

13 February 2018

AZERBAIJAN: State's theological review bans book on Islam

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

The State Committee for Work With Religious Organisations – which implements the state's prior compulsory censorship of all religious literature – banned a book on Islam by Muslim theologian Elshad Miri. An official deemed it "unsuitable for publication" because he disagreed with it theologically.

The State Committee for Work With Religious Organisations has banned a so-far unpublished book on Islam by prominent Muslim theologian Elshad Miri. The State Committee conclusion that Miri's book is "deemed unsuitable for publication" and could therefore "have a negative influence on religious stability" is based entirely on theological objections to his interpretation of his faith, Forum 18 notes.

Miri complained to Forum 18 that the ban on his book was based on "subjective considerations". He also condemned the system of state censorship of religious literature. "I think that in a world where media exist on the internet, it is not right to forbid anyone to think freely," he told Forum 18. The official who wrote the review refused to speak to Forum 18 (see below).

Following a police and State Committee raid on her shop in the capital Baku, yet another bookseller has been fined for selling religious books without state permission. Ruhyya Mehdiyeva was fined about four months' average wage on 1 February (see below).

Religious censorship appears to take a lot of State Committee attention. "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, told the local Trend news agency in January 2017 (see below).

In 2017 the European Court of Human Rights in Strasbourg asked the Azerbaijani government to respond in several Jehovah's Witness cases where the State Committee banned the import of their publications or police and the courts detained and punished individuals for distributing religious literature "illegally" (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. When the State Committee does give 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 noting that they have State Committee approval. State officials have repeatedly denied that this represents censorship (see F18News 1 October 2015 http://www.forum18.org/archive.php?article_id=2107).

"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, told the local Trend news agency on 27 January 2017.

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 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).

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 (see F18News 10 May 2017 http://www.forum18.org/archive.php?article_id=2278).

Another banned religious book

The prominent Baku-based Muslim theologian and journalist Elshad Miri handed over the text of his book "Things Not Existing in Islam" to a publisher on 15 January, he told Forum 18 from Baku on 12 February. The book covers seven of what he regards as myths about what Islam teaches. Chapters include "There is no magic in Islam" and "There is no child marriage in Islam".

In line with the state's censorship requirements, the publisher then handed the text of Miri's book to the State Committee for approval.

"No [religious] book can be published without the State Committee's approval," Miri stated to Forum 18. "No printing house can print any religious book without this permission."

"Expert analysis" is theological analysis

On 2 February, the State Committee banned Miri's book on Islam in a one-page document signed by Chief Specialist Namiq Jiriyev (and seen by Forum 18). Jiriyev, who studied Islam in universities in Izmir and Baku between 1998 and 2003, has worked for the State Committee since 2008.

Jiriyev wrote that "the author's superficial approach to the questions, his failure to refer to classical sources on the issues, his showing as sources ayahs [verses of the Koran] or hadiths [sayings attributed to the Muslim prophet Muhammad] that in most cases are irrelevant are evidence that he does not know the views of scholars on these issues," Jiriyev claimed in his analysis.

"One of the most problematic aspects of the book is that it casts doubt on the innocence of the prophets, something that is accepted by all religious scholars," Jiriyev added. "The author makes persistent reference to the outward meaning of some ayahs and says that the prophets, especially the prophet Muhammad, sinned and made mistakes."

Jiriyev also questions Miri's "personal approach" in saying that descendants of Muhammad through his daughter Fatima cannot be considered sayyids. Jiriyev also objects that Miri rejects giving sayyids a privileged position in society. "The latter sections of the book reject the approaches taken by many religious scholars."

Jiriyev's conclusion is brief. "The investigation found ideas in the book that could have a negative influence on religious stability in the country. The book is, therefore, deemed unsuitable for publication."

Jiriyev refused to discuss his ban on Miri's book. As soon as Forum 18 had introduced itself on 13 February he put the phone down. Subsequent calls went unanswered.

Miri told Forum 18 he had learnt about the ban only on the evening of 5 February after he returned from the Far East. He went to the State Committee the following day, where he met the head of the "Expert Analysis" (Censorship) Department, Nahid Mammadov, and one of the State Committee Deputy Chairs.

On 8 February Miri posted a 48-minute video on YouTube, detailing his objections to the State Committee ban on his book (<http://www.youtube.com/watch?v=M8TSAz2uqSY&t=176s>).

"It is not right to forbid anyone to think freely"

Miri objected to both the specific ban on his book, as well as to the system of state censorship of religious literature, he told Forum 18.

"I objected to the ban on the book due to an expert's negative commentary on subjective considerations," Miri told Forum 18. He added that in his 6 February meetings with State Committee officials, he mentioned "the absurdity of an ordinary theologian's review of the work of a person who spent a number of years studying this discipline". He also complained to them that Jiriyev, who signed the State Committee review, admitted that he had not read the whole book.

Moreover, Miri told the State Committee officials "it is not correct to ban a book I wrote in a country which does not [officially] have censorship".

And Miri believes state censorship is wrong. "I think that in a world where media exist on the internet, it is not right to forbid anyone to think freely," he told Forum 18.

Miri said he has not posted the text of his book on the internet, as he could then be accused of distributing a banned book.

Punishments

Prosecutors can bring cases against those who violate the state censorship of all religious literature under both the Criminal Code and Administrative Code.

Criminal Code Article 167-2 punishes: "Production, sale and distribution of religious literature (paper and electronic formats), audio and video materials, religious items and other informational materials of religious nature with the aim of import, sale and

distribution without appropriate authorisation".

Punishments under Criminal Code Article 167-2 for first time offenders acting alone are a fine of between 5,000 and 7,000 Manats or up to two years' imprisonment. Such an "offence" by a group of people "according to a prior conspiracy", by an organised group, by an individual for a second time or by an official would attract a fine of between 7,000 and 9,000 Manats or imprisonment of between two and five years.

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".

Punishment under Article 516.0.2 entails confiscation of the literature, merchandise and products or other materials concerned. Additional punishments under Article 516 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.

Bookseller raided, fined

On 17 January, police officers (including from the 13th Police Station) and State Committee officials raided the Ansar shop in Baku's Sabunchu District, the Interior Ministry noted on its website the same day. They searched the shop and seized 400 religious books which had not undergone state censorship by the State Committee. State Committee officials prepared a record of an offence against the shop owner, Ruhiyya Mehdiyeva, under Administrative Code Article 516.0.2.

The head of Sabunchu Police's 13th Police Station was out of the office when Forum 18 called on 12 February, the duty officer said. He claimed not to know about the raid on the Ansar shop. "I don't know who here was involved – it wasn't me," he said.

The official who answered the phone of the Baku representative of the State Committee Anar Kazimov told Forum 18 on 13 February that Kazimov was out of the office. Asked why State Committee officials had taken part in the raid on the Ansar shop and prepared the case for court, the official repeatedly said "I don't know" and put the phone down.

On 1 February, Judge Ziya Shirinov of Sabunchu District Court found Mehdiyeva guilty of violating Administrative Code Article 516.0.2, the Court chancellery told Forum 18 on 12 February. The Judge fined her the minimum of 2,000 Manats. This is equivalent to about four months' average wages for those in formal work. The Court said Mehdiyeva has not appealed against her punishment.

Jehovah's Witnesses challenge censorship internationally

After the State Committee banned a number of Jehovah's Witness publications from being imported into the country, the community tried to challenge these denials through the local courts. Such challenges failed.

Jehovah's Witnesses have lodged four challenges to the European Court of Human Rights (ECtHR) in Strasbourg over Azerbaijan's state religious censorship, as well as another to the United Nations Human Rights Committee.

On 31 October 2017, the ECtHR asked Azerbaijan to respond to claims in the case of Arif Tagiyev and Others, including Baku's Jehovah's Witness community (Application No. 66477/12) that their rights had been violated by seven State Committee decisions between October 2010 and May 2011. These decisions had restricted the numbers of copies Jehovah's Witnesses could import of some publications and completely banned others. Azerbaijan had until the end of January 2018 to submit its response.

Jehovah's Witnesses have also brought cases to the ECtHR over fines on individuals for offering religious literature to others while they share their faith with them.

On 18 May 2017, the ECtHR asked Azerbaijan to respond to claims in the case of Nina Gridneva (Application No. 29578/11) that her rights had been violated when, in 2010, police in Baku stopped her while offering religious literature on the street, seizing the literature, and a court subsequently fined her for "illegal" religious literature distribution (see F18News 10 December 2010 http://www.forum18.org/archive.php?article_id=1520). Azerbaijan had until mid-August 2017 to submit its response.

On 30 August 2017, the ECtHR asked Azerbaijan to respond to claims in the case of Famil Nasirov and six others (Application No. 58717/10) that their rights had been violated in three separate incidents in 2010 in Baku, Agstafa and Sumgait [Sumqayit]. In all three incidents, police stopped individuals as they were sharing their faith from door to door and seized religious literature. Courts initially fined the individuals for "illegally" distributing banned religious literature, although most of these fines were overturned on appeal. (END)

For 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>.

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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