

12 April 2011

AZERBAIJAN: "Sword of Damocles" hangs over religious booksellers

By Felix Corley, Forum 18

Bookshops selling religious literature in Azerbaijan are facing unspecified measures because they do not have the compulsory state licence to sell religious literature, Forum 18 News Service notes. Ilgar Ibrahimoglu Allaverdiev, head of the Devamm Muslim religious freedom organisation, told Forum 18 that "only very few can get such licences, while fines for selling religious books without a licence hang over traders like a sword of Damocles." However, he added that traders were reluctant to make official complaints in writing, fearing state reprisals, and preferred to complain verbally. Some local people noted to Forum 18 that traders are vulnerable to officials seeking bribes to turn a blind eye to evasion of the regulations. However, the harsh censorship regime on all religious literature is still being rigorously applied. And a ban is being imposed on local branches of foreign non-governmental organisations if, among other things, they engage in "political or religious propaganda".

Nine bookshops selling religious literature in western Azerbaijan are facing unspecified measures, because they do not have the compulsory licence to sell any religious literature from the State Committee for Work with Religious Organisations, Forum 18 News Service notes. One Muslim described the controls and threats of punishment to Forum 18 as a "sword of Damocles" hanging over booksellers.

The local representative of the State Committee for western Azerbaijan, Firdovsi Kerimov, told the local SIA news agency on 1 March that his agency had carried out searches of seven religious bookshops in Azerbaijan's second city Gyanja [Gäncä], one bookshop in Geranboy and one in Shamkir [Sämkir]. Kerimov complained that the bookshops were all operating without the necessary licence, as their applications had not yet been approved. He did not say what action he was proposing to take.

State licences are needed to sell any religious literature, and were introduced in 2009 "legal" amendments harshening restrictions on freedom of religion or belief (see F18News 3 June 2009 http://www.forum18.org/Archive.php?article_id=1305). This is part of the tight web of compulsory prior state censorship of all religious literature, religious objects, and other information material produced, imported into or exported from Azerbaijan. Unlicensed sale of religious literature, and other breaches of the all-embracing censorship regime, are subject to large fines (see F18News 7 January 2011 http://www.forum18.org/Archive.php?article_id=1527).

It remains unclear if these are same religious bookshops Kerimov identified to the Trend news agency on 9 January 2010 as having lodged applications for licences. If so, it remains unclear why their registration applications have not been processed 14 months later.

State Committee delays in processing licences to sell religious literature appear common. One such trader in the capital Baku told Forum 18 on 11 April they have been waiting for more than one year for the State Committee to respond to their application.

Neither Jeyhun Mamedov, the head of the Expertise Department at the State Committee in Baku, nor any of his colleagues were available to talk to Forum 18 on 8 or 11 April. The Expertise Department is charged with censoring all religious literature and licensing religious bookshops. Forum 18 has been unable to establish how many such bookshop licences have been issued, if any.

Formal warnings

State Committee representative Kerimov stated in January 2010 that he had issued formal warnings to four individuals for selling religious literature without a licence, one in the courtyard of Gyanja's Shah Abbas Mosque, one at Gyanja's Imamzade Muslim shrine, one at the market in Naftalan in Geranboy District and one at the Habibi shopping centre in Shamkir.

Kerimov totally refused to discuss anything with Forum 18 on 6 April, putting the phone down immediately.

Gyanja's only Sunni mosque has been forcibly closed by the state, as have many other mosques in Azerbaijan (see F18News 5 April 2011 http://www.forum18.org/Archive.php?article_id=1558). Three other religious communities in the city – two Protestant Christian, one New Apostolic – have been forced to stop meeting for worship. In one case riot police were used to enforce the order

(see F18News 8 April 2011 http://www.forum18.org/Archive.php?article_id=1560).

Sword of Damocles

Ilgar Ibrahimoglu Allaverdiev, head of the Devamm Muslim religious freedom organisation, said that "dozens" of complaints followed the introduction of the licensing system. "Bookshops unanimously regarded these regulations as designed to obstruct the sale of religious literature," he told Forum 18 from Baku on 9 April. However, he added that traders were reluctant to make official complaints in writing, fearing state reprisals, and preferred to complain verbally.

Ibrahimoglu also complained about the procedure for obtaining such licences, which he says is "highly bureaucratic and non-transparent". "Only very few can get such licences," he told Forum 18, "while fines for selling religious books without a licence hang over traders like a sword of Damocles."

Forum 18 notes that the compulsory licensing before religious books can be sold is not uniformly applied across the country. Some general bookshops, street traders and places of worship sell religious titles apparently without the necessary permission. However, some local people noted to Forum 18 that this leaves them vulnerable to officials seeking bribes to turn a blind eye to evasion of the regulations.

Religious communities censored

Religious communities themselves have under Article 22 of the Religion Law, since its original adoption in 1992, been required to have prior official approval to produce or import religious literature, religious objects or other information material. Such censorship is conducted by the Expertise Department of the State Committee, to which all applications have to be made.

All religious literature printed in and imported into the country – including sent by post – has to gain specific approval from the State Committee on each individual occasion. The State Committee also specifies the number of copies of each named work that may be printed or imported, checks the contents of bookshops, and has a list of "banned" religious literature which it will not make public (see F18News 6 August 2008 http://www.forum18.org/Archive.php?article_id=1168).

Compulsory licensing of religious bookshops introduced

A clause was added to Article 22 of the Religion Law in the 2009 amendments, stating that: "The sale of literature and objects of religious designation and other informational materials of religious content is carried out only in specialised points of sale created with the agreement of the appropriate organ of executive power." The 29 May 2009 presidential decree implementing amendments to the Religion Law and the Criminal and Administrative Codes identified the State Committee as the "appropriate organ" (see F18News 3 June 2009 http://www.forum18.org/Archive.php?article_id=1305).

The Justice Ministry issued an Instruction on 26 October 2009, signed by Deputy Minister Togrul Musaev, setting out how individuals or groups of individuals apply for such permission for religious bookshops from the State Committee. The State Committee is required to gain the approval of the local Administration where the proposed religious bookshop is based before giving its own final approval, signed by the State Committee Chair. This is currently Hidayat Orujev.

Applications can be rejected if the materials to be sold encourage individuals to break state laws, "violate public order or public safety" or incite hatred. Such rejections can be challenged through the courts.

Revisions to the State Committee's July 2001 Regulations setting out its duties, approved in a decree signed by President Ilham Aliyev on 2 November 2009, set out in a new Article 7.9-6 its obligations not only to censor all religious literature but also to grant licences for religious bookshops. The 2001 Regulations gave the State Committee the obligation in Article 9.2 to censor all religious literature through control of its production, import and distribution, but made no mention of religious bookshops (see F18News 6 August 2008 http://www.forum18.org/Archive.php?article_id=1168).

Punishments for breaking the censorship regime were harshened in December 2010 (see F18News 7 January 2011 http://www.forum18.org/Archive.php?article_id=1527).

"If there are no problems.."

State Committee Chair Orujev told an 8 December 2009 meeting of religious leaders, reported by Novosti Azerbaijan agency that day, that shops needed to apply for licences from his Committee. "In its turn, the State Committee will, together with the local executive bodies, study the question of the expediency of opening such a shop. If there are no problems, the State Committee will give permission for the opening of a shop." He insisted no fees would be charged for such licences.

After the 2009 changes, responsibility for handling applications from bookshops was added to the existing censorship duties of the Expertise Department, Orujev's colleague Yusif Askerov told Forum 18 on 8 April.

Justifying the restrictions on where religious literature could be sold, Expertise Department head Mamedov claimed in 2009 that sometimes religious literature was being sold in shops selling alcoholic drinks, tobacco, food, clothes, building material and in underground passageways.

"Sometimes you even find cases of religious literature on sale in dirty places, and this is regarded as disrespect for religious values and arouses justifiable public dissatisfaction," Mamedov told the Trend news agency on 11 December 2009. "It is not right to equate the sale of religious literature to the sale of other products. Preventing such cases is the duty of both the government and of every citizen of Azerbaijan."

Raids

As well as the nine bookshops in western Azerbaijan, State Committee representatives and police have raided shops elsewhere selling religious books since the introduction of the controls in 2009.

In February 2010, citing the new requirements, the southern representative of the State Committee, Miryahya Badirov, conducted a check of 16 religious bookshops in seven southern districts bordering Iran, complaining that none had applied for a licence, the Trend news agency noted.

On 19 June 2010, police raided a shop in Zakatala and seized 42 books, 20 CDs and other religious items, which they termed "illegal", the Interior Ministry website reported.

Confiscated

Religious books – Muslim, Christian, Jehovah's Witness or of other faiths - are frequently seized by the State Customs Committee from travellers entering Azerbaijan at Baku airport or through land or sea borders. Several individuals who asked not to be identified told Forum 18 that religious books have been confiscated from the since the beginning of 2011 on the border from Georgia.

Censorship at the state borders has long been in operation (see F18News 24 February 2009 http://www.forum18.org/Archive.php?article_id=1259).

"People no longer risk bringing religious literature into the country," Ilya Zenchenko, head of the Baptist Union, told Forum 18 from Baku on 11 April. "There are many Christian books I would like to bring in with me from other countries, but I can't – they would be confiscated from me."

Christian books have on occasion been handed to Azerbaijan's Russian Orthodox diocese, even though many of the books may have been confiscated from people who are not Russian Orthodox. On 27 December 2010, the Customs Committee formally handed over 79 religious books at Baku's Orthodox cathedral. Committee Chair Aydyn Aliyev stated that these books had been confiscated by his officers, the APA news agency noted the same day.

Everyday censorship

The Expertise Department's main task remains censorship of religious literature which individuals or religious communities want to publish or import into Azerbaijan. Not only does the State Committee give or deny approval for specific publications and even their titles, if it approves them it also specifies the number that it approves. Such numbers are often far below the number sought, members of a variety of religious communities have told Forum 18 (see F18News 6 August 2008 http://www.forum18.org/Archive.php?article_id=1168).

The State Committee in its report for 2009 submitted to Azerbaijan's Parliament, the Milli Mejlis, noted that 2,332 different religious books were submitted for censorship that year, Trend news agency noted on 11 March 2010. Of these 380 were deemed "harmful", and their import and distribution was prevented. It added that for 114 publications for which republication permission had been sought, suggestions for "appropriate changes" were "recommended" in 21 cases to correct "defects".

The State Committee report to the Milli Mejlis for 2010 noted that of 1,710 religious titles submitted for censorship that year, 390 were deemed "harmful" and they were banned from import and distribution. Of 152 submitted for approval for publication within Azerbaijan, 15 were considered "inexpedient", APA news agency noted on 7 March 2011.

No "religious propaganda" for foreign NGOs

Meanwhile, new procedures for local branches in Azerbaijan of foreign non-governmental organisations ban their registration with the Justice Ministry if, among other things, they engage in "political or religious propaganda". The new ban came in Article 3.2.4 of the Rules for implementing the Law on Non-governmental Organisations. These were approved by a Cabinet of Ministers Decree of 16 March, signed by Prime Minister Artur Rasizade and published on the state legal portal e-qanun.az.

The new Rules came after amendments in 2009 to the Law on Non-governmental Organisations, passed at the same time as amendments targeting the freedom of religion or belief of Muslims (see F18News 18 June 2009 http://www.forum18.org/Archive.php?article_id=1314). The NGO Law changes, amongst other repressive measures, stated that international organisations carry out their activities only after agreement about those activities with the government.

Local and international human rights groups protested about the new rules in April, complaining that they violated principles of freedom of association. They pointed out that many of the terms – including "political or religious propaganda" – are not defined. They have asked members of the Council of Europe's Parliamentary Assembly to request a Venice Commission review of the 2009 amendments and new procedures.

Leila Agaeva of the Registration Department of the Justice Ministry insisted that the new rules would not prevent humanitarian organisations founded by religious communities from gaining registration in the country from continuing their work. She cited the Adventist Development and Relief Agency, which has had registration in Azerbaijan since 1994. "Their main aim is humanitarian aid, so this will only affect them in that they are not allowed to conduct religious propaganda," Agaeva told Forum 18 on 11 April.

Adventists are among the many religious communities to have their freedom of religion or belief attacked by the state (see F18News 26 January 2011 http://www.forum18.org/Archive.php?article_id=1533).

She claimed that organisations that promote religious freedom for all can apply for registration with her Ministry, as their work "is abstract and doesn't represent promotion of one faith". But she added: "Any organisation that has a direct relation to one faith has to be registered by the State Committee for Work with Religious Organisations."

Agaeva was unable to say why the local branch of the International Religious Liberty Association, along with many other religious-based NGOs, has for years failed to obtain registration from the Justice Ministry (see eg. F18News 27 June 2005 http://www.forum18.org/Archive.php?article_id=594). "Maybe it's because of this rule, maybe because it has the word 'religious' in its title, maybe there was something wrong with its registration application." (END)

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1192.

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 personal commentary on the European Court of Human Rights and conscientious objection to military service is at http://www.forum18.org/Archive.php?article_id=1377).

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>.

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY