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AZERBAIJAN: Baptist pastor freed, second religious prisoner of conscience still jailed

By Felix Corley, Forum 18

Azerbaijan has today (19 March) freed one of its two religious prisoners of conscience, Baptist pastor Zaur Balaev, Forum 18 News Service has learnt. Balaev was arrested in May 2007 and jailed for two years in August, on what church members insist were false charges. "It's a great joy to be free," Balaev told Forum 18 after his release. Since Balaev's jailing, a number of other Protestants have been threatened with jail, but these threats have not so far been carried out. However, Jehovah's Witness Samir Huseynov, jailed in October 2007 for 10 months for refusing compulsory military service on religious grounds, has not been freed. Ilya Zenchenko, head of the Baptist Union, welcomed Balaev's release. "We thank God and those who prayed and supported Zaur," he told Forum 18. "But there is a lot more work still to be done to defend religious freedom in Azerbaijan." State officials have refused to tell Forum 18 whether Balaev and his congregation will be safe from future official harassment, or to discuss Huseynov's case.

One of Azerbaijan's two religious prisoners of conscience was freed today (19 March) in the wake of President Ilham Aliyev's amnesty to mark the spring festival of Novruz. Baptist pastor Zaur Balaev was freed at noon from Baku's 10th prison colony, but Jehovah's Witness Samir Huseynov was not included in the amnesty, Forum 18 News Service has learnt. "We won – it's a great joy to be free," Balaev told Forum 18 hours after his release as he travelled the six-hour journey back to his home village of Aliabad in Azerbaijan's remote north-west. "We're all waiting for him," one of his church members told Forum 18 from Aliabad.

Ilya Zenchenko, head of the Baptist Union, welcomed the release. "We thank God and those who prayed and supported Zaur," he told Forum 18 from Baku on 19 March. "But there is a lot more work still to be done to defend religious freedom in Azerbaijan."

Balaev was pardoned under an 18 March decree from President Aliyev – published on the presidential website - which pardoned 58 prisoners and reduced the sentence of one other. Former US President Jimmy Carter was among those who appealed for Balaev's release, writing to President Aliyev on 15 February. Pastor Balaev was arrested in May 2007 and sentenced in August on charges of using violence against state representatives, an accusation church members flatly denied to Forum 18. After his appeal failed in October Balaev was transferred to a prison in the capital Baku (see F18News 10 December 2007 http://www.forum18.org/Archive.php?article_id=1059).

Since Pastor Balaev's jailing, a number of other Protestants have been threatened in recent months that they could be imprisoned as Balaev has been (see F18News 10 December 2007 http://www.forum18.org/Archive.php?article_id=1059 and 20 December 2007 http://www.forum18.org/Archive.php?article_id=1065). However, these threats have not so far been carried out.

But Jehovah's Witness Huseynov was not in the presidential amnesty list. He was imprisoned for 10 months in October 2007, under Article 321.1 of the Criminal Code, for refusing compulsory military service on religious grounds. When Azerbaijan joined the Council of Europe in 2001, it pledged to introduce alternative civilian service by January 2003, but has not done so (see F18News 22 January 2008 http://www.forum18.org/Archive.php?article_id=1075).

"We weren't surprised that Samir Huseynov wasn't freed," one Jehovah's Witness told Forum 18 on 19 March. "Otherwise they wouldn't have imprisoned him in the first place." He insisted the authorities had no reason to imprison Huseynov and described the ten-month sentence imposed on him as "illegal". "All Samir wanted to do was to perform alternative non-military service as guaranteed in Article 76 of Azerbaijan's Constitution."

The Jehovah's Witness said Huseynov remains in Prison No. 16 in the Baku suburb of Bina, to which he was transferred on 21 January. He is awaiting his appeal hearing.

Refusing to comment on whether Balaev will be safe from future official harassment, whether his congregation will be able to worship without obstruction and gain state registration and why Huseynov has not been freed from prison was the State Committee for Work with Religious Organisations. After Forum 18 had introduced itself on 19 March, the official who answered the phone of Committee spokesperson Yagut Aliyeva said she was not there and that Forum 18 should phone back later to speak to someone else. When Forum 18 called back the official repeatedly put the phone down.

Present on 19 March outside the prison to welcome Balaev on his release were Zenchenko and Balaev's son. "Zaur was brought to the Baptist church and a joyful prayer service was held," Elnur Jabiev, General Secretary of the Baptist Union, told Forum 18 from Baku on 19 March. "Then he left immediately for Aliabad, where his wife and daughter and all those who've been concerned about his imprisonment are waiting for him."

Despite their joy at Balaev's release, Baptists point out that he still has a criminal record. "Zaur was given a certificate that he had been pardoned, while the original verdict still stands," Jabiev told Forum 18. "We want the original sentence overturned. We have to decide now how to proceed." Zenchenko added that the country's Supreme Court has still not responded to Balaev's latest appeal and they are still considering an appeal over what they regard as an unjust sentence to the European Court of Human Rights in Strasbourg.

Forum 18 tried to find out from state officials in Aliabad and in the regional capital Zakatala [Zaqatala] whether they will continue to harass Balaev and his congregation, as they have done for many years. However, an official at the Aliabad village council told Forum 18 on 19 March that council chairman Hasan Hasanov was not in his office. Reached on 19 March, Asif Askerov – head of the Zakatala Regional Administration – declined to talk to Forum 18. The telephone of Faik Shabanov, regional police chief, went unanswered.

The member of Balaev's congregation told Forum 18 on 19 March that despite earlier harassment, "things have been quiet for the last three months".

Over the past fifteen years, Baptists in the village have faced police raids, threats, destruction of property, dismissal from their jobs and religiously-motivated insults from officials (see F18News 9 August 2007 http://www.forum18.org/Archive.php?article_id=1005). Some of their children have even been denied birth certificates because their parents have chosen Christian first names. Without a birth certificate a child cannot enter school or be treated in hospital (see eg. F18News 22 May 2007 http://www.forum18.org/Archive.php?article_id=961).

Novruz Eyvazov, a member of a different Baptist congregation in the village, also suffered this form of official harassment. After Eyvazov's son Ilya was born in June 2006, officials long refused to issue him with a proper birth certificate. In September 2007 he was given a small fine and had his tractor confiscated to punish him for his religious activity. The tractor was subsequently returned (see F18News 6 February 2008 http://www.forum18.org/Archive.php?article_id=1082).

Balaev's release is unlikely to make any difference to his Baptist congregation's unsuccessful fifteen-year registration battle. Forum 18 believes the congregation holds the record for the Azerbaijani religious community denied registration for the longest time (see F18News 9 August 2007 http://www.forum18.org/Archive.php?article_id=1005).

Ilya Zenchenko, the head of the Baptist Union, told Forum 18 that in July 2007 he had gone to the Zakatala offices of the town's two public notaries, both of whom yet again refused to sign the application for no reason. A public notary is required to sign a registration application before it can be sent on to be processed.

Other religious believers have also been handed criminal sentences as a result of their peaceful religious activity. In July 2006, conscientious objector Mushfiq Mammedov, who was studying to become a Jehovah's Witness, was found guilty of violating Article 321.1 of the Criminal Code. He was given a suspended sentence of six months (see F18News 26 July 2006 http://www.forum18.org/Archive.php?article_id=818). The authorities have repeatedly – as in other cases such as that of Pastor Balaev – violated due legal process in hearing Mammedov's appeal (see F18News 22 January 2008 http://www.forum18.org/Archive.php?article_id=1075).

Freed under a previous presidential amnesty in January 2006 was a Sunni imam Kazim Aliyev. Originally a Shia (the dominant Muslim community in Azerbaijan), Aliyev became a Sunni and was appointed to lead the Sunni mosque in Azerbaijan's second city Gyanja [Gäncä]. The mosque community insisted to Forum 18 that the charges against him of organising an armed uprising were trumped-up. On his release the authorities refused to allow him to return to serve the Gyanja mosque (see F18News 10 March 2006 http://www.forum18.org/Archive.php?article_id=741).

Azerbaijan's authorities keep religious activity under tight control. Police often raid services held by religious communities they do not like, especially Protestant Christians and Jehovah's Witnesses. One recent example was a Seventh-day Adventist pastor, Elshan Samedov, who was threatened with jail for not banning children from church and leading worship in church-owned properties (see F18News 20 December 2007 http://www.forum18.org/Archive.php?article_id=1065).

Some 30 police officers raided a Jehovah's Witness meeting in a private house in the central town of Barda on 30 January, claiming the meeting was "illegal". Police beat several of the people present at the meeting. The raid came six weeks after a similar raid on a meeting in Baku's Nizami District, where some of those present were also beaten. Seventh-day Adventist communities were also raided in December in Baku and in Gyanja (see F18News 6 February 2008 http://www.forum18.org/Archive.php?article_id=1082).

Religious communities the authorities do not like cannot gain legal status. Many religious communities have complained to Forum 18 that even if their applications are approved by public notaries and the local authorities, the State Committee for Work with Religious Organisations often denies registration.

The State Committee also operates the system of compulsory prior censorship of religious literature, despite government claims that censorship has been abolished (see F18News 6 August 2008 http://www.forum18.org/Archive.php?article_id=1168). The head of the State Copyright Agency's Monitoring Department, Ali Ismailov, told the Azeri Press Agency (APA) on 12 March that it would conduct a joint "monitoring programme" across Azerbaijan to check up on religious literature and audiovisual material being imported, sold or distributed. "Control in this sphere will be stepped up," he told APA.

Ismailov told Forum 18 on 13 March that check-ups would be made in bookshops and publishing houses, but he seemed vague on the details. "I don't know when the monitoring programme will start." He claimed that the sole interest by his Agency was in checking that books were not pirated but published with authors' permission. "We're not going to ban anything," he told Forum 18. "The job of controlling religious literature is done by the State Committee for Work with Religious Organisations".

As is their customary practice, officials at the State Committee declined to make any comment to Forum 18 on the check-ups on religious literature or the religious censorship carried out by its "Expertise Department". (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&results=50>.

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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