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AZERBAIJAN: Harsh fines cancelled, banned books list publication soon?

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

Two Baptists in Azerbaijan's north-western Zakatala District - Pastor Zaur Balaev and Hinayat Shabanova – have had harsh fines overturned on appeal, Forum 18 News Service has learnt. Both had been punished for participating in unregistered religious meetings in their home village of Aliabad. The State Committee for Work with Religious Organisations has announced that it will make a list of banned books public, but without giving a date for this. And more changes to the Religion Law restricting where religious literature and other materials can be sold, and requiring such items to be marked with special stickers before they can be sold, have been approved by President Ilham Aliyev. Religious literature is often confiscated in raids on religious meetings and at the border, in mid-March Customs officers confiscating works by Muslim theologian Said Nursi at Gyanja Airport. Also, concern has been expressed about a school textbook that denigrates some faiths.

Two Baptists in Azerbaijan's north-western Zakatala [Zaqatala] District - Pastor Zaur Balaev and Hinayat Shabanova – have had harsh fines overturned on appeal, Forum 18 News Service has learnt. Both had been punished for participating in unregistered religious meetings in their home village of Aliabad. The Baptists have sought state registration for their community in vain since 1994, an Azerbaijani record. "The fines have been cancelled, but that still doesn't mean we can meet for worship," a fellow-Baptist told Forum 18 from Aliabad on 1 May. "Because we have no registration we have no right to meet."

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Fines overturned

On 25 April, Judge Inshallah Kuliyevev of the Administrative Division of Sheki Appeal Court overturned the fine handed down on Pastor Balaev. The same day, Judge Qadim Babayev overturned the fine on Shabanova, according to the decisions seen by Forum 18. Both had been punished for exercising their right to freedom of religion or belief. The Judges gave the reason as the length of time between the religious meetings for which they were punished – November 2012 – and the date of the first court hearing in March 2013. Under Article 36 of the Code of Administrative Offences, prosecutions should be brought within two months.

Azizaga Mamedov, Head of Sheki Appeal Court Administration, confirmed the overturning of the lower court decisions but refused to discuss the cases with Forum 18 on 30 April.

Neither Pastor Balaev nor Shabanova attended the Appeal Court hearings, Baptists told Forum 18, as they feared being pressured by prosecutors or the judges. The two received copies of the decisions in writing on 29 April.

Pastor Balaev and Shabanova had each been found guilty at Zakatala District Court on 29 March of violating Article 299.0.3 of the Code of Administrative Offences. This punishes "clergy and religious associations holding special religious meetings for children and young people, as well as the holding by religious bodies of literature circles or other specialised groups". Punishment for individuals is a fine of 1,500 to 2,000 Manats.

Balaev and Shabanova were each fined 1,500 Manats (11,000 Norwegian Kroner, 1,500 Euros or 2,000 US Dollars). The sums represent more than a year's average local wages for a manual worker (see F18News 4 April 2013 http://www.forum18.org/Archive.php?article_id=1820).

Former prisoner of conscience Pastor Balaev – who is caring for his wife suffering from cancer – was imprisoned from May 2007 to March 2008 for his faith (see F18News 19 March 2008 http://www.forum18.org/Archive.php?article_id=1102). Shabanova's husband - Pastor Hamid Shabanov – was held in pre-trial detention from June to November 2008, and in February 2009 he was given a two-year suspended sentence on charges he and his fellow-Baptists insisted were fabricated to punish him for exercising his

freedom of religion or belief (see F18News 12 February 2009 http://www.forum18.org/Archive.php?article_id=1254).

Shabanova was brought to court in place of her husband, who was away in Russia, where their grandchild was undergoing a serious operation. The fines were imposed after raids on the Balaev and Shabanov family homes in Aliabad in November 2012. Police warned those present that meeting for religious worship without registration is "illegal". They seized religious literature – including Bibles – in Azeri, Russian and Georgian. (The Balaevs and the Shabanovs are from the local Georgian-speaking minority.) Local police refused to discuss with Forum 18 why they had raided the two homes and seized religious literature (see F18News 9 November 2012 http://www.forum18.org/Archive.php?article_id=1765).

Baptists told Forum 18 from Aliabad that, as of 1 May, the confiscated religious literature had still not been returned, despite earlier police promises that it would be.

Pastor Balaev and Shabanova are also considering complaining to the Justice Ministry and the Interior Ministry over threats against them from Judge Imanverdi Shukurov and the police during the March hearings at Zakatala District Court.

Banned religious publications list to be public?

The State Committee for Work with Religious Organisations is preparing to publish "soon" a list of religious publications it has banned, Committee Chair Iskenderov told the local news agency 1news.az on 12 April.

State Committee officials have repeatedly stated that they have a list of banned books, but have repeatedly declined to make it public. Forum 18 has been seeking – in vain – a copy of the list of religious books the State Committee has refused to give permission for (see F18News 22 December 2011 http://www.forum18.org/Archive.php?article_id=1651).

Orhan Ali, the State Committee spokesperson, told Forum 18 on 30 April it was still not possible to supply the list. "Work in this direction is currently in progress. This will be announced in the near future."

Forum 18 is aware that since Iskenderov's announcement that the list is finally to be published, members of religious communities have also asked the State Committee for a copy, so far in vain.

An official of the State Committee's Expertise Department – which conducts the compulsory prior censorship of all religious literature and which maintains the banned publications list – told Forum 18 on 30 April that "we're still working on the list". The official, who would not give his name, was unable to say when the list would be published. He repeatedly refused to say even approximately how many items are on the list. "There are not so many," was all he would say. "Not as many as 100."

The official insisted that five key religious texts – including the Koran and the Bible – are not subject to compulsory censorship. "But for other books, people must apply to us." He refused to explain why the request by the Baptists to import 3,500 Bibles had been rejected. They were allowed to import only 1,000 (see F18News 4 April 2013 http://www.forum18.org/Archive.php?article_id=1820).

The official claimed that permission requests took "maybe one week" if a book is short, and "if the book is very long, the review might last more than two weeks". He refused to explain why the Baptists had to wait three months for a response when they requested permission to import the Bibles.

Jehovah's Witnesses have repeatedly tried to challenge State Committee censorship of their religious publications in court, so far with no success (see F18News 12 November 2012 http://www.forum18.org/Archive.php?article_id=1766).

Seizures

Police and other state officials frequently seize religious literature in raids on religious meetings. In mid-March, Baku-based Muslim Zeka Miragayev lodged a further appeal to Baku Appeal Court in his case against the police and National Security Ministry (NSM) secret police who raided his private home in May 2012 and seized religious literature, including Korans. "They've given us no date for when the appeal is due to be heard," Miragayev's friends lamented to Forum 18 from Baku on 2 May. They added that the confiscated books have still not been returned, one year after their seizure.

Judge Farmayil Zeynalli of Administrative Economic Court No. 2 had rejected Miragayev's suit against the police and NSM secret police on 25 January (see F18News 4 April 2013 http://www.forum18.org/Archive.php?article_id=1820).

An official of Baku Appeal Court's Civil Division, who gave her name as Elada, told Forum 18 on 2 May that she is familiar with the case. But she said Administrative Economic Court No. 2 has not yet passed on the documentation in the case, so Baku Appeal Court cannot process it. She did not know why the documentation has not been passed on.

Judge Zeynalli's assistant at Administrative Economic Court No. 2 – who would not give his name – insisted to Forum 18 on 2 May

that the court has passed on the appeal to Baku Appeal Court on 29 March.

Religious literature is also frequently confiscated on the border. Several sets of the 15-volume collection of writings by the late Turkish Muslim theologian Said Nursi were confiscated at Gyanja Airport in March from an Azerbaijani citizen returning from Istanbul in Turkey. "Customs officers seized the books with no documentation," the individual's friends complained to Forum 18 on 2 May.

They added that travellers with two or three religious books generally do not face problems. "But having more religious books than for personal usage creates problems. People know this and try not to carry too many such books."

Religious literature was seized from the Byakov family in September 2012 as they returned from Russia and was sent to the State Committee in Baku for "expert analysis". The family minibus was also seized (see F18News 25 October 2012 http://www.forum18.org/Archive.php?article_id=1759).

The minibus was subsequently returned. But in November 2012, two months after the confiscation, Khachmaz District Court ruled that, although the State Committee had found that the literature contained nothing against the law, it should be the property of the state, Pavel Byakov told Forum 18 from Sumgait on 1 May. "They wouldn't give the decision in writing." However, he noted that threats of fines against family members had been dropped.

More religious censorship

Further amendments to the Religion Law tightening controls over sale of religious materials – including literature – have entered into force. The amendments were signed into law by President Aliyev on 10 April, the presidential website noted.

The amendments provide for a revised Article 22, which now requires all religious materials, such as books, video and audiotapes, and discs to be specially marked to show they are allowed for sale in the country. It also requires that religious materials be sold only in specially designated shops.

In defiance of its binding international human rights commitments, Azerbaijan repeatedly increases punishment for exercising freedom of religion or belief (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/Archive.php?article_id=1690). The latest censorship amendments follow earlier censorship changes made in July 2012 (see F18News 18 July 2012 http://www.forum18.org/Archive.php?article_id=1721).

Azerbaijan's parliament, the Milli Mejlis, had approved the latest censorship amendments on 22 February. The amendments were part of numerous other legal changes increasing state control over religious communities and religious activity (see F18News 4 April 2013 http://www.forum18.org/Archive.php?article_id=1820).

The censorship amendments provoked strong criticism from the Council of Europe's Venice Commission at its 8 and 9 March plenary session in Venice. "These amendments are clearly at odds with the text and the spirit of the recommendations of the Joint opinion of the Venice Commission and the OSCE/ODIHR," the session report issued on 10 April noted.

The October 2012 Venice Commission/Organisation for Security and Co-operation in Europe Opinion of Azerbaijan's Religion Law had highlighted a wide range of its provisions which fail to comply with Azerbaijan's international human rights commitments and recommended changes (see F18News 23 October 2012 http://www.forum18.org/archive.php?article_id=1757).

The March 2013 Venice Commission plenary session pointed out that the Opinion had "invited the authorities to 'remove undue restrictions on the rights of individuals and religious groups to produce, import, export, and freely disseminate, and sell religious literature, items and other informative materials' in order to comply with International standards."

Elshad Iskenderov, Chair of the State Committee, told 1news.az on 12 April – the day the amendments were officially published – that "soon books of religious content will bear holograms".

Speaking while on a visit to the town of Shemakha, Iskenderov insisted that local printers and publishers should be meeting the demand for religious literature. "But in the question of producing and importing religious literature no limitations will be introduced," 1news.az quoted him as claiming.

School textbook concerns

The head of the Yeni Nesil Journalists' Union and two religious leaders – one Jewish and one Christian – have expressed concern about a school textbook which denigrates Judaism and Christianity, Rashad Rustamov noted in the Russian-language Baku newspaper "Zerkalo" on 20 April. He said the textbook was approved by the Education Ministry in July 2012.

The 77-page textbook – "Life Knowledge" by Nushaba Mammadova and Aynur Bagmanli – was published in 2012 by the Education

Ministry's publishing house in Azeri and in Russian-language translation (with the title "Knowledge of the World"), according to the Azerbaijan National Library catalogue. It is used for children in the fifth class, who are aged 10 or 11.

The book states on page 57 of the Russian-language edition that Adam was the first person and first prophet. "All prophets from Adam to the prophet Jesus preached to the people the faith in one God and how one should worship him. However, the bases and dictates of the faith which they preached have gradually been broken, and the originals have been lost. For example, over time such traditional religions as Christianity and Judaism have with time been changed by Christian and Jewish religious figures and have lost their original meaning. Then the Almighty Allah decided to warn all people and chose the Prophet Muhammad (pbuh) in order that he could bring them the most perfect religion – Islam. Islam is today the most perfect religion on Earth and the most acceptable from Allah."

Rustamov asks how acceptable such sentiments are. He notes that Azerbaijan is a secular state and that the Constitution guarantees equal rights to people of all faiths.

Faik Shahbazli, head of the Textbook and Publication Department of the Education Ministry, refused absolutely to answer any of Forum 18's questions on whether he had authorised the textbook for use in schools, why such remarks had been included, whether any complaints had arrived at the Ministry about them and whether the Ministry plans to amend this part of the text. "You must ask your questions via the Ministry's press officer Bayram Huseynzada," he kept repeating to Forum 18 on 1 May.

Forum 18 repeatedly tried to reach Huseynzada at the Education Ministry on 1 and 2 May, but each time his telephone went unanswered. Forum 18 also submitted its questions to him in writing on 1 May, but had not received a response by the end of the working day in Baku on 2 May.

"Exaltation of one religion and denigration of another"

Arif Aliyev, head of the Yeni Nesil Journalists' Union, told "Zerkalo" that which religion is more perfect or has been changed is a matter for theological discussion. "Such an issue should not be included in a 5th class school textbook." He criticised the authors of the textbook for including such remarks.

The head of the organisation of the Mountain Jews, Melikh Yevdaev, was more critical. "This is an insult to our religion," he told "Zerkalo". He questioned the textbook's assertion that some faiths had been changed. "Are they saying we changed the Torah?" He noted that not one letter of the Torah can be changed. "That would be blasphemy."

The head of the Baptist Union, Ilya Zenchenko, told the paper that the comments represent "the exaltation of one religion and the denigration of another". He said this was a matter for theological debate "and it is not necessary to drag school pupils into this discussion". He added that one of his sons is in the 5th class and had to use the Russian-language textbook. (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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