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AZERBAIJAN: Pastor convicted not jailed, insists charges fabricated

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

Baptist Pastor Hamid Shabanov has been convicted of possessing an illegal weapon, but insists that he is innocent. "I will continue to fight against this sentence and to clear my name," he told Forum 18 News Service. Unless Shabanov's conviction is quashed, he will have a criminal record. The head of Azerbaijan's Baptist Union Ilya Zenchenko told Forum 18 though that "the main thing is that Hamid won't have to go to prison." Both the prosecutor and police have refused to talk to Forum 18 about the case and conviction. Concern is being expressed about the arrest of one of Shabanov's relatives, Teyyub Eyvazov, who police claim possessed drugs. Some Baptists think that this is the latest attempt by the authorities to pressure them, although Eyvazov is not a Christian. Meanwhile, yet another raid has been made on a Jehovah's Witness meeting. "It is ironic that at the previous police raid in Gyanja the police said we did not have registration and therefore our meeting was unlawful," Jehovah's Witnesses told Forum 18. "But why, then, do they also raid meetings in Baku, where we do have registration?"

Baptist Pastor Hamid Shabanov, who has been given a two-year corrective labour sentence after being found guilty on charges of possessing an illegal weapon, insists that he is innocent. "I will continue to fight against this sentence and to clear my name," he told Forum 18 News Service from his home in the village of Aliabad in the north-western Zakatala [Zaqatala] District on 12 February.

Unless the conviction of Pastor Shabanov – who has however been freed - is quashed, he will have a criminal record. He was found guilty of illegal possession of a weapon under Article 228 Part 1 of the Criminal Code, which carries a sentence of up to three years' imprisonment. The trial had numerous procedural irregularities and Shabanov has insisted to Forum 18 that the charges are fabricated (see F18News 6 November 2008 http://www.forum18.org/Archive.php?article_id=1214).

Because imprisonment counts as three times' corrective labour, Shabanov's sentence is the equivalent of eight months' imprisonment. As he was in pre-trial detention or house arrest for just over seven months, he has 27 days more to serve from 11 February. The written verdict has not been released, however Forum 18 understands that Shabanov has been sentenced to pay 20 per cent of his salary for the remaining 27 days of his sentence. However as he does not have a job, he does not have a salary.

The head of Azerbaijan's Baptist Union Ilya Zenchenko – who attended some hearings in the long-running case - regards this as an unjust sentence. "However, the main thing is that Hamid won't have to go to prison," he told Forum 18 from the capital Baku on 11 February. "When they arrested first one pastor then another, they thought the church would cease to exist, but they were wrong. Our faith has helped us to win."

Judge Elchin Huseinov of Zakatala District Court found Shabanov guilty on 11 February after a trial that dragged on since 22 July 2008, with repeated postponement of hearings. This made it difficult and expensive for Shabanov's Baku-based lawyer to attend. After Shabanov's arrest on 20 June 2008, he was held first in prison and then under house arrest (see F18News 13 November 2008 http://www.forum18.org/Archive.php?article_id=1217).

The Rule of Law Unit within the Office in Baku of the Organisation for Security and Co-operation in Europe (OSCE) told Forum 18 on 12 February that it has monitored Pastor Shabanov's case before the Zakatala District Court. It said the monitoring was conducted "within the framework of the Office's trial monitoring activities throughout the country in order to assess compliance with fair trial standards and diagnose improvements and shortcomings within the Azerbaijani justice sector".

Prosecutor Hakimkhan Safarov of Zakatala District Prosecutor's Office refused to discuss anything with Forum 18 on 12 February, immediately putting down the phone. District Police chief Faik Shabanov (no relation of Pastor Shabanov) also refused to discuss the case. His deputy, Kamandar Hasanov, asked about the two year corrective labour sentence on Pastor Shabanov, replied: "That's not true." He then put the phone down.

The man who picked up the phone at the regional office in Sheki of the State Committee for Work with Religious Organisations also refused to talk to Forum 18 on 12 February.

Mirman Aliyev, Shabanov's lawyer, insists his arrest and prosecution were connected to his faith and leadership of the church. "I believe this 100 percent, 1,000 percent," he told Forum 18. "I will go on demanding his acquittal." He said that the Zakatala Court would not acquit him because that would mean some ten people – all the police and prosecutors who had been involved in the case – would need to be put in prison.

Aliyev said he will lodge an appeal on Shabanov's behalf to the Sheki Appeal Court. "If that fails we'll go through all the possible courts in Azerbaijan and, if necessary, all the way to the European Court of Human Rights in Strasbourg." He said that unless the verdict is overturned, Shabanov will have a criminal record which he believes is undeserved.

Pastor Shabanov told Forum 18 that at the trial he repeatedly said that he was being prosecuted to punish him for his Christian faith. However, the prosecutor and judge immediately brought discussion back to the pistol they claim to have found in his home. However, he points out that if the trial was nothing to do with his faith the police should have returned the Christian books confiscated from him at the time of his arrest. "They won't return them and won't explain why," he lamented.

Aliyev, Shabanov's lawyer, told Forum 18 he has seen the pistol the police claim to have found. He said it is of Russian Imperial manufacture and dates from 1895. "I can't say where it's from," he told Forum 18. "All the police testified that they had found it in Hamid's house, but we believe and proved in court that they planted it." He said the police have retained it in the case materials.

Shabanov told Forum 18 of the repeated threats by the police against the community, including from the deputy police chief Hasanov. "He told me in his office in Zakatala in May 2008, a month before my arrest, that if we didn't abandon our faith voluntarily he would force us to do so. My lawyer asked him about this in court but he denied ever saying it."

Pastor Shabanov, Zenchenko of the Baptist Union and Shabanov's lawyer Aliyev expressed concern about the arrest on 31 January of one of Shabanov's relatives, Teyyub Eyvazov. He is the brother of another Baptist pastor in the village, Novruz Eyvazov. Police claim they found drugs in his possession, an accusation his relatives and the lawyer reject. Local Baptists told Forum 18 that after Teyyub Eyvazov was arrested they checked the home in the village where he lives alone and found nothing suspicious. Police claim to have found drugs there on 3 February, three days after his arrest.

On 3 February Judge Huseinov, the same judge who sentenced Shabanov, ordered that Teyyub Eyvazov be held in two-month detention while the investigation proceeded. He is facing charges under Article 234 part 1 of the Criminal Code, which punishes illegal possession of drugs. He is now being held in an investigation cell in the prison in the city of Gyanja [Ganca]. The family want him released or at least transferred to a hospital.

"Teyyub is not a Christian, but both his brother and his sister are," Shabanov told Forum 18. He points out that he has suffered psychiatric difficulties since a family tragedy and is not responsible for his actions. He believes it is possible that the police are merely seeking bribes to have the case dropped.

Some local Baptists told Forum 18 that they think Eyvazov was arrested to pressure them. They point to Pastor Shabanov's arrest in June 2008, three months after the release from prison of another local pastor Zaur Balaev (see F18News 21 June 2008 http://www.forum18.org/Archive.php?article_id=1146). Shabanov's congregation has been repeatedly harassed and denied state registration for some 16 years (see eg. F18News 6 November 2008 http://www.forum18.org/Archive.php?article_id=1214).

The lawyer Aliyev – who is now also acting for Eyvazov and visited him in prison in Gyanja on 12 February – noted that his client has never been brought to a criminal or an administrative court. "He has a completely clear record," he told Forum 18. He insists that the charges are being brought to keep up pressure on the Baptists in the village, who are mainly from the local Georgian-speaking Ingilo community.

Meanwhile, the latest of a long series of raids on Jehovah's Witness meetings in private homes across Azerbaijan came on 29 January in Baku. Jehovah's Witnesses told Forum 18 that in the early evening a man in civilian clothes knocked at the door claiming that he was one of the neighbours from the lower floors and that water was leaking allegedly from the apartment where the meeting was being conducted. The owner of the apartment, Galina Luptakova, decided not to open the door. A few minutes later, police officers came up and demanded that she open the door. About half an hour later, after the meeting had ended, those present decided to open the door.

Jehovah's Witness told Forum 18 that five police officers waited outside while another ten entered the apartment without permission. They demanded that everyone in attendance present identification documents. Five men who were present at the meeting were brought against their will to Baku's Nasimi District police station No. 20, where they were detained for three hours. They were accused of violating Article 299 of the Administrative Code, which punishes "infringing the procedure for the creation and functioning of religious associations".

As soon as Forum 18 had asked on 12 February why the Jehovah's Witness meeting had been raided, the man who answered the phone of Azad Kuliev, chief of police station No. 20, told Forum 18 it was a wrong number and put the phone down. Subsequent calls went unanswered.

The Baku raid is the second on a Jehovah's Witness community this year. On 18 January a meeting in the village of Sevinj near Gyanja was raided. Officials insisted the meeting was "illegal" as the community does not have state registration, a claim repeated to Forum 18 by an official of the State Committee in Baku (see F18News 28 January 2009 http://www.forum18.org/Archive.php?article_id=1245).

"It is ironic that at the previous police raid in Gyanja the police said we did not have registration and therefore our meeting was unlawful," Jehovah's Witnesses told Forum 18." But why, then, do they also raid meetings in Baku, where we do have registration?"

In another recent case, police in the northern Balakan District immediately north of Zakatala District detained two Georgian citizens who had come across the border and were spreading their faith as Jehovah's Witnesses. The Azeri Press Agency reported on 10 February that police confiscated 171 copies of three Jehovah's Witness publications from the two before deporting them. (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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