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AZERBAIJAN: Literature censorship for export also?

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

Azerbaijan's wide-ranging religious literature censorship system has started to affect the export of such literature, Forum 18 News Service has found. Customs authorities recently confiscated Christian religious literature from Azerbaijani citizens leaving Azerbaijan. No mention is made in Azerbaijan's laws of censorship of religious literature taken out of the country. Similarly, Forum 18 was told by a customs official that customs regulations are also silent on this point. An official of the State Committee for Work with Religious Organisations, speaking after the confiscation of Muslim literature, told Forum 18 that "our society doesn't need books that don't suit our laws and our beliefs." He claimed that unspecified religious literature could cause unspecified "social harm and possibly inter-religious and inter-ethnic violence." Jehovah's Witnesses have filed three lawsuits specifically against the censorship system, which, they point out, is a violation of the right to religious freedom as guaranteed by the European Convention on Human Rights, to which Azerbaijan is a party.

Azerbaijan's compulsory censorship of all religious literature has started to affect the export of religious literature, Forum 18 News Service has found. In early January, Azerbaijani customs authorities confiscated religious literature from Azerbaijani citizens leaving Azerbaijan. "We know the authorities seize religious literature coming into Azerbaijan, but going out?!" Ilya Zenchenko, head of the Baptist Union, exclaimed to Forum 18.

Zenchenko told Forum 18 that on 4 January, two Baptists were on their way to visit fellow-Baptists in Azeri-speaking villages in eastern Georgia. They crossed the land border to Georgia at the Mazimchai crossing point, in the north-western Balakan District. At that crossing point, Azerbaijani customs officers seized Azeri-languages Bibles and computer discs with Christian material from the two Baptists.

No mention is made in Azerbaijan's laws – such as the Religion Law, or the Regulations of the State Committee for Work with Religious Organisations - of censorship of religious literature taken out of the country. Similarly, Forum 18 was told on 20 February by an official of the Passenger Department at Baku Customs, who would not give their name, that customs regulations are also silent on this point.

Forum 18 asked how, if an Azerbaijani citizen leaves the country with personal religious literature, such as a copy of the Koran or the Bible, and then returns home with it, Customs officials know if it is the same book and can thus be brought back into Azerbaijan. The official insisted this is no problem. However, he failed to explain how Customs know if it is the same book.

Although religious believers have told Forum 18 confiscation of small quantities of religious books from individual travellers at Customs has lessened in recent years, in the past such confiscations – even of personal copies of the Koran or Bible – have happened (see F18News 6 August 2008 http://www.forum18.org/Archive.php?article_id=1168).

In another new development, Jehovah's Witnesses told Forum 18 that censorship has been in 2008 extended to all their literature, whether it is in Azeri, Russian or any other language. Past obstruction to their literature was primarily directed towards Azeri-language material. The Jehovah's Witnesses have sought to challenge specific literature import denials and the system of censorship overseen by the State Committee.

Azerbaijan's compulsory prior censorship requires all religious literature printed in and imported into the country to gain specific approval from the State Committee. 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).

Following their usual practice, no official at the State Committee was prepared to discuss the censorship of religious literature with Forum 18 on 23 February. The man who answered the phone of Aliheidar Zulfikarov of the Expertise Department told Forum 18 it was a wrong number and put the phone down. The man who answered the phone of press spokesperson Yagut Aliyeva told Forum 18 she was not in the office and that the issue was not within his competence. Zulfikarov has previously defended the system of prior compulsory censorship of religious literature to Forum 18 (see F18News 6 August 2008 http://www.forum18.org/Archive.php?article_id=1168).

The Baku Customs official, the only official at the State Customs Committee prepared to discuss the system of state censorship of religious literature with Forum 18, openly admitted that religious literature is treated differently from any other literature. "Of course you don't need permission to import works by, say, Tolstoy or Dostoevsky," the official – who declined to give their name – told Forum 18.

However, the official was unable to explain why the import of religious literature needs special permission, as censorship was formally abolished under an August 1998 Presidential Decree (see F18News 6 August 2008 http://www.forum18.org/Archive.php?article_id=1168). "It's in our law – we just implement our law," they insisted. Asked whether the late President, Heydar Aliyev, had been wrong to state that censorship had been abolished, the official responded: "No, he wasn't wrong. But there are some problems when people import books to stir up controversy here."

The official refused to discuss the list of "banned" religious literature drawn up by the State Committee.

Asked to identify the law that specifically authorised the censorship of religious literature, the Customs official agreed that Azerbaijan's laws on customs controls include nothing on the subject. But he pointed to Presidential Decree 609 of 24 June 1997 and Cabinet of Ministers Decree 105 of 31 May 2000. These both list items that are subject to special controls (such as ammunition or drugs), but there is no mention of religious literature in either.

The Customs official also referred to the Religion Law, which does specify the State Committee's role in carrying out the official censorship. Article 9.2 of the State Committee's Regulations states that it "takes control of the production, import, and distribution of religious literature, items, and other religious informational materials, and gives its consent on the basis of the appeals of religious institutions and relevant state bodies in accordance with the established procedure" (see F18News 6 August 2008 http://www.forum18.org/Archive.php?article_id=1168).

The Baku Customs official explained to Forum 18 that people wishing to import religious literature need to write to the State Committee asking for permission to import a specified number of copies of a named title. Customs needs a letter from the State Committee "telling us that there is nothing objectionable" in each book to be imported. The letter also specifies the number of copies authorised for import. "Then we clear the book."

The official stressed that all this should be done before the books arrive in Azerbaijan. Asked what happens if religious books are brought to Customs without prior permission from the State Committee the official responded: "We'll stop them, take them to temporary storage. If they are permitted, then we'll allow them to enter. If not, they're seized. The importer then has the choice, whether to take them out of the country or leave them to the Customs to destroy. If they haven't been declared as religious books, then the importer will be fined."

State Committee officials have repeatedly told the local media about "dangerous" and "extremist" religious literature that has been seized at Customs. Officials told the Azeri Press Agency on 11 February and the Trend News Agency on 18 February that the import into Azerbaijan of 59 different titles "propagating religious intolerance and discrimination" had been prevented in 2008. Officials said the State Committee had examined 1,507 titles in 2008, a rise on earlier years.

On 13 January, Trend News Agency quoted local State Committee representative Miryahya Badirov as stating that Customs officials had prevented the import of "illegal" religious literature by Russian pilgrims. The report said they were returning from a pilgrimage, presumably the haj to Mecca, when they were stopped at Customs at Astara on the southern border with Iran. It said 4,000 books of eight different titles, mostly in Kyrgyz and Russian, were seized.

Speaking to Forum 18, Badirov claimed he had been misquoted. He denied that the Russians had been pilgrims, describing them as "book traders," and said that the 4,000 books had been confiscated over a three or four-month period. He insisted that the expert analysis conducted by the State Committee in Baku had confirmed that the books were "harmful." "Everyone is subject to the law," he told Forum 18 from the southern town of Masalli on 23 January. "We also checked the literature of pilgrims returning from the haj."

Badirov insisted that censorship is necessary to protect the country. "Our society doesn't need books that don't suit our laws and our beliefs," he told Forum 18. "We're not prepared to put Azerbaijan at risk." He claimed that unspecified religious literature could cause unspecified "social harm and possibly inter-religious and inter-ethnic violence."

Azerbaijan continues to keep a central Baku mosque closed, despite legal challenges from its congregation, and to maintain a nationwide ban on Muslims praying outside of mosques during Friday prayers (see F18News 29 January 2009 http://www.forum18.org/Archive.php?article_id=1246).

Jehovah's Witnesses have complained to Forum 18 of "repeated problems" with importing religious literature into Azerbaijan. The State Committee has given them several written warnings because of their attempts to import these "prohibited" religious publications. Jehovah's Witnesses have filed three lawsuits specifically against this censorship of literature, which, they point out, is

a violation of the right to religious freedom as guaranteed by the European Convention on Human Rights, to which Azerbaijan is a party.

In March 2008 the Jehovah's Witnesses tried to challenge the State Committee's right in law to censor religious literature, but Judge Rauf Ahmedov of Baku's Sabail District Court ruled that the issue should be challenged not in a local court but at the Constitutional Court. On 13 October 2008 the Supreme Court dismissed the final appeal on this case and the Jehovah's Witnesses are considering taking the case to the European Court of Human Rights in Strasbourg.

Meanwhile, the Jehovah's Witnesses lodged another similar case directly at the Constitutional Court on 17 December 2008. A hearing on the case is pending, they told Forum 18.

Separately, the Jehovah's Witnesses went to court to challenge a 13 June 2008 decision by the State Committee to reject an application to import a shipment of literature. At the same time, "banned" literature was confiscated from Protestants and Jehovah's Witnesses in police raids (see F18News 12 June 2008 http://www.forum18.org/Archive.php?article_id=1142). Appeals to higher courts against the June 2008 decision were rejected, most recently on 3 December. The Jehovah's Witnesses are preparing to challenge this rejection at the Supreme Court.

Some religious communities have had limited success in appealing directly to the State Committee to allow religious literature into the country. Georgian Orthodox Bishop Sergi Chekurishvili of Nekrissi, whose diocese in eastern Georgia includes the Kakh [Qax] District of Azerbaijan which has a Georgian Orthodox minority, said that small quantities of literature can be brought in from Georgia.

Bishop Sergi said he had met Hidayat Orujev, the Chair of the State Committee, who had asked the Georgian Orthodox not to bring in "too much" literature. "So we don't," he told Forum 18 on 29 January. "On the border Azerbaijani Customs won't allow in large quantities even of Bibles or baptismal crosses. All we are doing is providing pastoral care to our flock."

Georgian Orthodox believers in the area are also struggling to gain state permission re-open churches that Azerbaijan insists on keeping closed (see F18News 29 January 2009 http://www.forum18.org/Archive.php?article_id=1246).

Religious literature confiscations are frequently publicised by the authorities in Azerbaijan's mass media. The 13 January Trend report said 1,300 books of 16 titles had been confiscated in 2008 both at operations on the border and in local bookshops in southern districts. The same agency reported on 18 February that 19 "banned" religious books had been confiscated from a resident of the village of Haji Zainabaldin near Sumgait [Sumqayit], on the Caspian Sea, in a joint operation by the town police and officials of the State Committee. Neither the names of the books nor the religious affiliation of the resident were given.

Police confiscated almost 100 Christian books and leaflets when they raided the home of Baptist pastor Hamid Shabanov in the village of Aliabad in the north-western Zakatala [Zaqatala] District in June 2008 and arrested him. He was sentenced on 11 February to two years' corrective labour on charges of owning an illegal gun – charges he rejects (see F18News 12 February 2009 http://www.forum18.org/Archive.php?article_id=1254).

Shabanov said police described the books they confiscated – which included Bibles in Russian and Azeri – as "illegal". "I got the verdict today and it made no mention of the confiscated books," he told Forum 18 from Aliabad on 23 February. "But they are still refusing to return them."

The Jehovah's Witnesses face frequent confiscations of their literature when their meetings are raided by police (see F18News 12 February 2009 http://www.forum18.org/Archive.php?article_id=1254).

The Chair of the State Committee, Orujev, continues to instruct the police that Jehovah's Witnesses do not have the right to distribute their literature, Forum 18 was told. Consequently, the police have arrested and fined Witnesses for distributing their literature. "Orujev and his predecessor, Rafik Aliev, have both given television interviews in which they encourage the public to treat us as if we had no right to distribute religious literature," they told Forum 18. (END)

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.

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 survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806.

A printer-friendly map of Azerbaijan is available at
<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=azerba>.

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY