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AZERBAIJAN: Two-year prison term for Baptist pastor

By Geraldine Fagan, Forum 18 (<https://www.forum18.org>)

Baptist Pastor Zaur Balaev was yesterday (8 August) sentenced to two years in jail, Forum 18 News Service has learnt. The Pastor from Aliabad in northern Azerbaijan was convicted of using violence against a state representative, and was also accused of holding "illegal meetings under the guise of religious activity without concrete authority and without state registration," attracting young people to worship services and playing loud music at services. Azerbaijan's authorities have changed their accusations whilst Balaev has been held, initially claiming that he set a dog on police during a raid on a Sunday worship service. After more than 50 people signed a written statement testifying to Balaev's innocence, the dog disappeared from the authorities' claims and Balaev was instead accused of attacking five policemen and damaging a police car door. The authorities' claims are strongly disputed. Prosecution witnesses admitted that they had not witnessed the alleged assault by Pastor Balaev. They stated that they had only heard about it from people at the market, teahouse, or because police pressured them into testifying. "We're preparing to submit an appeal," Ilya Zenchenko of the Baptist Union told Forum 18. A court official told Forum 18 that Judge Seifali Seifullaev was not available for comment and had been transferred to a new position.

Pastor Zaur Balaev was sentenced to two years in prison yesterday (8 August) by a court in the north-western regional centre of Zakatala [Zaqatala]. Simply announcing the verdict at 4pm local time, Judge Seifali Seifullaev gave no explanation for his decision, the head of Azerbaijan's Baptist Union reported shortly afterwards. "It's very sad news," Ilya Zenchenko remarked to Forum 18 News Service from the Zakatala-Baku road. "We're preparing to submit an appeal on Friday (10 August)."

The 44-year-old pastor was convicted under Article 315, Part 1 of the Criminal Code, which punishes: "Use of violence, resistance with the use of violence against a representative of authority in connection with performance of official duties by him, or the use of violence not dangerous to life or health concerning his close relatives, as well as threat of the use of such violence". It carries a maximum three-year prison term. His trial began on 16 July and the latest indictment also complained that Balaev "conducts illegal meetings under the guise of religious activity without concrete authority and without state registration", attracts young people to services and plays loud music at services (see F18News 16 July 2007 http://www.forum18.org/Archive.php?article_id=994).

At Judge Seifali Seifullaev's number on 9 August, a court representative confirmed that Zaur Balaev was yesterday sentenced to two years' imprisonment under Article 315, Part 1. When Forum 18 raised doubts about the trial - in particular how Balaev could have attacked five policemen - he remarked that he had "nothing to do with it", and that only Judge Seifullaev was familiar with the case. Asked when Judge Seifullaev would be available for comment, the court representative told Forum 18 that the Balaev case had been his last in Zakatala, and that he had been transferred to a new – but not senior – position. The court representative insisted that he did not know where this was.

Present at packed Zakatala court hearings on 25 and 27 July, Ilya Zenchenko told Forum 18 that five police officers claimed Balaev had beaten them when they visited his home in the village of Aliabad during 20 May Sunday worship. Village Policeman Khalid Memedov explained that he called in "because what was happening in the house was a violation of public order and an illegal act and I went to have a chat as a preventative measure." Queried about the presence of four other officers, Memedov reportedly responded: "It just turned out that way."

According to Zenchenko, four local witnesses unexpectedly maintained that they did not actually see the alleged beating, but only heard about it from people at the market, teahouse or Memedov, who pressured them into testifying. The Baptist Union leader also told Forum 18 that the court ignored the absence of evidence proving that the policemen's bruises and scratches were caused by Balaev rather than sport or gardening.

According to Aliabad church members, police demanded that worship be stopped, the congregation disperse and Balaev accompany them to the police station on 20 May, which he did peacefully. They and other villagers categorically deny the police accusations that the pastor attacked them (see F18News 22 May 2007 http://www.forum18.org/Archive.php?article_id=961).

Pastor Balaev was initially accused by police of setting a dog onto them during the raid. The congregation vehemently denies this accusation. When more than 50 people, including villagers who are not Christian, signed a statement testifying to the Pastor's innocence "the dog completely disappeared from the accusation," Zenchenko of the Baptist Union told Forum 18 on 12 July. The

authorities then changed their accusation to allege that Balaev, described by Zenchenko as a "thin man," beat up five "strong" policemen and damaged a police car door. Like the original accusation, the authorities' latest version of events is also strongly denied by the church (see F18News 12 July 2007 http://www.forum18.org/Archive.php?article_id=993).

Pastor Balaev has been in detention since 20 May, and there is increasing concern about his deteriorating health. Born with a heart defect, he suffered heart attacks on 23 July and 5 August, Zenchenko told Forum 18, and is also experiencing kidney pain. On 4 June the pastor was transferred from the police station in Zakatala to the city of Gyanja [Gäncä], 250 kilometres (150 miles) away. According to the Baptist Union leader, he is being kept there in what is colloquially known as the "frog pool" ("Iyagushatnik"), a remand cell where detainees normally spend only a few hours or days. "The conditions there are terrible – there is no proper toilet or ventilation," Zenchenko explained. The Baptists expect that Balaev will remain in the "frog pool" until his appeal is heard.

While in jail, Balaev has been beaten by police. His family has had to go into debt to pay to take food to him, and the authorities have denied his family the opportunity to meet him since his arrest (see F18News 22 June 2007 http://www.forum18.org/Archive.php?article_id=979).

The Baptists now suspect that there may be an additional financial motivation for Balaev's prosecution. According to Zenchenko, Gyanja prison workers have been ridiculing the nature of the pastor's "brotherhood", seeing that it is not prepared to pay a bribe for his release. In what is common practice in Azerbaijan, he told Forum 18, the going rate to buy someone out of prison is 5,000 US Dollars (4,260 Azeri Manats, 28,840 Norwegian Kroner or 3,627 Euros). Zenchenko believes that Balaev could have been seen as a lucrative target because he owns land and a tractor.

Zenchenko also reported that local state representatives have not harassed the Aliabad congregation since briefly detaining its second pastor, Hamid Shabanov, and confiscating the church library in the wake of the 20 May raid (see F18News 4 June 2007 http://www.forum18.org/Archive.php?article_id=968). "We started going there from Baku and they stopped causing problems," he told Forum 18. The church library has not yet been returned, however.

Aliabad village lies close to the border with Georgia in the north-western region of Zakatala. Its 10,000-strong population is largely of the Ingilo minority, ethnic Georgians converted to Islam several centuries ago. The reason the police gave for raiding the Aliabad church on 20 May was that, because the church did not have state registration, it could not meet (see F18News 22 May 2007 http://www.forum18.org/Archive.php?article_id=961).

Officials of the State Committee for Work with Religious Organisations in Baku frequently deny legal status to religious communities they do not like, including non-state controlled Muslims, Protestants, Jehovah's Witnesses and others. Azerbaijan's bureaucratic registration procedures also allow local officials to obstruct a registration application even before it reaches the State Committee. When Forum 18 visited the notary Najiba Mamedova in Zakatala in November 2004, to find out why she persistently refused to notarise the signatures on the Aliabad church's registration application, she shouted: "We don't need any Baptists here". She then threw Forum 18 out of her office (see F18News 8 December 2004 http://www.forum18.org/Archive.php?article_id=471).

Unregistered religious activity is not formally illegal in Azerbaijan, though officials often act as though it is. As Zenchenko of the Baptist Union has pointed out, there is a bitter irony in officials obstructing the Pastor Balaev's Aliabad congregation's applications for registration, then punishing it for meeting without registration (see F18News 16 July 2007 http://www.forum18.org/Archive.php?article_id=994). Baptist churches in Aliabad have been repeatedly denied state registration since the early 1990s (see eg. F18News 1 December 2004 http://www.forum18.org/Archive.php?article_id=466).

As well as being repeatedly denied legal status over 13 years, Aliabad's Baptists have been subjected to vilification by local officials for their Christian faith. One example of this has been officials denying church members' children birth certificates, as their parents' choice of Christian names were deemed unacceptable by officials of Zakatala Registry Office. Without a birth certificate, it is impossible for children to, amongst other things, go to kindergarten or school, or to get hospital treatment. (see eg. F18News 22 June 2007 http://www.forum18.org/Archive.php?article_id=979 and 22 May 2007 http://www.forum18.org/Archive.php?article_id=961).

Baptists in the area have also faced forced unemployment, postal censorship, literature restrictions, threats and intimidation (see F18News 9 December 2004 http://www.forum18.org/Archive.php?article_id=473). (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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