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AZERBAIJAN: Book censorship appeal still in Supreme Court

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

Theologian Elshad Miri's Supreme Court suit to overturn the state's ban on publishing his book on Islam resumes on 25 June. At a May hearing, the state lawyer "was unable to give a reasoned refutation of our arguments", Miri's lawyer said. Mammad Ramazanov lost his appeal against a large fine for "illegal" distribution of religious books.

On the morning of 25 June, the Supreme Court in the capital Baku is set to resume hearing the suit by Baku-based Muslim theologian Elshad Miri seeking to overturn the State Committee for Work with Religious Organisations ban on the publication in Azerbaijan of his book "Things Not Existing in Islam". 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".

At the earlier Supreme Court hearing on 30 May, "we laid out our position forcefully that the ban was completely illegal," Miri's lawyer Elmar Suleymanov told Forum 18. He said the State Committee's lawyer "was unable to give a reasoned refutation of our arguments" (see below).

Miri has been trying through the courts to overturn the pre-publication ban imposed in February 2018 because an official disagreed with the book theologically (http://www.forum18.org/archive.php?article_id=2351). 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" (http://www.forum18.org/archive.php?article_id=2376) (see below).

No one at the State Committee for Work with Religious Organisations "Expert Analysis [Censorship] Department" in Baku would talk to Forum 18 on 12 June (see below).

In April, Mammad Ramazanov from the northern town of Zaqatala [Zakatala] lost his appeal against his fine – thought to be of several months' average wages - for "illegal" distribution of religious books. The local State Committee official refused to say if he had been involved in the prosecution, or to discuss any other aspect of the case (see below).

Raids have been frequent in recent years, both on individuals (to seize religious literature) and on shops selling religious literature (to check that both the shops and the books themselves have official approval). However, the authorities appear to have launched fewer such raids in 2019 so far, Forum 18 notes.

Jehovah's Witnesses have lodged five appeals to international bodies against the Azerbaijani government's earlier bans on the import of specific items of literature after failing to overturn the bans in local courts. Four cases have been lodged to the European Court of Human Rights in Strasbourg, and one complaint to the United Nations Human Rights Committee. (http://www.forum18.org/archive.php?article_id=2490)

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. If the State Committee for Work with Religious Organisations "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. (http://www.forum18.org/archive.php?article_id=2429)

State officials have repeatedly denied that this is censorship. (http://www.forum18.org/archive.php?article_id=1168)

"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, based

on State Committee "expert analyses". (http://www.forum18.org/archive.php?article_id=2429)

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. (http://www.forum18.org/archive.php?article_id=2429)

Supreme Court challenge to state religious censorship continues

Baku-based Muslim theologian Elshad Miri wrote a book "Things Not Existing in Islam", which 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". (http://www.forum18.org/archive.php?article_id=2351)

Under the censorship system for all religious materials printed and published in or imported into Azerbaijan (http://www.forum18.org/archive.php?article_id=2429), Miri's potential publisher submitted the book to the State Committee for Work with Religious Organisations for censorship.

However, in February 2018 the State Committee refused to approve the book and banned its publication. The book has already been published abroad, including in Azeri in Turkey and Kyrgyzstan. (http://www.forum18.org/archive.php?article_id=2351)

The State Committee "expert analysis" 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 Miri's interpretation of his faith, Forum 18 notes. Miri condemned the system of state censorship of religious literature. "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. (http://www.forum18.org/archive.php?article_id=2351)

Appeals repeatedly rejected

Miri began what would turn into a long-drawn out legal challenge to the ban (http://www.forum18.org/archive.php?article_id=2376). In September 2018 he brought a suit against the State Committee. An "expert analysis" ordered by the Judge from Anar Qafarov of Baku's Theology Institute found that the book does not incite religious hatred or enmity, or conflict between religious groups. (http://www.forum18.org/archive.php?article_id=2411)

Despite this, the lower court in Baku rejected the suit. Miri commented on this sarcastically "Long live censorship!" on Facebook. "I have no freedom of religion now! This is once again confirmed by court decision!" (http://www.forum18.org/archive.php?article_id=2420)

Judge Vusala Bakhishova of Baku Appeal Court rejected Miri's further appeal on 24 January 2019, according to court records.

"Unable to give a reasoned refutation of our arguments"

Miri then submitted his further appeal to the Supreme Court, where it arrived on 27 March. The case finally began on 30 May under Judge Khaqani Mammadov.

"At the hearing we laid out our position forcefully that the ban was completely illegal," Miri's lawyer Elmar Suleymanov told Forum 18 from Baku on 11 June. Judge Mammadov then asked the State Committee's lawyer to comment on Miri's position, "but he was unable to give a reasoned refutation of our arguments", Suleymanov added.

Suleymanov told the hearing that, given the censorship and other violations of the European Convention on Human Rights, if the Supreme Court does not uphold Miri's appeal he will take a case to the European Court of Human Rights (ECtHR) in Strasbourg.

Jehovah's Witnesses have already lodged four challenges to the ECtHR over Azerbaijan's state religious censorship of imported books and magazines, as well as another to the United Nations Human Rights Committee. (http://www.forum18.org/archive.php?article_id=2351)

Judge Mammadov then urged the State Committee and Miri to reach an "amicable agreement" before adjourning the hearing. It is due to resume at 10 am on 25 June, according to the Supreme Court website.

An official at the State Committee for Work with Religious Organisations "Expert Analysis [Censorship] Department" (http://www.forum18.org/archive.php?article_id=2429) immediately put down the phone when Forum 18 called on 12 June.

Zaqatala: Appeal over religious books fails

On 10 April, Judge Rafail Aliyev of Sheki [Säki] Appeal Court in northern Azerbaijan rejected an appeal by Mammad Ramazanov against his fine for "illegal" distribution of religious books, according to court records.

Judge Elbrus Mammadov of Zaqatala District Court had convicted Ramazanov on 27 February under Administrative Code Article 516.0.2. Telephones at the court went unanswered on 11 and 12 June, so Forum 18 was unable to find out how much he had been fined.

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". (http://www.forum18.org/archive.php?article_id=2429)

Punishment under Administrative Code Article 516.0.2 specifically includes confiscation of the literature, merchandise and products or other materials concerned. (http://www.forum18.org/archive.php?article_id=2429)

Punishments under both parts of Administrative Code Article 516 ("Violation of legislation on freedom of religion") as a whole 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. (http://www.forum18.org/archive.php?article_id=2429)

Ilqar Valiyev, the State Committee's local official in Zaqatala, refused to tell Forum 18 on 12 June if he had been involved in Ramazanov's case. He insisted all enquiries should be directed to the State Committee in Baku and put the phone down.

Similar fines for selling religious books which have not passed state censorship, or which are not sold in state-approved places, have been common throughout the country. State Committee officials are normally actively involved in these cases. (http://www.forum18.org/archive.php?article_id=2411) Such raids appear to have reduced significantly in 2019, Forum 18 notes. (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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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY