

29 October 2008

AZERBAIJAN: "They want to imprison the leader and see the community fall apart"

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

Baptist pastor Hamid Shabanov is due in court in Zakatala again on 31 October to face charges of illegal possession of a weapon. Church members insist the accusation is fabricated. Neither he nor his lawyer have been given the indictment as required in law. Nor has there been any explanation of why Shabanov is still being held when the court-ordered detention period expired on 21 October, nor why the police did not bring him to the court for a scheduled hearing on 28 October. "They are deliberately drawing this out as they don't want Shabanov to go to court," his lawyer Mirman Aliyev told Forum 18 News Service. "They want to hold him for as long as they can." He complained of the "crude violations" of the law. Shabanov's brother complains of the authorities' attempt to prosecute the second of the church's pastors. "They want to imprison the leader and see the community fall apart." Meanwhile, although the Abu-Bekr mosque community in Baku won its case in court challenging its enforced closure, it remains unclear when it will be allowed to reopen for prayers. "We need a special instruction from the Interior Ministry before we can allow it to reopen," an official of the local police insisted to Forum 18.

Despite serious procedural violations, the trial of imprisoned Baptist pastor Hamid Shabanov is finally due to resume on 31 October, the judge assigned to the case, Elchin Huseinov, told Forum 18 News Service from the north-western town of Zakatala [Zaqatala] on 28 October. Shabanov's family and lawyer complain that his detention is illegal as the court-ordered deadline for holding him ran out on 21 October and that neither the family nor the lawyer have been given the indictment. Meanwhile, the community of the Abu-Bekr mosque in the capital Baku have won a court case challenging the enforced closure, but no date has been set for the reopening. "We need a special instruction from the Interior Ministry before we can allow it to reopen," an official of the Narimanov District police insisted to Forum 18 on 29 October.

No one at the State Committee for Work with Religious Organisations in Baku was prepared to discuss Shabanov's case or the continued mosque closure with Forum 18 on 28 October. The woman who answered the phone of Committee spokesperson Yagut Aliyeva (who may or may not have been Aliyeva) repeatedly put the phone down as soon as Forum 18 introduced itself. No other State Committee official was prepared to talk to Forum 18 either.

The 52-year-old Pastor Shabanov, who is from Azerbaijan's ethnic Georgian minority, leads a much-persecuted Baptist congregation in the village of Aliabad near Zakatala. His fellow-pastor Zaur Balaev was freed from prison in March after being sentenced on what church members insist were fabricated charges. The congregation has repeatedly had its registration applications blocked since the mid-1990s.

Pastor Shabanov was arrested on 20 June after police claim to have found a pistol during a house search. Family members insist that police planted the weapon. Christian books – including Bibles – were confiscated during the raid and, family members told Forum 18 on 28 October, these have still not been returned.

His trial began in Zakatala on 22 July, but on 29 July the judge referred the case back to the prosecutor for further investigation. A further hearing on 22 August, which was called without informing Shabanov, his family or his defence lawyer, saw his detention extended by two months, a period which expired on 21 October (see F18News 17 October 2008 http://www.forum18.org/Archive.php?article_id=1205).

Shabanov's trial had been scheduled to resume in Zakatala on 28 October, and his lawyer Mirman Aliyev had travelled the 450 kms (280 miles) from Baku to attend. However, as he told Forum 18 later that day, the trial failed to go ahead as the police had not brought Shabanov from the prison in Gyanja [Gāncā] where he is now being held. "It is the responsibility of the district police to make sure he is brought in time for any hearing," Aliyev told Forum 18. "They are deliberately drawing this out as they don't want Shabanov to go to court. They want to hold him for as long as they can."

Zakatala's Deputy Police Chief, Kamandar Hasanov, repeatedly refused to explain to Forum 18 on 28 October why Shabanov had not been brought to the court on time. He also repeatedly refused to say whose responsibility it is to make sure a suspect is brought to court on time. Asked whether Shabanov's continued detention is legal, given the expiry of the detention period on 21 October,

Hasanov responded: "You may think it's illegal."

Judge Huseinov likewise refused to discuss with Forum 18 who was at fault for the failure to bring Shabanov to court on time. "He will be brought on Thursday [30 October] and his trial will go ahead on Friday [31 October]," he insisted. Huseinov also refused to discuss whether Shabanov's continued detention is illegal. "I can't speak to a journalist – that would constitute interference in the judicial process. But he will be judged justly in accordance with the law."

The lawyer Aliyev said he had appealed for Shabanov to be freed from prison and placed under house arrest while any investigation continued, but this was rejected.

Aliyev also complained that neither Shabanov nor he had signed the case documents, which they are required to do in law. "They haven't even given us the case materials," Aliyev declared. "All this is a crude violation of the law and the Criminal Procedure Code."

Badri Shabanov, the imprisoned pastor's brother, told Forum 18 from the family home in Aliabad on 28 October that family members had travelled to Zakatala for the scheduled hearing that day. "We waited, but nothing happened." He complained of the illegality of his brother's continued detention. "This is terrible for the family. We've had no contact for more than three months. They won't even allow his wife to meet him."

Badri Shabanov said that since the June raid when his brother was arrested the police have not interfered in the church's services. "They're interested in the leaders," he told Forum 18. "They want to imprison the leader and see the community fall apart."

The lawyer Aliyev insists that Pastor Shabanov and he himself are in "serious danger". He said they have been threatened by the police, the National Security Ministry (NSM) and the Prosecutor's Office. He declined to specify the nature of the threats.

Meanwhile, the Abu-Bekr mosque community won its court case in Baku's Narimanov District Court on 27 October after the fourth hearing. The community had challenged the continued closure of the mosque after a 17 August grenade attack. The community argued that the investigation had long completed its work in the building and that there is no reason not to reopen it for worship, the community's lawyer Javanshir Suleymanov told Forum 18 from Baku on 29 October.

"Judge Asif Allahverdiev backed our case. The decision was given orally on 27 October, and should have been given in writing on 28 October," he declared. "Then they postponed giving the written ruling. They're now beginning to 'correct' the judgment." Suleymanov said he will pass the judgment to the District Police immediately they have it to allow the mosque to reopen for prayers.

Since the closure of the mosque in the wake of the grenade attack, the mosque community has been unable to establish who ordered the closure and who is required to order the closure to be lifted. Police, the Interior Ministry, the Prosecutor's Office, the National Security Ministry secret police, and the State Committee for Work with Religious Organisations have all avoided saying which agency is responsible for the closure (see F18News 17 October 2008 http://www.forum18.org/Archive.php?article_id=1205).

The community's imam, Gamet Suleymanov (no relation of the lawyer), welcomed the court ruling, insisting it was a "just decision". "We didn't want to have to go to court to achieve the reopening of our mosque," he told Forum 18 from Baku on 28 October. He believes the mosque will now open within the next ten days at most. "We hope it will be much quicker, Inshallah [God willing]."

However, the comment from the Narimanov District Police that a special instruction from the Interior Ministry is needed may be an indication of official reluctance to see the Abu-Bekr mosque reopened. Asked what would happen if the mosque community reopens the mosque itself in the wake of the court ruling, the official – who did not give his name – told Forum 18: "They don't have the right."

Muslims in Baku have confirmed to Forum 18 that the ban on Muslims praying in the yards and outside on the street when mosques are full remains in force. The unpublished "temporary" ban – which officials have refused to show Azeri Muslims and Forum 18 – was suddenly imposed at the end of August, allegedly to protect Muslim worshippers from further attacks (see F18News 17 October 2008 http://www.forum18.org/Archive.php?article_id=1205). (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>.

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY