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AZERBAIJAN: Pastor awaits trial hearing under house arrest

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

Baptist pastor Hamid Shabanov – on trial since July for allegedly possessing an illegal gun – was transferred from prison to house arrest at a hearing in Zakatala on 5 November, church members told Forum 18 News Service. He had been detained for twenty weeks. His next hearing is due on 17 November. He insisted that the accusation against him is fabricated. "The police came into my house back in June and placed the pistol there," he told Forum 18. "The first time I saw it was when they claim to have found it." He believes he will eventually be cleared. "The Word of God is stronger than a pistol." Shabanov's church has been denied legal status since the 1990s, one of three Baptist congregations whose applications have failed. Also denied registration is an Assemblies of God congregation in Baku, whose pastor insisted to Forum 18 that the authorities simply do not want to register any more Christian churches. The State Committee for Work with Religious Organisations refused to discuss registration denials with Forum 18, but its head Hidayat Orujev told the local media on 5 November: "Not one religious organisation applying recently for registration was denied it."

Twenty weeks after his arrest on what members of his church insist are trumped-up charges and fifteen weeks after his trial began, Baptist pastor Hamid Shabanov faced a further hearing on 5 November, Baptists told Forum 18 News Service. At the hearing at Zakatala [Zaqatala] District Court in north-western Azerbaijan, Judge Elchin Huseinov set a new date of 17 November for the trial to continue. But in a move welcomed by church members, the judge transferred Shabanov from prison to house arrest as he awaits the next hearing. "The police and prosecutor still cannot prove Pastor Hamid's guilt," Baptists told Forum 18 on 5 November. "As he has been in prison for five months already, we want to have him released even from house arrest."

Shabanov welcomed his release from prison and transfer to house arrest, telling Forum 18 from his home village of Aliabad on 6 November that he was grateful to all those who had publicised his case. He said he wants the judge to exonerate him completely on 17 November. He added that he does not know how long this new hearing will last, but believes it will be the final one in the long-running trial.

The local official of the State Committee, Nizami Mamedov, told Forum 18 on 6 November that he had been transferred to other duties in October and that the post is currently vacant. He declined to discuss Shabanov's case, saying he no longer has responsibility on religious issues.

The telephones of the District Court went unanswered when Forum 18 called on 6 November.

The woman who answered the phone of Yagut Alieva, spokesperson of the State Committee for Work with Religious Organisations in Baku, said Alieva was out of the office. Asked why Shabanov is being prosecuted and why his church has been unable to gain legal status for more than 15 years and why it has faced repeated harassment, she said she cannot explain.

The 52-year-old Pastor Shabanov, who is married with three adult children, leads a Georgian-speaking Baptist congregation in Aliabad just outside Zakatala. He was arrested during a police raid on his home on 20 June and was held in detention until 5 November. He faces charges under Article 228 Part 1 of the Criminal Code of illegal possession of a weapon, which is punishable by up to three years' imprisonment for those found guilty. His trial has been dragging on since 22 July amid numerous procedural violations and his detention after 21 October was illegal (see F18News 3 November 2008 http://www.forum18.org/Archive.php?article_id=1212).

Shabanov insists that the accusation that he possessed an illegal weapon is fabricated. "The police came into my house back in June and placed the pistol there," he told Forum 18. "The first time I saw it was when they claim to have found it." He said the pistol itself is more than 100 years old. "They have no proof that anyone had ever seen it or anyone had ever sold it to me. It was not mine." He believes he will eventually be cleared. "The Word of God is stronger than a pistol," he told Forum 18.

Shabanov said conditions in prison during his 20-week detention were "not too bad" and he reported that he was not beaten in custody. He said food brought by his family was passed on, but he said he was allowed no meetings with his wife and family.

Baptists in Aliabad have long faced harassment from local officials, including refusal to approve registration applications, police

raids, confiscation of Christian literature and denial of birth certificates to children whose parents give them Christian first names. Shabanov's colleague Pastor Zaur Balaev was freed from prison in March (see F18News 19 March 2008 http://www.forum18.org/Archive.php?article_id=1102).

Shabanov told Forum 18 that the police have now promised to return Christian literature confiscated from him at the time of his arrest, though they have not yet done so.

The Baptist congregation led by Balaev and Shabanov has also got no further in its long battle to get state registration, which in law requires an application by ten adult citizens. The congregation has been unable to register since the early 1990s as the State Notary refuses to confirm the signatures on the registration application, the first stage of the process.

On 22 July when Shabanov's lawyer Mirman Aliev was in Zakatala, he and Ilya Zenchenko of the Baptist Union accompanied ten members of Shabanov's Baptist church to the Notary's Office. When the lawyer presented the documents to confirm the signatures on the community's registration application, the notary Najiba Mamedova again refused to do so. Complaining that the Baptists were preventing her from getting on with her work, she summoned the police and representatives of the Prosecutor's Office, who arrived quickly. "She said we were hooligans," Badri Shabanov, one of the church members present, told Forum 18. Mamedova has a long record of similar behaviour (see eg. F18News 8 December 2004 http://www.forum18.org/Archive.php?article_id=471).

Zenchenko of the Baptist Union says that although the Notary is wrong to have repeatedly refused to notarise the signatures on the application to allow it to be sent on, the State Committee in Baku is ultimately to blame for the lack of registration. "They're guilty because they know about the application but ignore it," he told Forum 18 from Baku on 6 November.

The Aliabad church is not the only Baptist congregation to have failed in its attempt to gain legal status. Baku's Azeri-language Baptist church was closed down by court order in 2002 after the State Committee alleged that the pastor, Sari Mirzoyev, had insulted Islam. Zenchenko told Forum 18 that this congregation's application to gain legal status again has been with the State Committee for several years, as has an application from the Baptist congregation in the southern town of Neftechala.

Another Protestant community whose registration application has failed is the Temple of the Lord, an Assemblies of God congregation in Baku's Nasimi District led by Pastor Rasim Hasanov. The congregation lodged its application back in 2006. Police have told church members that without registration it has no right to meet, a claim not founded in law (see F18News 9 June 2008 http://www.forum18.org/Archive.php?article_id=1140).

After the State Committee "dragged its feet", failing to respond at all for five months, the church wrote to seven government agencies on 14 July complaining about the registration refusal, Pastor Hasanov told Forum 18 from Baku on 6 November. The State Committee then responded on 6 August claiming that the church had failed to include its legal address in the application, a claim the church refutes. "The church uses a private flat as the legal address and we have given this to them three times," Hasanov told Forum 18. He also complained that although the letter was dated 6 August, he only received it one month later. "You see, they constantly try to spin things out."

Hidayat Orujev, the head of the State Committee, which registers religious organisations, told the Azeri Press Agency on 5 November: "Not one religious organisation applying recently for registration was denied it."

Orujev said that in the first ten months of 2008, at least 90 Muslim organisations gained registration, as well as one Jewish community (a Mountain Jewish community in the town of Sumgait [Sumqayıt] registered in August). He added that in the past, seven religious organisations have had their registration annulled.

Orujev claimed that 519 religious organisations now have registration, 487 of them Muslim and 32 of other faiths. Although credible, these figures are impossible to verify independently as the list published on the State Committee's website dqd.gov.az is long out-of-date.

Forum 18 asked the official at the State Committee on 6 November why so many religious communities have seen their registration applications fail, but she again told Forum 18 that she did not know.

Hasanov of the Assemblies of God insisted to Forum 18 that the authorities simply do not want to register any more Christian churches. Zenchenko of the Baptist Union complains that while registration is almost impossible for Protestant churches to get, even those which have it face constant attempts to take it away.

He pointed to the visit to the Baptist congregation in Azerbaijan's second city Gyanja [Gəncə] by the local State Committee official in December 2007. "He warned the church that if the number of congregation members goes below ten it will be stripped of registration," Zenchenko told Forum 18. "He deliberately came in the depths of winter when attendance at church is likely to be lower."

Although the Religion Law does not make registration compulsory, government officials at all levels often act as though it does.

Police and local authorities have raided many religious communities that have chosen not to register or have tried to register but have been refused.

Jehovah's Witnesses have faced severe pressure over the past year, with raids in Zakatala, Baku, Gyanja and the western town of Mingachevir [Mingacevir] near Gyanja. Officials often use the excuse that the communities are not registered (see F18News 18 September 2008 http://www.forum18.org/Archive.php?article_id=1188). (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>.

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