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AZERBAIJAN: Police chief deports local-born Baptist – with no documentation

By Felix Corley, Forum 18

Local Baptist Javid Shingarov (who holds a Russian passport) was cut off from his wife, father and children in his native village near Yalama in northern Azerbaijan when he was yesterday (30 September) deported to Russia. Yalama's police chief Gazanfar Huseinov – who punished him under the Administrative Code with a fine and deportation order for holding religious worship in his home – refused to tell Forum 18 News Service why he had refused to give his verdict in writing and why the Migration Service was apparently not involved. An official of the Human Rights Ombudsperson's office told Forum 18 that failure to give a verdict in writing is a violation of the law and that the Law on Migration puts responsibility for deportation decisions on the State Migration Service, not the police. The Christian books confiscated from Shingarov and others during raids on 9 September have not been returned, while a Baptist whose home was among those raided was pressured to resign from his job as a school director.

Gazanfar Huseinov, police chief in the small town of Yalama in Khachmaz Region just a few kilometres (miles) from Azerbaijan's northern border with Russia, refused to discuss with Forum 18 News Service yesterday (30 September) why earlier that day his officers had deported local Baptist Javid Shingarov. Huseinov had fined Shingarov – a Russian citizen who was born in the village, lives in the village with his Azerbaijani wife and two children and whose elderly father lives in the village – and ordered him deported for holding religious meetings in his home. As Forum 18 tried to ask Huseinov why Shingarov had been deported solely on the basis of his decision which had not been given to him in writing, Shingarov himself was already in the neutral border zone between Azerbaijan and Russia.

Shingarov's 16-year-old daughter Venera told Forum 18 on 1 October that she accompanied her father as the local police officer took him to the border the previous day. "My Dad asked the policeman again for a copy of the verdict, but he swore and refused to give it," she recounted. "He said: 'The verdict is no concern of yours – there isn't any verdict'." She said he had never received any document relating to the fine or deportation and the Migration Service played no role in the deportation.

Venera Shingarova said the policeman told the borderguards not to allow her father back across the border and told him that he would not be allowed to return through other entry points. However, unlike other religious deportees known to Forum 18, she said borderguards did not stamp his passport "deported from the country". She said she and her father waited from 9 am to 5 pm in the neutral zone between Azerbaijan and Russia so that they could speak to Ilya Zenchenko, the head of Azerbaijan's Baptist Union, who hurried from the capital Baku to meet them.

With no prospect of immediate resolution, Shingarov entered Russia and is staying with his sister in the town of Derbent in Dagestan while she returned home, she added. "We want the authorities to allow my Dad back home," she told Forum 18. "We want people to pray for this – we have faith in God."

Zenchenko condemned the deportation of an individual from his home merely for meeting with fellow-believers for worship. He told Forum 18 from Baku on 1 October that he had met Police chief Huseinov but had failed to resolve the situation. "Discussions at the police station immediately turned to the question of religion," he noted. "Huseinov insisted that they had dealt with Shingarov humanely and that they could have deported him on 12 September. However, it seems they were seeking bribes to allow him to stay, but when Shingarov refused to pay they decided to deport him." He said Huseinov had shown him the record of the punishment but likewise refused to give him a copy.

"The police wanted Shingarov to sign a statement renouncing his Christian faith – if he had done so I'm sure the case would have been dropped," Zenchenko declared. He lamented that the Christian books confiscated from Shingarov and others have not been returned. "History shows us that as in other cases such confiscated literature is never returned."

Zenchenko said the Baptist Union would be working to restore Shingarov to his home and family.

Was Shingarov's deportation legal?

Shingarov was punished in the wake of three raids late at night on 9 September on his family home and two other homes in the village of Ukuroba close to Yalama. Police confiscated more than 300 Christian books and held Shingarov for 24 hours. On 10 September, without a court hearing, police chief Huseinov handed down the maximum fine of 400 Manats [2,955 Norwegian Kroner, 341 Euros or 498 US Dollars] under Article 300 of the Code of Administrative Offences and the deportation order. The Article punishes "religious propaganda" by a foreign citizen with a fine and deportation. The police chief drew up the official protocol on the punishment and allowed Shingarov to read it, but not to have a copy.

Huseinov defended the punishment to Forum 18 on 11 September, insisting that Shingarov "violated the procedure for foreign citizens to live in Azerbaijan by propagandizing for his faith," (see F18News 11 September 2009 http://www.forum18.org/Archive.php?article_id=1347).

Shingarov told Forum 18 that he paid the fine through the bank and received a receipt for it.

Huseinov insisted to Forum 18 on the day of Shingarov's deportation that it should get any further information from the Interior Ministry in Baku. However, on 1 October both the Ministry's press service and its Migration Service refused to discuss the legal procedures for deportation of foreign citizens or Shingarov's case. Both referred Forum 18 to the State Migration Service, but the official who answered the phone there refused to answer any questions at all and refused to put Forum 18 through to the Service's Legal Department.

"Any decision on an administrative case must be provided to both sides in writing, otherwise it is a violation," Rashad Samedov of the Department for the Defence of Civil and Political Rights at the office of Azerbaijan's Human Rights Ombudsperson told Forum 18 from Baku the same day. He added that the Law on Migration puts the responsibility for deportation decisions on the State Migration Service, not the police.

"If there is a violation this individual could appeal to the court or to us," Samedov told Forum 18. "However, any appeal does not prevent a deportation from going ahead. But it means that any individual winning such an appeal can then return to the country."

A lawyer involved in religious freedom cases told Forum 18 from Baku that police chiefs are entitled to hand down punishments under the Code of Administrative Offences without any court hearing. "This is often done in the police chief's office," the lawyer noted. "He can sign the protocol, but he must give out a copy in writing, otherwise it's a violation."

Shingarov – who had a residence permit to live in Azerbaijan valid until March 2010 - is the latest in a series of foreign citizens legally resident in Azerbaijan – including Protestants, Muslims and Jehovah's Witnesses - who have been deported for peaceful religious activity. In the most recent known cases, two Jehovah's Witnesses who are Georgian citizens - Elguja Khutsishvili and Temur Aliev - were deported from Azerbaijan in July. Neither was given any document authorising the deportation, though their passports were stamped "deported from the country".

Like Shingarov, Azerbaijani-born Khutsishvili has been forced to live apart from his wife and children, who remain in the family home in Azerbaijan (see F18News 11 September 2009 http://www.forum18.org/Archive.php?article_id=1347).

Baptist loses job as school director

Local Baptist Eldar Eldarov – the then director of the village's primary school – also had his house searched on 9 September, though police found no literature there. This did not prevent the Azerbaijani television station ANS proclaiming on 10 September that "in Khachmaz Region a school director is propagandising the Baptist faith".

In addition to the fine on and deportation of Shingarov, Eldarov also suffered in the wake of the raids. Both Shingarov and Zenchenko of the Baptist Union told Forum 18 that just days after the raids, Eldarov – who is married with two children - was pressured to resign from his job as his involvement in the local Baptist community became known, writing a statement that he was leaving on grounds of his health. "I am grateful to God that he has now given me some time for myself," Zenchenko quoted him as saying. "He has freed me from the great responsibility and hard work I had to put in as director of the school."

Refusing to discuss with Forum 18 Eldarov's loss of his job was the Education Department in Khachmaz. (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 compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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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