

TAJIKISTAN

Following the dissolution of the Soviet Union, a series of civil conflicts erupted in Tajikistan between 1991 and 1997 as Islamist factions and pro-democracy protestors struggled to rid the country of communist influence.¹ The violence ravaged Tajikistan's agricultural and industrial sectors, contributing to its status as the poorest of the former Soviet states.

The country is marked by authoritarian rule, political corruption, and deep economic problems, forcing many of its citizens to rely on remittances from relatives working in Russia or on the trafficking of narcotics coming from neighbouring Afghanistan.²

Emomalii Rahmon was formerly the Supreme Soviet of the Tajik Soviet Socialist Republic and now continues his strong-arm rule as president of Tajikistan. He was elected to a fourth term in 2013 after the passage of a referendum which allowed him to stand for two additional seven-year terms. The OSCE declared that the election lacked 'a genuine choice and meaningful pluralism.' International observers maintain that the country has not had a truly free election since 1992. Indeed, President Rahmon has been frequently accused of presiding over fraudulent elections and arresting his political opponents on trumped up charges. In December 2015, the president was granted life-long immunity from prosecution as his regime continued efforts to consolidate power.³

Of the 8.3 million inhabitants in Tajikistan, 85% are Sunni of the Hanafi sect, 5% are Shiite, and 10% are of other faiths, such as Russian Orthodoxy, Protestantism, and Jehovah's Witnesses.⁴ Strict state control of religious practices suppresses the free expression of religion in a number of spheres: rigid standards for government registration, state-mandated curriculum for imams' sermons, closure of madrassahs, and censoring of religious literature.⁵ Tajikistan also prohibits those under the age of eighteen from receiving religious education or worshipping at mosques and churches, often viewed as a strategy to secularize future generations. Jehovah's Witnesses, as well as some Protestant and Islamic movements, have been formally banned.⁶

Salafist Muslims in Prison

In April 2016 **Romish Bobyev, Otabek Azimov, Abdurahmon Ismoilov, and Kurshed Suvanov** were arrested in Dushanbe for being members of a Salafist movement and for participating in 'extremist' activities. Bobyev was sentenced to sixteen years, Azimov to

¹ Hambly, Gavin R.G and others. *Encyclopaedia Britannica* 'Tajikistan'

² Central Intelligence Agency. *World Factbook* 'Tajikistan'

³ Caldenty, Lola Sanchez and others. The European Parliament 'European Parliament resolution on Tajikistan, situation of prisoners of conscience.' 7 June 2016.

⁴ Central Intelligence Agency. *World Factbook* 'Tajikistan'

⁵ Bayram, Mushfig. *Forum 18* 'TAJIKISTAN: Last madrassahs finally closed.' 6 September 2016

⁶ Bayram, Mushfig and Kinahan, John. *Forum 18* 'TAJIKISTAN: Religious Freedom Survey January 2016.'

fourteen and Ismoilov and Suvanov each to three years. The case went to the court of appeals, but the outcome is not yet known.

In late March 2016, **Imams Sulaymon Boltuyev, Madksud Urunov, Abdujamil Yusupov,** and **three other imams** were arrested in the Sogd Region for inciting religious hostility. They have denied the accusations, which were brought against them under Criminal Code Article 189, Part 1, concerning incitement to ‘hatred or dissension.’ Additional information about the case against them or their condition has not been forthcoming.

In January 2016, **Imam Khamid Karimov** was arrested in the village of Bobjon in the Sogd Region for participation in a banned Salafi Muslim movement. Karimov said that his ‘only guilt was active propagation of Islam in Sogd and teaching others to do so.’ He was charged with Criminal Code Article 307, Part 2 and Article 189, Part 1 and sentenced on 18th April 2016 to eight years in prison by Judge Boir Zoirzoda of Sogd Region's Bobojon Gofurov District Court.

Along with Imam Karimov were arrested **Muhammadsayid Sayidov, Abdujamid Abdukadirov, Mirzomhammad Rahmatov,** and **Farhod Karimov.** The men claimed in their defence that ‘the only thing presented as evidence was that they prayed differently and taught not according to the Hanafi but the Salafi School.’ They were charged under Criminal Code Article 307-3 Part 2 which punishes activities in a banned extremist organisation. All four men were sentenced to seven-year prison terms by the same judge as Khamid Karimov.

In March 2016, **Imam-haytp Muboroksho Khasanov** and **Fazliddin Gadoyev** were arrested in the village of Kalai in Rogun for participation in the banned Salafi Muslim Movement and specifically for praying in the Salafi style. They were charged with Criminal Code Article 189, Part 1. Their sentence and place of detention are presently unknown. Khasanov was arrested alongside the village doctor, Fazliddin Gadoyev, and twenty-five others and taken to the Prdavs Police in Ushanbe. Some of the younger prisoners have been released. The family members believe that their relatives were actually arrested for wearing their beards long, in the Salafi manner.

Between 9th and 14th May 2016, **Alisher Olimov, Kobil Sanginov, Guftron Anvarov, Dovud Okhunov,** and **Khurshed Bofarov** were arrested in the Kanibadam District of Sogd for being members of the Egyptian Muslim Brotherhood Organisation and were charged under Criminal Code Article 307-2, which prohibits banned extremist organisations. Their sentence is currently unknown, and they have been held at the Khujand District Police Detention Centre. On 11th February 2016, **Muhammadi Rahmatullo (Alias Mullah Muhammadi)** was arrested on three charges, one of which was inciting religious enmity. Rahmatullo was a leader of a conservative Salafist movement. He was sentenced in July to eight years in prison.

Tablighi Jamaat Muslims in Prison

Mulloh Abdulloh was arrested in 2009 on suspicion of being a leader of the banned Tablighi Jamaat movement in Qurghonteppa. He was charged with Article 307 of the Criminal Code.

Suhrob Sharifov was arrested in 2010 in Khatlon for suspicion of membership in the banned Tablighi Jamaat. He was charged with Article 307 of the Criminal Code and fined 26,700 somoni.

Murodbek Galandarov was also arrested in 2011 in Sarband for the same reason as Sharifov.

In 2012, **Abdualol Valiev** and **Tohir Zoirov** were arrested in B. Ghafurov for suspicion of membership in Tablighi Jamaat and sentenced to three years in prison.

In January 2015, **Abdulloh Ishogov**, **Payravjon Ashurov**, and **Zarif Nurifinov** were arrested on suspicion of membership in Tablighi Jamaat and were sentenced to three years in prison.

In 2015, **Amrokhon Ergashov** was arrested for suspicion of membership in Tablighi Jamaat (Criminal Code Article 307, 187, and 195). He was sentenced to twelve years in prison.

The full list of documented cases of FoRB prisoners for each denomination is available on the USB key attached to this report and on our website: <http://hrwf.eu/forb/forb-and-blasphemy-prisoners-list/>.

Laws Used to Criminalize Religious Activities

Laws commonly used to prosecute religious individuals include Criminal Code Article 189 Part 1 and Article 307-2. Article 189 has been used to charge Salafists who express religious views that differ from the more prevalent Hanafi Islam in Tajikistan. The article prohibits ‘actions leading to inciting national, racial, local, or religious hatred or dissension, humiliation of national dignity, as well as propaganda of the exclusiveness of citizens based on their religion, national, racial or local origin, if committed in public or using means of mass media.’ Acts as simple as praying in the Salafi manner or wearing a long beard are enough to draw charges under this criminal code.

Article 307-2 refers to specific organisations that are banned in the country, such as Salafist associations, the Muslim Brotherhood, or Tablighi Jamaat. It prohibits ‘participating in or organising the activity of political parties, social or religious organisations, or other organisations liquidated or banned by a court for extremist activity.’ It is under this article that followers of Tablighi Jamaat followers have been typically charged.

Worship at sacred places and participation in sacred rituals are essential elements of many religions, including Islam; however, a 2011 law called the ‘Parental Responsibility Law’ has prohibited minors under the age of eighteen to participate in religious events apart from funerals. In 2014, two men were arrested in connection with these laws for teaching school-aged children from the Koran.⁷ Virtually all religious practices are regulated by the Committee on Religious Affairs (CRA). All mosques and churches must seek registration with the CRA to operate freely.

Almost all registered mosques have been equipped by the CRA with security cameras to oversee the events on the premises. The law restricts prayer to only four locations: home, mosques, cemeteries, and shrines. For Hanafi women, the tradition is even more restrictive, as Hanafi women may only pray at home. The prohibition does not apply to Christian and Shia women. Other aspects of religious life that are controlled by the CRA include private celebrations, weddings, funerals, and celebrations of the Prophet Muhammad's birthday. In 2014, the CRA even distributed a 300 page manual of forty-five sermons that are acceptable for imams to use in Friday services.⁸

National Standards for Detention Conditions

Article 117 of the Criminal Code prohibits torture, which is defined as ‘causing physical or mental suffering by systematic assault or other forcible means.’⁹ Even still, the law falls short of condemning government or prison authorities for using torture in an official capacity.

Tajikistan agreed to implement recommendations made under its 2013 Universal Periodic Review, including a plan of action to combat the use of torture by prison officials. Article 143-1 was introduced into the country's Criminal Code, underscoring that torture is a crime when used by public officials and is punishable by two to five years of imprisonment with fines.¹⁰ The Criminal Executive Code of Tajikistan also includes many rights granted to convicts that protect their unalienable rights and ensure their physical well-being. Below are just a few of the relevant provisions written into the code:¹¹

- The Republic of Tajikistan respects and protects rights, freedoms and legal interests of convicted persons, provides for conditions of serving of a sentence established by law, guarantees of social justice, legal protection, as well as personal security during execution of a sentence. (Article 15-1)
- Convicted persons shall be guaranteed freedom of conscience and religion. Each convicted person has a right to determine independently his attitude to religion, practice any religion separately or jointly with other people or practice no religion,

⁷ Bayram, Mushfig. *Forum 18* ‘TAJIKISTAN: Last madrassahs finally closed.’ 6 September 2016.

⁸ Bureau of Democracy, Human Rights, and Labour. Tajikistan 2014 International Religious Freedom Report.’

⁹ Legislationline. ‘Unofficial transcript of Criminal Code of the Republic of Tajikistan.’

¹⁰ Working Group on the Universal Periodic Review. ‘Tajikistan’ May 2016.

¹¹ Legislationline. ‘Unofficial transcript of Criminal Code of the Republic of Tajikistan.’

participate in performing religious cults, rituals and ceremonies, freely choose and have religious or atheistic convictions and act according to them. (Article 21-1)

- Convicted persons have the right to polite treatment by staff of the criminal executive institution or body. They shall not be subject to cruel or dignity-degrading treatment. The application of coercive measures shall be based only on law. (Article 16-2)
- Convicted persons have the right to have meetings with family members, relatives and receive food and other articles of prime necessity. (Article 16-8)

Tajikistan shares the unfortunate trait of many of its central Asian neighbours, which ostensibly guarantees human rights through legal structures but fails to deliver on these rights in practice.

National and International Reports on Prison Conditions in Tajikistan

There is a dire need for improvement of prison conditions in Tajikistan, according to reports from various international organisations and NGOs which have observed grave human rights violations in these facilities, including poor living conditions, excessive punishments and even torture. In 2014, UN Special Rapporteur on torture Juan Mendez commented that ‘Tajikistan still needs to bridge the gap between policies and reality,’¹² referring to the lack of progress in the areas of torture and mistreatment of prisoners since the country’s stated plan for reform in the wake of its 2013 Universal Periodic Review (UPR).

The 2016 UPR found Tajikistan negligent in providing basic necessities for inmates. The Human Rights Committee and Committee against Torture expressed concern for poor prison conditions and reports of poor ventilation, unsanitary conditions and inadequate food and health care in detention facilities.¹³ The committees also reported harsh conditions for inmates who were serving life sentences, such as severe isolation, poor living conditions, and limited access to family members and legal counsel.¹⁴

Medical treatment is especially particularly deficient. In 2014 alone, eighty inmates died in medical facilities, twenty-five died from tuberculosis and fifty-five from other diseases.¹⁵ The spread of contagious diseases such as tuberculosis among inmates is a common problem in Central Asia's prison systems, where inmates are kept in crowded and poorly ventilated cells that allow disease to thrive.

Mistreatment and intimidation by prison authorities are common in Tajikistan’s penal system. For instance, Human Rights Watch investigated the condition of Abubakr Azizkhodzhaev, who was imprisoned in 2016 for criticizing the government publicly and reported that jail officials received food and clothing meant for Azizkhodzhaev but did not pass on the items to

¹² United Nations Human Rights Office of the High Commissioner. ‘Torture: Tajikistan still needs to bridge the gap between policy and reality.’ - UN rights expert’. 12 February 2014.

¹³ Working Group on the Universal Periodic Review. ‘Tajikistan’ May 2016.

¹⁴ Ibid.

¹⁵ Yuldoshev, Avaz. *Asia-Plus Media Group (Dushanbe, Tajikistan)*. ‘Ombudsman advises Tajik authorities to improve prison conditions.’ 18 March 2015.

him. Those who were able to visit him reported seeing burns on his body and physical evidence of beatings.¹⁶

In another case, dozens of inmates being transferred from facilities in Dushanbe to Khujand were abused upon arrival in an effort by authorities to encourage submissive behaviour. The prisoners claim that they were stripped naked, insulted, and physically abused by some fifteen to twenty law enforcement officials.¹⁷ Some of the inmates who were beaten, often with rubber batons, repeatedly lost consciousness during the abuse. The prisoners sent a letter to the general prosecutor in Dushanbe, pleading for him to take action against the local prison authorities, but the letter received no response. Relatives of the prisoners staged a protest outside the prosecutor's office to no avail.

Despite the recommendations of the 2013 UPR, torture continues in Tajikistan's prisons and leads to fatalities every year. Indeed, in two separate incidents in 2016, two inmates in Dushanbe were found dead in their cells with signs of torture, including hot iron burns on one of the bodies.¹⁸ A climate of impunity is deeply rooted, as allegations of torture are not effectively investigated and prosecuted.¹⁹

In fact, since 2012 only four officials have been convicted under Article 143-1. Victims of mistreatment are frequently intimidated by prison authorities and fear repercussions for reporting their experiences to lawyers or human rights advocates. Sometimes the only way to avoid mistreatment is to get their relatives to pay bribes to prison officials.²⁰

Conclusions

Religious suppression is just one part of a larger political strategy by the Rahmon government to prevent opposition forces from mobilizing in Tajikistan. The government seeks to consolidate power by forceful tactics. Citizens tolerate its targeting of groups such as Tablighi Jamaat and Salafists for security reasons; anything seems preferable to the chaos they experienced during the dreadful period after the country's independence.

The people of Tajikistan live in extreme poverty and have not succeeded in building an effective civil society to counter the abuses of its government. Corruption, impunity, and abusive treatment of prisoners continue unabated, and it is widely acknowledged.

Tajikistan should give priority to meeting the UN minimum standards for the treatment of prisoners and to the reforms to which it has committed itself under the UPR. It should also release those prisoners who are there solely for the peaceful practice of religious activities and lift the ban on organisations like Tablighi Jamaat and Salafists that do not practice or advocate

¹⁶ Human Rights Watch. 'Tajikistan: Government Critic Facing Prison'

¹⁷ Najibullah, Farangis. *Radio Free Europe* 'Video Footage Shows Alleged Ill-Treatment of Tajik Inmates'

¹⁸ <http://www.rferl.org/a/tajikistan-prisoner-abuse-video-footage/24797911.html>

¹⁹ Working Group on the Universal Periodic Review. 'Tajikistan' May 2016.

²⁰ O'Connor, Coilin *Radio Free Europe* 'Tajik Torture Claims Put Prisoners Under Scrutiny'

violence. These actions are long overdue and would go far to bring the country in line with those of modern democratic states.