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AZERBAIJAN: 20 July trial of Pastor who led "illegal meetings"

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

The trial of Pastor Zaur Balaev of a Georgian-speaking Baptist congregation in the village of Aliabad in the far north of Azerbaijan is to begin on 20 July, Judge Seifali Seifullaev, who will hear the case, told Forum 18 News Service. He refused to explain why he rejected Balaev's appeal to be transferred from prison to house arrest as he awaits trial. Balaev was arrested on 20 May and is charged with beating up five policemen and damaging a police car, charges he and church members reject. The indictment complains 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. Ilya Zenchenko of the Baptist Union told Forum 18 that "this is the opinion of the police and representatives of the authorities, not of the [ethnic] Georgian residents of the village, who support Zaur and do not regard him as a 'dangerous person'."

At a preliminary hearing at Zakatala [Zaqatala] District Court on 13 July, Judge Seifali Seifullaev set 20 July as the start date for the criminal trial of Baptist pastor Zaur Balaev. "The five policemen Zaur allegedly beat up attended the hearing, but they were asked no questions," Ilya Zenchenko, the head of Azerbaijan's Baptist Union who was present at the hearing, told Forum 18 News Service from the capital Baku on 16 July. "I was surprised – one of them is even bigger than me, while Zaur is thin. He's grown even thinner since his arrest."

Judge Seifullaev told Forum 18 from Zakatala on 16 July that Balaev's trial would begin at 10 am on 20 July. This will be two months to the day after Balaev's arrest. Police seized the pastor when they raided his Baptist congregation's Sunday worship service in a private house in his home village of Aliabad, near Zakatala in the remote north of Azerbaijan close to the border with Georgia.

An official of the Baku office of the Organisation for Security and Co-operation in Europe (OSCE) told Forum 18 on 16 July that it has been keeping a "close eye" on Balaev's case and intends to send a staff member to monitor the trial in Zakatala on 20 July.

At the 13 July hearing, Balaev's lawyer requested a transfer from pre-trial detention in prison to house arrest, but Judge Seifullaev told Forum 18 he had rejected this. He ordered that Balaev continue to be detained in an investigation cell at the prison in Gyanja [Gäncä], 250 kilometres (150 miles) from Aliabad.

Asked by Forum 18 why Balaev could not await trial at home rather than in prison, Judge Seifullaev responded: "That's how it should be. Why should I explain to you?" He refused to discuss any further questions and put the phone down.

However, Zenchenko of the Baptist Union remains unhappy at the decision. "The judge wouldn't allow the transfer to house arrest because Zaur is [ethnic] Georgian and could flee to Georgia and escape trial," he told Forum 18. "For this reason I say that this is not a criminal trial but an ethnic/religious trial, where the authorities are violating not just Azerbaijani but international law."

Balaev faces trial 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". This article carries a maximum three year prison term.

The charges relate to Balaev's response to the 20 May raid on the church's worship service. After initially claiming Balaev set a dog onto them, police then alleged that he beat up five policemen and damaged the door of a police car. The indictment includes medical reports of injuries the prosecution claims Balaev committed to the five policemen, but no photographs of the alleged injuries. The indictment also includes a photograph of a damaged door of a police car which the prosecution claims Balaev was also responsible for. Balaev, church members and other residents of the village deny the accusations absolutely.

In late May Zenchenko and eight other Christian leaders signed a joint appeal to Azerbaijan's General Prosecutor, Zakir Garalov, expressing "deep concern" about Balaev's arrest (see F18News 12 July 2007 http://www.forum18.org/Archive.php?article_id=993).

Zenchenko particularly criticises parts of the indictment which he believes reveal that the authorities are determined to crush the Baptist congregation Balaev leads. The congregation has repeatedly been denied legal status for thirteen years and church members

have faced official harassment.

"Zaur Balaev conducts illegal meetings under the guise of religious activity without concrete authority and without state registration in a place specially built on his property for this purpose," the indictment gives as the reason for the 20 May raid. "He attracts young children to these meetings. At these meetings they play loudly on special musical instruments, which violates the rules on social residence and annoys the surrounding inhabitants."

Zenchenko also points to earlier verbal statements from the prosecutor and the chief of police that Balaev is "socially dangerous" because he is a Christian.

Zenchenko rejects the official attitude he believes lies behind the attempt to convict Balaev. "This means the police came to him as a 'dangerous person' for the inhabitants of this village," he told Forum 18. "But it has to be stressed that this is the opinion of the police and representatives of the authorities, not of the [ethnic] Georgian residents of the village, who support Zaur and do not regard him as a 'dangerous person'."

Officials of the State Committee for Work with Religious Organisations in Baku frequently deny legal status to religious communities they do not like, including 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.

Unregistered religious activity is not illegal in Azerbaijan, though officials often act as though it is. Zenchenko points out the bitter irony that officials have obstructed the congregation's applications for registration, then sought to punish it for meeting without registration. (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 printer-friendly map of Azerbaijan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=azerba>

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