1 October. "Nor can anyone challenge these bans."

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

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).

Heavy punishments for evading state censorship

Those who violate the state's religious censorship face prosecution under Criminal Code 167-2.1 (like the five Baku Sunni Muslims). This punishes: "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". Punishments for first time offenders acting alone are a fine of 5,000 to 7,000 Manats, or up to two years' imprisonment. Punishments are even heavier under Article 167-2.2.1 when such literature distribution is by an "organised group".

(5,000 Manats is equivalent to 40,000 Norwegian Kroner, 4,250 Euros or 4,800 US Dollars.)

Those who violate the state's religious censorship can also face prosecution under Administrative Code Article 300. Fines are: for individuals between 2,000 and 2,500 Manats; for officials between 8,000 and 9,000 Manats; and for organisations between 20,000 and 25,000 Manats. Those found guilty under Article 300 have their religious literature confiscated, while foreigners are ordered deported.

Third appeal fails

The appeal of the third of five Sunni Muslims from Baku imprisoned for selling religious literature without the compulsory state permission, Imam Mubariz Qarayev, has failed. Judge Aflatun Qasimov at Baku Appeal Court rejected his appeal on 11 September, according to court records.

It remains unclear if the three hearings in the appeal on successive Fridays in the middle of the day were designed to prevent Imam Qarayev from participating in Friday prayers in the prison.

Imam Qarayev – whose one year prison sentence is deemed to run from his arrest - was among five Sunni Muslims arrested in February and later imprisoned for selling religious literature without state permission. All the five Sunni Muslim prisoners of conscience were tried and convicted under Criminal Code 167-2.1.

Two others of the five – Azad Qafarov and Salim Qasimov – have had their appeals against their prison terms rejected. The final two - Eyvaz Mammadov and Habibullah Omarov – have not appealed against their sentences. Qasimov was freed in August at the end of his six-month sentence. Mammadov's nine-month prison term is due to be completed in November (see F18News 9 September 2015 http://www.forum18.org/archive.php?article_id=2098).

Verdict imminent?

The next hearing on 5 October in the long-running trial of five Sunni Muslims at Baku's Yasamal District Court could be when the verdicts are handed down. Eldeniz Hajiyev, Ismayil Mammadov, Revan Sabzaliyev, Zakariyya Mammadov and Shahin Hasanov are on trial to punish them for participating in a study session of the works of the late Turkish theologian Said Nursi in Hajiyev's Baku home in April 2014.

Four of the five are facing charges under Criminal Code Article 167-2.2.1. This punishes: "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" when conducted by an "organised group". Punishment is a fine or imprisonment of two to five years. The five also face a range of other charges (see F18News 29 September 2015 http://www.forum18.org/archive.php?article_id=2106).

Armed police raided the April 2014 meeting, detained all those present and confiscated religious literature. Nine participants were fined. Three of the five defendants in the criminal trial - Hajiyev, Ismayil Mammadov and Sabzaliyev - spent up to five months in

detention in the NSM secret police Investigation Prison in Baku before being transferred to house arrest in September 2014 (see F18News 22 September 2014 http://www.forum18.org/archive.php?article_id=1999).

"How can books be illegal?"

Mustafayev, the lawyer for four of the five on trial, questions "How can the books be illegal?" He points out that those the police confiscated had been imported into Azerbaijan before the religious censorship was tightened still further in 2009. He said most of the books were by Nursi, with a few other related Muslim brochures.

Mustafayev rejects the state censorship of religious literature. He also laments the lack of clarity over how, why and which religious publications are banned and the lack of possibility of challenging these bans.

The defence in the trial of the five has seen two documents from the State Committee – both signed by Deputy Chair Gunduz Ismayilov and both seen by Forum 18 – related to its attitude to Nursi's writings.

The first is a seven page "expert analysis" of 44 different Muslim books – most by Nursi or about his religious thought, though also a 2009 calendar published by Crimea's Muftiate – as well as several DVDs and audio recordings. The items had been seized from Rashid Abdulov – an Azerbaijani Muslim based in Russia – by Shirvan Police in late 2013. The "expert analysis" had been completed by Nahid Mammadov of the State Committee's Expert Analysis Department and consultant Mahir Qaniyev. The analysis did not regard Nursi's "Messages of Light" collection of writings as dangerous or extremist.

Ismayil Mammadov – one of the five now on trial in Baku – wrote to President Ilham Aliyev on 16 July to ask about Nursi's works. Ismayilov responded to Mammadov on 6 August asserting that because Nursi's collection "Messages of Light" and related literature "are used to spread the sectarian Nur religious movement, their large-scale import to the country, publication and distribution is deemed inappropriate".

State Committee reminds publishers of religious censorship

The State Committee summoned owners of publishers and printing houses to a 22 September meeting at its Baku offices. Committee Chair Mubariz Qurbanli reminded them of the compulsory system of prior censorship of all religious literature sold in, imported into or exported from Azerbaijan.

Qurbanli reminded the publishers and printers of a 9 June 2014 Cabinet of Ministers decree which mandates special stickers on all religious literature and films sold in the country. He specifically denied that imposing such state controls on religious materials represents censorship, according to the State Committee website.

The special stickers were mandated in a series of legal documents, which require such markings on medicines (to prevent sale of faked medicine, under the supervision of the Health Ministry), audiovisual products and computer programs (to prevent piracy, under the supervision of the Copyright Agency), and religious literature and materials (to ensure religious censorship, under the control of the State Committee).

The Cabinet of Ministers Decree also includes the stipulation – already enshrined in Article 22 of the Religion Law – that only religious literature which has been approved by the State Committee in writing can be printed, published or distributed. Publishers or distributors have to lodge copies of each religious work approved for publication to be stored by the State Committee.

The Religion Law was amended on 6 March (signed into law by President Aliyev on 4 April) to specify that the "relevant executive body" (the State Committee) is to devise the procedure and cost of the special stickers. An 8 July Cabinet of Ministers decree requires the proceeds from the sale of such special stickers to be transferred to the Finance Ministry.

Nine further religious literature bans

Between January and August 2015, the State Committee banned the import of nine further Jehovah's Witness publications in various languages, Jehovah's Witnesses told Forum 18. Jehovah's Witnesses have five cases in the administrative courts, challenging the State Committee's refusals to allow the importing of religious literature.

The State Committee informed the Jehovah's Witness community in writing on 18 March that the special stickers it is supposed to issue did not yet exist. "At present, work on making the special stickers is still in progress," the State Committee told them, giving no timescale as to when they would be ready.

The State Committee letter was in response to a 5 February Jehovah's Witness community letter to the State Committee about its censorship stickers after a Baku court punished Ismayil Bagirov on 29 January, primarily for distributing literature that did not bear the special stickers. He was fined 1,500 Manats, a fine upheld by Baku Appeal Court on 27 February (see F18News 24 February 2015 http://www.forum18.org/archive.php?article_id=2042).

Punished – but informed too late to appeal

On 8 June, eight months late, Jehovah's Witness Rana Sadiqova received a copy of a 14 October 2014 police decision convicting her under Administrative Code Article 299.0.2 and imposing a fine of 2,000 Manats. On 18 June 2015, she appealed to Nizami District Court in her home city of Gyanja [Gäncä]. However, on 7 July, the court declared her appeal inadmissible, since she allegedly missed the deadline to appeal, Jehovah's Witnesses complained to Forum 18.

Sadiqova had been among more than 20 attendees at a Jehovah's Witness meeting for study and worship in a home in Gyanja's Nizami District on 12 October 2014. Police raided the meeting without a warrant, filmed all those present and seized religious literature. Two days later, police posted decisions to the home owner Saladdin Mammadov, Sadagat Abbasova and Rashad Niftaliyev, fining them 2,000 Manats each under Administrative Code Article 299.0.2.

The three failed to overturn the fines on appeal. Gyanja Appeal Court rejected the defendants' insistence that their right to exercise freedom of religion or belief is upheld by international human rights documents Azerbaijan has signed up to, including the European Convention for the Protection of Human Rights and Fundamental Freedoms (see F18News 24 February 2015 http://www.forum18.org/archive.php?article_id=2042).

Sadiqova was also among four Gyanja Jehovah's Witnesses fined in June 2011 for exercising the right to freedom of religion or belief (see F18News 25 August 2011 http://www.forum18.org/archive.php?article_id=1604). (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>.

See also the Norwegian Helsinki Committee/Forum 18 report on freedom of religion or belief in Azerbaijan at: http://www.nhc.no/content/uploads/2018/07/Rapport2_15_Aserbajdsjan_web.pdf

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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