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AZERBAIJAN: Large fine amid continuing religious censorship

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

A Baku court fined Kamran Huseynzade four months' average wages for selling religious books outside a mosque without state permission. The head of the censorship department at the State Committee for Work with Religious Organisations lamented that only 42 of 100 places selling religious literature have the required state licence. All published and imported religious literature is subject to prior compulsory censorship.

Amid the continuing imposition of state censorship of all religious literature published and distributed in Azerbaijan or imported into it, a court in the capital Baku has handed down another large fine for selling religious literature without state permission. A judge fined Kamran Huseynzade about four months' average wages. The 180 books seized from him were confiscated.

Huseynzade faced charges not related to the content of the books but solely to offering the books for sale without state permission. He chose not to appeal against his fine (see below).

The head of the department that censors religious literature and objects at the State Committee for Work with Religious Organisations, Nahid Mammadov, lamented at a conference on state censorship on 23 September that only 42 of the more than 100 shops selling religious literature across the country have the required state licence. He complained that the unlicensed shops "create certain problems" (see below).

Mammadov was not in the office at the State Committee on 27 September. One of his colleagues put the phone down when Forum 18 asked why all religious literature is subject to prior compulsory state censorship (see below).

When police detain Jehovah's Witnesses on the street as they share their faith with others, officers often seize any religious literature they find. Similarly, during raids on Jehovah's Witness meetings in homes, police often check whether religious publications have the required sticker from the State Committee showing that they have undergone the state religious censorship (see below).

Muslim theologian Elshad Miri is preparing to lodge a case to the European Court of Human Rights in Strasbourg in October over the 2018 State Committee ban on the publication of one of his books on Islam. Four Jehovah's Witness cases over state bans on the import of their literature are still pending with the court, as is a case lodged by Muslims who study the works of the late Turkish Muslim theologian Said Nursi (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 (http://www.forum18.org/archive.php?article_id=2429). If the State Committee for Work with Religious Organisations "Religious Expert Analysis [Censorship] Department" gives 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) stating that they have State Committee approval.

State officials have repeatedly denied that this is censorship.

"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, stated in January 2017. (http://www.forum18.org/archive.php?article_id=2351)

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 2014 police list of alleged "banned" religious literature (http://www.forum18.org/archive.php?article_id=2429), based on State Committee "expert analyses".

In May 2018 a State Committee official confirmed to Forum 18 that it does not make public lists of religious publications it has banned. (http://www.forum18.org/archive.php?article_id=2376)

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.

Raids on shops selling religious literature were frequent, with several waves of raids and subsequent fines in 2017 and 2018 (http://www.forum18.org/archive.php?article_id=2411). They appear to have reduced since then.

Baku: Raid, fine, book confiscation

Trouble began for Kamran Huseynzade in early July, when State Committee officials and officers of the police and State Security Service secret police raided a mosque in the settlement of Qarachukhur in Baku's Surakhani District, the State Committee noted on its website on 5 July. They found Huseynzade selling religious books on the street outside the mosque.

Officials seized 180 religious items, taking them away for "expert analysis", the State Committee added. It stressed that the books were seized "to determine whether the legal requirements related to the sale of literature and literature dealing with the production and sale of these literature, as well as their control stickers were being observed".

The State Committee also claimed that the books were "suspected of propagating religious radicalism and extremism".

State Committee officials appear to have found no "religious radicalism and extremism". When the case was presented to Baku's Surakhani District Court, Huseynzade faced charges not related to the content of the books but solely to offering the books for sale without state permission under Administrative Code Article 516.0.2.

Administrative Code Article 516.0.2 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".

Punishments 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. Punishment also includes confiscation of the literature, merchandise and products or other materials concerned.

On the morning of 23 July, Judge Jeyhun Qadimov of Surakhani District Court found Huseynzade guilty under Administrative Code Article 516.0.2. He fined him 2,200 Manats, the Judge's assistant told Forum 18. The assistant said Huseynzade did not appeal against the decision. The assistant declined to comment on why an individual should be punished for offering religious literature and items for sale without state permission.

A fine of 2,200 Manats represents four months' average wage for those in formal work.

Police seize religious literature

When police detain Jehovah's Witnesses on the street as they share their faith with others, they often seize any religious literature they find. Jehovah's Witnesses note 17 such detentions between September 2018 and August 2019 in Baku and eight other cities or towns.

Two police officers who detained a Jehovah's Witness on the streets of the north-eastern town of Khachmaz in February 2019 forcibly took him to the police station, Jehovah's Witnesses told Forum 18. A State Committee official asked him why he was talking about the Bible and not the Koran. Officers seized his religious literature, threatened to have him fined, held him for 12 hours without food or water, mocked his beliefs, forced him to write two statements and then freed him. During his detention, one police officer threatened to beat him.

During raids on Jehovah's Witness meetings in homes, police often check whether religious publications have the required sticker from the State Committee showing that they have undergone the state religious censorship.

On 23 June, three police officers in the north-western town of Mingachevir tried to search the home of a Jehovah's Witness where other Jehovah's Witnesses had gathered. They took the names of those present, but when they tried to search the home without a warrant the home owner refused to allow it. The officers left, saying they would return with a warrant. They did not return, Jehovah's Witnesses told Forum 18.

On 4 June, Shirvan Appeal Court rejected the appeals of both a husband and wife against massive fines for having religious literature and holding a New Year meeting for children without state permission. (http://www.forum18.org/archive.php?article_id=2487) A local court had fined Baptist couple Safqan and Gulnar Mammadov each

more than three months' average wages for those in formal work.

Challenging state bans

In February 2018, the State Committee imposed the pre-publication ban on the publication and distribution in Azerbaijan of Muslim theologian Elshad Miri's book "Things Not Existing in Islam". (http://www.forum18.org/archive.php?article_id=2351) The book covers seven of what Miri regards as myths about what Islam teaches. Chapters include "There is no magic in Islam" and "There is no child marriage in Islam".

The State Committee banned Miri's book because a State Committee official disagreed with the book theologically. Replying, Miri told the State Committee that "it is not correct to ban a book I wrote in a country which does not [officially] have censorship".

Miri has been seeking to overturn the State Committee's ban on his book through the courts. On 25 June 2019, Azerbaijan's Supreme Court rejected his appeal against the state. (http://www.forum18.org/archive.php?article_id=2490)

Miri is now preparing a case to the European Court of Human Rights (ECtHR) in Strasbourg. The case is expected to be lodged in October, his lawyer Khalid Agaliyev told Forum 18 from Baku on 27 September.

Jehovah's Witnesses say the State Committee has not banned the import of any of their publications since November 2015 and has not restricted the sale of control stickers.

Jehovah's Witnesses have lodged four cases to the European Court of Human Rights in Strasbourg over earlier state bans on importing their publications (http://www.forum18.org/archive.php?article_id=2490) and one complaint to the United Nations Human Rights Committee.

Muslims who read the works of the late Turkish Muslim theologian Said Nursi also lodged a case to the European Court of Human Rights in 2012 over state censorship of religious literature (http://www.forum18.org/archive.php?article_id=2490) after police seized books in a raid. That case too is still pending.

State celebrates religious censorship

The State Committee held a conference in Baku on 23 September entitled "Religious Expert Analysis: Law and Practice", it announced on its website the same day. Also taking part were publishers, as well as representatives of the Spiritual Values Promotion Foundation (which is subject to the State Committee) and the state-controlled Caucasian Muslim Board, the only Muslim organisation the government allows to exist.

State Committee Deputy Chair Gunduz Ismayilov told the conference that "harmful literature" was rarely encountered because of the law mandating censorship and the "close cooperation" between the State Committee and publishers and authors.

Nahid Mammadov, the head of the State Committee's "Religious Expert Analysis" (Censorship) Department, claimed the state censorship was in line with international practice. He claimed that censorship also protected against piracy and tax evasion.

He maintained that the control stickers enhance trust in religious literature. "Every citizen reads religious literature with the appropriate sticker and refuses any other literature offered to them," the State Committee website cited him as saying. "It also means that our citizen, without knowing the contents of the book, will be able to determine whether the text of the book is malicious thanks to the control sticker."

Mammadov also told the conference that 42 shops across the country have the required state licence to sell religious books and items, though more than 100 exist. He complained that the unlicensed shops "create certain problems", though he does not appear to have specified what these are.

Mammadov said that the State Committee had banned the import of 63 out of 1,603 publications in 2017; 52 out of 1,704 in 2018; and 158 out of 2,412 in January to September 2019. The State Committee had banned the publication in Azerbaijan of 4 out of 214 publications in 2017; 26 out of 197 in 2018; and 17 out of 192 in January to September 2019. (END)

Full reports on freedom of thought, conscience and belief in Azerbaijan
(<http://www.forum18.org/archive.php?query=&religion=all&country=23>)

For more background, see Forum 18's Azerbaijan religious freedom survey (http://www.forum18.org/archive.php?article_id=2429)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (http://www.forum18.org/archive.php?article_id=1351)

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