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AZERBAIJAN: Authorities "dragging out" Baptist pastor's trial and Baku mosque case

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

The long-delayed trial of Baptist pastor Hamid Shabanov in Zakatala on charges of possessing an illegal weapon is due to resume on 5 November, his lawyer and family told Forum 18 News Service. The charges carry a maximum penalty of three years in prison. Church members say police planted the weapon in the pastor's home to punish him for his leadership of the church. Meanwhile, four days after ruling that the closed Abu-Bekr mosque in Baku should be allowed to reopen, the same judge overturned his own decision, the mosque's lawyer Javanshir Suleymanov told Forum 18. He says police claim the mosque faces a threat of a second attack. "This is just stupid. They don't have the right to scare people like that," Suleymanov told Forum 18. He pointed out that if such a serious threat exists it would be investigated by the NSM secret police, not the ordinary police. The State Committee for Work with Religious Organisations refused to discuss these cases with Forum 18.

The trial of Baptist pastor Hamid Shabanov in north-western Azerbaijan – which began back in July - has now been scheduled to resume on 5 November, his family and lawyer told Forum 18 News Service on 3 November. Shabanov faces up to three years' imprisonment on what his congregation insists are trumped-up charges. The long drawn-out investigation and repeatedly-delayed trial have been marred by numerous procedural irregularities, his lawyer complains. In a separate case, hopes by members of Baku's Abu-Bekr mosque that it could soon reopen have been dashed, after the police went back to court and succeeded in having the decision allowing it to reopen overturned. The case is due to resume on 12 November. The lawyers in both cases have complained of foot-dragging by the authorities.

Reached on 3 November, Yagut Alieva, spokesperson of the State Committee for Work with Religious Organisations in Baku, immediately put down the phone as soon as Forum 18 introduced itself. When Forum 18 called back, a colleague - who did not give his name - said she had left the office and refused to comment on the trial of Pastor Shabanov, or the continuing ban on the reopening of the Abu-Bekr mosque. "Write what you like," he told Forum 18 before putting the phone down.

Equally unwilling to talk on 3 November was Nizami Mamedov, the local representative of the State Committee in north-western Azerbaijan, who is based in Agdash. He refused to answer any of Forum 18's questions about the case against Pastor Shabanov.

The 52-year-old Pastor Shabanov leads a Georgian-speaking Baptist congregation in the village of Aliabad just outside Zakatala [Zaqatala], in north-western Azerbaijan. He was arrested during a police raid on his home on 20 June and he has been held since then. He faces charges under Article 228 Part 1 of the Criminal Code of illegal possession of a weapon, which is punishable by up to three years' imprisonment for those found guilty. His family and congregation insist the charges are fabricated and that police planted the gun during the raid to punish him for his leadership role in his congregation (see F18News 21 June 2008 http://www.forum18.org/Archive.php?article_id=1146).

Pastor Shabanov's trial – which began on 22 July - was due to have resumed under Judge Elchin Huseinov at Zakatala District Court on 28 October, but could not go ahead because the police failed to bring Shabanov to court on time (see F18News 29 October 2008 http://www.forum18.org/Archive.php?article_id=1211).

It was then postponed until 31 October, but was then again postponed as the prosecution had refused to give the defence access to the materials in the case. The documents were only handed over on 31 October, Shabanov's lawyer Mirman Aliev told Forum 18 from Baku on 3 November. Aliev said he will travel up to Zakatala from Baku for the 5 November trial, a journey which takes him at least ten hours each way on public transport. He has complained of what he believes is deliberate foot-dragging by the authorities over the trial.

Shabanov's family also confirmed to Forum 18 that they plan to attend the trial.

Shabanov's arrest came just three months after his fellow village pastor Zaur Balaev was freed from prison after serving a sentence imposed on what church members insist were equally fabricated charges (see F18News 19 March 2008 http://www.forum18.org/Archive.php?article_id=1102).

Meanwhile, the lawyer for the Abu-Bekr mosque community, Javanshir Suleymanov, complained of the sudden reversal in the community's attempts to get the mosque reopened for prayers. He told Forum 18 from Baku on 31 October that Judge Asif Allahverdiev of Baku's Narimanov District Court had ruled on 27 October that the mosque could reopen, only to cancel his own decision on 31 October, meaning that the mosque would remain closed.

The community had challenged the continued closure of the mosque after a 17 August grenade attack, which killed two people. 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 (see F18News 29 October 2008 http://www.forum18.org/Archive.php?article_id=1211).

Suleymanov said that district police chief Muradali Babaev had appealed to the same court on 29 October, the same day the court had issued the earlier decision in writing. "Babaev claimed that the police have information that terrorists want to blow up the mosque again," he told Forum 18. "This is just stupid. They don't have the right to scare people like that." He pointed out that if such a serious threat exists it would be investigated by the National Security Ministry (NSM) secret police, not the ordinary police.

Suleymanov said that on cancelling his own decision of 27 October, Judge Allahverdiev said he would hear the whole suit again on 12 November. The lawyer complained that the District Police are deliberately dragging out the case.

In further evidence of what he believes to be an organised campaign by the authorities to keep the mosque closed, Suleymanov said police officers have recently been going round the homes of nearby residents warning them that there might be a further explosion at the mosque. He said officers were getting residents to sign letters saying they did not want to see the mosque reopened.

Forum 18 was unable to reach police chief Babaev on 3 November. His telephone went unanswered. Babaev's deputy, Khanlar Kurbanov, told Forum 18 the same day that he has not been involved in the Abu-Bekr case and said he has never even visited the mosque.

A spokesperson for the NSM secret police, who would not give his name, told Forum 18 on 3 November that the decision to keep the mosque closed was decided by the court. Asked why the mosque is still closed despite the community's assertion that the investigation inside the building has long ago been completed, the spokesperson responded that he could not discuss an ongoing investigation. Asked what the Ministry has against the mosque reopening, he responded: "I don't know how to respond" and then put the phone down.

In one positive move, the family of imprisoned Muslim activist Said Dadashbeyli have told Forum 18 that the earlier restrictions on his receipt of religious literature have now been lifted. "He's of course not allowed a lot of literature, but the obstructions to receiving literature have now been lifted," the family told Forum 18 on 1 November. They said he is also free to pray unobstructed with other prisoners in Strict Regime Prison No. 15 in Baku's Narimanov District. He is also able to talk to his wife Ilhama on the phone about once a week.

Dadashbeyli is a 33-year-old, Baku-based Muslim teacher who founded an Islamic group called Nima in 2005 and, his family say, promoted a "European style of Islam", mutual respect and unity between Shias (the largest Muslim tendency in Azerbaijan) and Sunnis, and rejected fundamentalism.

He received a 14-year sentence at a closed trial in December 2007. His lawyer and family insist that he and eight of the 15 people sentenced with him are innocent of the terrorism-related charges levelled against them. Dadashbeyli's final appeal – to Azerbaijan's Supreme Court – failed in September (see F18News 19 September 2008 http://www.forum18.org/Archive.php?article_id=1189).

Family members told Forum 18 that they are preparing the documentation to lodge a case at the European Court of Human Rights in Strasbourg.

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>.

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