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AZERBAIJAN: Baptist pastor still in jail, prosecution given second chance

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

The judge in the criminal trial of Baptist pastor Hamid Shabanov has not yet convicted him, Forum 18 News Service has learnt. Defence lawyer Mirman Aliyev told Forum 18 that "we called for Shabanov to be acquitted, for an end to the criminal case and for him to be freed. But the judge was afraid to do so and instead sent the case back for further investigation." He said the judge ordered the re-investigation to be complete by 23 August, ready for a new trial. Officials were reluctant to discuss the case with Forum 18. After the trial, Zakatala Deputy Police Chief Kamandar Hasanov accused the head of the Baptist Union, Ilya Zenchenko, of being "an Armenian spy who acts only for money." Hasanov claimed that there is "a special instruction not to allow Baptists to function in Zakatala District." Defence lawyer Aliyev complained of "numerous, gross violations of procedure" including forged documents, with alleged interrogations of Shabanov on days when no interrogations took place. Police have also wrongly claimed that copies of the Bible in Azeri and Georgian are "illegal".

Supporters of Baptist pastor Hamid Shabanov have welcomed the decision yesterday (29 July) by the judge in his criminal trial in the north-western town of Zakatala [Zaqatala] not to convict him. Instead, Judge Elchin Huseynov referred the case back to the prosecutor for further investigation. "We were partially successful," Shabanov's lawyer Mirman Aliyev told Forum 18 News Service on 29 July. "We called for Shabanov to be acquitted, for an end to the criminal case and for him to be freed. But the judge was afraid to do so and instead sent the case back for further investigation." He said the judge ordered the re-investigation to be complete by 23 August, ready for a new trial at Zakatala Court.

"We expect they will try again to imprison Shabanov - and we will try again to get him freed," Aliyev told Forum 18. "He's not guilty. They are doing this solely because he is a Christian." The judge rejected the lawyer's application to have Shabanov released pending the retrial.

"We regard this as a first victory, but there is still much struggle ahead to free Hamid," Ilya Zenchenko, head of Azerbaijan's Baptist Union, told Forum 18 on 29 July. "Hamid spoke up in court to declare that he was not guilty. But they are one team, the police, the prosecutors and the judge."

Hekimkhan Seferov of the Zakatala District Prosecutor's Office, who is leading the prosecution case, was not available to Forum 18 on 30 July. Officials at the government's State Committee for Work with Religious Organisations were reluctant to discuss Shabanov's case with Forum 18 on 30 July. The official spokesperson Yagut Aliyeva was out. Aliheidar Zulfikarov, an official in the Expert Analysis Department which censors religious literature, told Forum 18 that the case is a matter for the courts. "The Committee doesn't get involved in legal cases."

Told that Christian literature had been confiscated as "illegal" from Pastor Shabanov at the time of his arrest on 20 June, as well as in 2007, Zulfikarov confirmed to Forum 18 that the Committee had received no religious literature from the police in Zakatala to review in the past few months.

Highly critical of the whole case are members of Shabanov's family. "We're very unhappy – we want Hamid vindicated and freed. But they don't want to free him," his brother Badri Shabanov told Forum 18 on 30 July from their home village of Aliabad near Zakatala. "The proceedings are not objective. The whole case is a charade. They're holding him now at the police station as if he's a terrorist."

Zenchenko of the Baptist Union told Forum 18 that Zakatala's Deputy Police Chief, Kamandar Hasanov, reacted angrily to the judge's decision. Hasanov met Zenchenko in the corridor outside the courtroom and had him taken to his office at the police station, where Zenchenko was interrogated and threatened for an hour. "Hasanov called me an Armenian spy who acts only for money," Zenchenko told Forum 18. "He demanded in a threatening manner that I should not return to Zakatala, stop helping local Baptists, and that I should abandon my faith."

Zenchenko said Hasanov forced him to write a statement and took a photocopy of his identity documents after checking that they

were genuine. "He also told me that there is a special instruction not to allow Baptists to function in Zakatala District." Zenchenko told Forum 18 he intends to write to Azerbaijan's President Ilham Aliyev to find out whether such an instruction exists and who has issued it. "I doubt that it comes from the president – if it exists it must be from the local administration."

Forum 18 has been unable to find out from Zakatala District Administration if such an instruction exists and if so why. The official who answered the telephones of Asif Askerov, head of the Administration, and his deputy both refused to identify themselves or discuss anything with Forum 18.

Zenchenko and defence lawyer Aliyev had travelled the 450 kms (280 miles) from the capital Baku to attend the full trial, which began on 28 July. An initial hearing had been held on 22 July, but had been adjourned after the lawyer complained he had not been given the prosecutor's case ahead of the hearing and had not had time to prepare the defence case (see F18News 23 July 2008 http://www.forum18.org/Archive.php?article_id=1162).

Hamid Shabanov is leader of one of several Baptist congregations in the majority Georgian-speaking village of Aliabad. The 51-year-old pastor is married with three adult children. Members of the congregations 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 (see eg. F18News 19 March 2008 http://www.forum18.org/Archive.php?article_id=1102).

Pastor Shabanov is facing trial under Article 228, part 1 of the Criminal Code, which punishes illegal holding of a weapon with a sentence of up to three years' imprisonment. Shabanov's congregation and his family insist that the Nagan pistol a Prosecutor's Office official claims to have found, during the 20 June house search, was planted. Shabanov was arrested immediately after the alleged discovery.

Among the confiscated Christian books that the police claimed were "illegal" were copies of the Bible in Azeri and Georgian. Zenchenko was a witness in Shabanov's defence that the books had been approved by the Committee for Work with Religious Organisations under Azerbaijan's controversial system of compulsory prior censorship of all religious literature (see F18News 6 August 2008 http://www.forum18.org/Archive.php?article_id=1168).

Pastor Shabanov's brother Badri complained to Forum 18 that neither the Christian literature confiscated in the June house search, nor literature confiscated during a raid in 2007 has been returned a year ago has still not been returned (see F18News 4 June 2007 http://www.forum18.org/Archive.php?article_id=968). He also complained that internal church documents also confiscated in June – which were not recorded in the official police record – have also not been returned.

Pastor Shabanov's lawyer, Aliyev, reported that he had told Deputy Police Chief Hasanov bluntly that the pistol and bullets they claim to have found during the house search were planted by the police.

Hasanov has long demonstrated hostility to the Baptist community in Aliabad, which culminated in his leadership of the June raid when Shabanov was arrested. In the wake of the release from prison of Shabanov's colleague Pastor Zaur Balaev on 19 March, Hasanov and two colleagues threatened him with a new prison sentence if he continued his work with his congregation. Local Jehovah's Witnesses have also faced raids and harassment by police (see F18News 12 June 2008 http://www.forum18.org/Archive.php?article_id=1142).

Reached by Forum 18 on 30 July, Hasanov rejected the Baptists' claim that the gun had been planted by police. But he refused to discuss Shabanov's case further. "Ask the judge," he said. He also refused to explain why the police have repeatedly harassed the Baptists in Aliabad and other religious communities in the region. He then asked Forum 18 why Shabanov's case was of interest. "This is our state. You do your job and we'll do ours." He then put the phone down.

Aliyev, Pastor Shabanov's lawyer, complained of "numerous, gross violations of procedure" during the preparation of Shabanov's case. Signatures of unknown witnesses were on documents, and the "witnesses" were not made available when Aliyev asked for them to be called to testify in court. He also complained of forged documents, with alleged interrogations of Shabanov being recorded on days when no interrogations had taken place.

Fabricated evidence, "witnesses" who did not witness events and lack of due process were also evident in the case of Pastor Balaev (see F18News 9 August 2007 http://www.forum18.org/Archive.php?article_id=1005).

In particular, Aliyev noted that all the case materials were prepared in Azeri, written in the Latin alphabet which has been in use for the language since independence. "Shabanov's native language is Georgian and he studied in Georgia," he told Forum 18. "He is therefore very weak in Azeri and finds reading it difficult, especially when it is in the Latin script." Court proceedings were conducted in Azeri, with no translation into Georgian for Shabanov on 22 July. However, on 28 and 29 July the judge arranged for a translator to assist Shabanov, who he said has a "poor understanding" of Azeri.

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 the lawyer was in Zakatala, he and 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).

After Mamedova called the police, "I and the lawyer were taken to the police station," Zenchenko reported. "Instead of defending the rights of believers, the lawyer had to begin to defend himself." (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=92.

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>.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY