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Daniil Islamov released after serving unjust imprisonment in Tajikistan

JW.org (24.04.2018) - <https://bit.ly/2sj1hXT> - On April 13, 2018, Daniil Islamov, a conscientious objector and one of Jehovah's Witnesses, was released from Yavan Prison after unjustly serving a six-month prison sentence under the charge of evading military service. Mr. Islamov was imprisoned for nearly a year, since he had been in pretrial detention for six months before sentencing.

In April 2017, he received a military call-up and reported to the enlistment office. He informed the officers that he could not perform military service in good conscience. The commissariat arrested Mr. Islamov and detained him in military barracks until his trial. While in detention, he was repeatedly pressured to take the military oath and to put on a military uniform, which he refused to do.

According to Tajikistan law, a person may substitute alternative service for military service, but the government has not enacted legislation to provide for this. Since Mr. Islamov had been unlawfully detained for refusing military service, he submitted a complaint to the UN Working Group on Arbitrary Detention (WGAD). On October 5, 2017, the WGAD released its opinion and confirmed that conscientious objection to military service is an internationally protected right. The opinion concluded that Tajikistan is guilty of arbitrarily detaining Mr. Islamov and should release him immediately.

However, Tajikistan disregarded the WGAD decision. On October 13, 2017, Tajikistan's military court sentenced Mr. Islamov to six months in prison. The Military Collegium of the Supreme Court rejected Mr. Islamov's appeal, and he served his full sentence.

Philip Brumley, General Counsel for Jehovah's Witnesses, stated: "We hope that the Tajikistan government will reconsider its treatment of conscientious objectors like Mr. Islamov. Since the WGAD and other international tribunals have repeatedly ruled that conscientious objection to military service is an internationally protected right, we anticipate that Tajikistan will adhere to its commitment to respect the fundamental rights of conscientious objectors."

Tajikistan's Islamist extremists concentrated in big cities at home and in Russia

By Paul Goble

Eurasia Daily Monitor (06.03.2018) - <http://bit.ly/2oV4qLc> - Despite popular misperceptions of religiosity in general and Islam in particular flourishing most strongly in poor rural areas, the Islamist revival of the last 30 years has been primarily an urban phenomenon. This has been the result of the loss of familial ties by those who moved from villages into the rapidly growing cities as well as the communication revolution, which has allowed Islamist activists to reach the new urbanites. That is what happened in Iran and in the countries affected by the Arab Spring. And it is now occurring in Central Asia—and nowhere more than in Tajikistan, the most Islamic, and one can also say Islamist, country in that region (see [EDM](#), February 6).

The rise of Salafists and Wahhabists in major Tajikistani cities and among Tajik diasporas in Russian cities like Moscow have long been a concern for officials in Dushanbe, who fear that these movements could link up with other forces, domestic and foreign, to produce an Islamist revolution. The authorities have, thus, tried to prevent these trends from overwhelming traditional Tajik Islam. Most of their methods have proved counterproductive—be they closing down rural mosques or calling home some 6,000 Tajikistanis studying in *madrassahs* abroad but not providing them with jobs on their return ([News.tj](#), November 3, 2017; see [EDM](#), February 6, 2018). As a result, the situation has reached critical mass, and an Islamist explosion in Tajikistan's cities is increasingly likely.

Two Tajikistani experts, Khokim Mukhabbatov and Mavdzhigul Ibadullayeva of the Muslims Against Narcotics, Extremism, Force and Terrorism, describe in some detail how that precarious situation came about ([Islamio.ru](#), February 23). They note that Salafism or Wahhabism, as this trend is usually referred to in Tajikistan, arrived there already in the 1980s, as a result of the Iranian revolution and the war in Afghanistan. From the beginning, most of the Salafists and Wahhabists there were young men between the ages of 18 and 30 who had left their villages for the cities or for work in the Russian Federation. Lacking the stability their families and the local rural mullahs provided, they were prime candidates for recruitment by Salafists from abroad. That is still the case today. And the size of this cohort has increased as the cities have swelled in size and the number of Tajiks who have worked in Russian cities has risen over the last 15 years.

These young people, the two experts say, have had their religious worldview formed not by imams and mullahs in their villages but by Internet sites that appealed to them as Muslims rather than as villagers or Tajiks. It was only a short step from there for them to become recruits for the Caliphate (Islamic State) and to take up jihad against other Muslims—including Shiias and the Ismailis, both of whom have strong communities in Tajikistan, and Sunnis, who the web preachers said had sold out their faith.

A decade ago, Mukhabbatov and Ibadullayeva say, Tajikistani Senator Oli Turadzhonzoda already warned that “the Salafists have the upper hand in several major cities. In the *kishlaks* [rural settlements], districts and rural areas, there are almost none of them.” That pattern continues to this day, the two experts contend.

Dushanbe has vacillated between incentives and suppression to deal with the domestic growth of Islamism. On the one hand, the government has tried to make concessions such as amnesties and reaching out to Salafist backers in Qatar and Saudi Arabia. On the other hand, the authorities have cracked down hard on Salafists and Wahhabists inside the country—especially upon their return from studying abroad or working in the Russian Federation—by adopting new laws that impose draconian sentences of many years in prison for such activities. Neither approach has worked, the two experts say. The first has been

taken by the Salafists as an indication of their own strength and the weakness of the Tajikistani government. And the second has created an ever larger group of people either in prison or listed as extremists who have no reason to support the government and every reason to join with others in opposing it or even seeking its overthrow.

The Salafists and Wahhabists have a real advantage compared to Tajikistan's government: they understand and can use modern technologies to reach and organize their followers, something Dushanbe lags in, Mukhabbatov and Ibadullayeva argue. But that is not their only advantage. The Salafis reject most of modern science even as they use its fruits, the two continue. But they are particularly sensitive to traditional ways. Unlike the government, they use local dialects in reaching out even to their urban followers "in order to more quickly find a common language" and "strengthen their influence" in the country as a whole via their urban constituency. In addition, they reject any attention to the pre-Islamic history of the country, oppose the use of Russian in Tajikistan, and reject all efforts to improve ties with Moscow.

Recognition is growing in Dushanbe, the experts note, that the Salafists are gaining too many advantages and that Tajikistan's authorities need to adopt a more effective strategy to counter them. But as of now, they suggest, few in the government have any good ideas as to what such a strategy should look like.

Conscientious objection appeal to UN Human Rights Committee?

By Mushfig Bayram

Forum18 (27.02.2018) - <http://bit.ly/2H87paD> - *Prisoner of conscience Daniil Islamov is preparing to appeal for the last time to Tajikistan's Supreme Court against a six-month jail term for refusing compulsory military service. If this appeal is rejected, he is likely to appeal to the UN Human Rights Committee.*

Jehovah's Witness prisoner of conscience Daniil Islamov is preparing to appeal for the last time to Tajikistan's Supreme Court against a six-month jail term imposed in October 2017 for refusing compulsory military service (see below).

The government and the Supreme Court have not ordered prisoner of conscience Islamov's release, despite the United Nations (UN) Working Group on Arbitrary Detention on 5 October publicly stating that Tajikistan should release him "immediately" (see below).

If the Supreme Court rejects this final appeal, prisoner of conscience Islamov is likely to file a complaint with the UN Human Rights Committee (see below).

In Yavan Prison with fellow-prisoner of conscience?

Prisoner of conscience Islamov is thought to be being held in Yavan Prison in the south-western Khatlon Region, Jehovah's Witnesses told Forum 18 on 27 February.

This is the same prison prisoner of conscience Bakhrom Kholmatov is held in. Protestant Pastor Kholmatov was jailed for three years in July 2017 for allegedly "singing extremist songs in church and so inciting 'religious hatred'". He decided in November not to continue appealing against his jail term. The government threatened family members, friends, and church members with reprisals if they revealed any details of the case, trial, or jailing.

If prisoner of conscience Islamov is in Yavan Prison, his address is:

Tajikistan
Yavan
Ispravitelno-Trudovaya Koloniya, yas. 3/6
6th otryad
Daniilu Ruslanovichu Islamovu

Prisoner of conscience's jailing upheld

Judges Jamshid Akhmadzoda and Abdugafor Tagozoda of the Military Panel of the Supreme Court on 11 January rejected the appeal of Daniil Ruslanovich Islamov (born 31 January 1999). The Judges "unilaterally rejected Islamov's appeal to acquit him and release him from prison," Jehovah's Witnesses told Forum 18 on 9 February. "Inexplicably, the judges conducted the case in their private chambers without a hearing and upheld Islamov's conviction on the false charge of evading military service."

Why?

Prisoner of conscience Islamov was forcibly conscripted in April 2017, despite health problems preventing him doing military service even if he wanted to do it. After refusing to serve in the army, he was detained in a military unit. Colonel Musa Odinzoda, Deputy Chief of the General Staff and Head of the Organisation and Mobilisation Department, told Islamov's mother that he cannot do alternative service because there is no domestic legal provision for this.

Colonel Odinzoda has not answered Forum 18's questions about the case. The UN Human Rights Committee has twice urged Tajikistan to recognise the right to conscientious objection and to provide alternative civilian service. But the government has failed to do this. Human rights defenders in Tajikistan, such as the Office of Civil Freedoms, have also repeatedly called for alternative service to be introduced.

Prisoner of conscience Islamov was charged under Criminal Code Article 376, Part 1 ("Evasion by an enlisted serviceman of fulfilment of military service obligations by way of inflicting on oneself injury (self-mutilation) or evasion by simulation of sickness or by other deception"). Yet Lieutenant Colonel M. Kulmakhmadov, commander of the military unit Islamov was held in, refused to say to Forum 18 what exactly the prisoner of conscience had done which could be said to break this article of the Criminal Code.

On 5 October 2017 the UN Working Group on Arbitrary Detention publicly stated that Tajikistan should release prisoner of conscience Islamov "immediately". The Working Group's Advanced Edited Opinion (A/HRC/WGAD/2017/43) finds that Tajikistan has contravened the International Covenant on Civil and Political Rights. "The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. Islamov immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law".

Yet on 13 October 2017 Qurghonteppa Military Court, in Khatlon Region, sentenced prisoner of conscience Islamov to six months' jail. The 13 October decision noted that sentence started from that date, so his sentence ends on 12 April 2018.

Prisoner of conscience Islamov appealed against his conviction to the Supreme Court on 23 October 2017. On 28 November, the Supreme Court rejected his appeal, but ruled to send his case back to the first instance Court for "correction of mistakes in the decision". They did not specify what these "mistakes" were.

Final Supreme Court appeal, appeal to UN Human Rights Committee?

On 20 February 2018, Islamov's lawyer filed a final cassation appeal to the Supreme Court against its 11 January decision, Jehovah's Witnesses told Forum 18 on 21 February.

Judge Akhmadzoda, one of the judges who made the 11 January decision, told Forum 18 on 21 February that the Court will consider the cassation appeal. Forum 18 asked him: why Islamov, who is willing to do alternative service, must suffer because Tajikistan does not offer this; and why the Court regarded him as a military serviceman despite his not taking a military oath. Judge Akhmadzoda replied: "I cannot comment on that." He then refused to talk more to Forum 18.

"If the Court rejects this final appeal, Daniil Islamov will have no further legal remedies available within Tajikistan and is likely to file a complaint with the UN Human Rights Committee," Jehovah's Witnesses stated.

"The will of the people"?

Deputy Murodullo Davlatov, a member of Parliament's Lower Chamber and Deputy Head of its International Relations Committee, claimed to Forum 18 on 15 February that "the people of Tajikistan do not want alternative service, and Parliament represents the will of the people."

Tajikistan has never held an election found to be free and fair by Organisation for Security and Co-operation in Europe (OSCE) Election Observation Missions.

Asked whether prisoner of conscience Islamov and human rights defenders do not represent people of Tajikistan, and whether Islamov is entitled to his human rights, Deputy Davlatov replied: "He violated the law, which is why he was arrested".

Jehovah's Witnesses are banned in the country, possibly because of their pacifist beliefs and refusal to do compulsory military service.

Concurrent freedom of religion and belief violations

Deputy Davlatov has also backed January Religion Law changes allowing the state to restrict freedom of religion or belief on illegitimate grounds, increase religious communities' reporting obligations, require state approval for all imams, and increase state control on religious education. The new restrictions are primarily aimed at Muslims. Tajikistan has claimed to have closed almost 2,000 mosques in 2017. Officials claimed they were closed at the request of local residents, but have not been able to explain why they only allow mosques with a capacity far below the possible numbers of worshippers.

Almost 2,000 mosques closed in 2017

By Mushfig Bayram

Forum 18 (26.02.2018) - <http://bit.ly/2oCqQk7> - *Tajikistan has claimed to have closed almost 2,000 mosques in 2017. Officials claimed they were closed at the request of local residents, but have not been able to explain why they only allow mosques with a capacity far below the possible numbers of worshippers.*

On 5 February 2018 Tajikistan's State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA) claimed that 1,938 mosques were in 2017 forcibly closed and converted to secular uses. However, human rights defender Faizinisso Vokhidova noted that the SCRA's claims that the mosques were illegal is not credible. She also noted that many closed mosques had refused to complain about their closure, even when offered legal assistance in bringing court cases. "They were afraid to do so", Vokhidova told Forum 18 (see below).

Press conferences were in early January held in various parts of Tajikistan to announce local mosque closures and the alleged reasons for this. Two typical examples were in the northern Sogd Region, in Isfara and in Bobojon-Gofurov District. In both cases, officials claimed the mosques were closed at the request of local residents. In neither case were officials able to explain to Forum 18 why they only allow mosques with a capacity far below the possible numbers of worshippers (see below).

The authorities are highly dismissive of questions about the mosque closures. When Forum 18 on 19 February asked the SCRA official responsible for work with mosques why so many have been closed, he put the phone down and then put on a recorded message with a female voice repeatedly saying: "Who are you, where are you calling, what an idiot". His phone continued to play this message with a male voice the following day (see below).

Imprisoned Jehovah's Witness prisoner of conscience Daniil Islamov is preparing to appeal for the last time to the Supreme Court against his six-month jail term imposed in October 2017 for refusing compulsory military service. On 28 November the Supreme Court ruled that his case should be sent back to the first instance Court for "correction of mistakes in the decision". On 5 October the United Nations (UN) Working Group on Arbitrary Detention publicly stated that Tajikistan should release prisoner of conscience Islamov "immediately". This has not happened.

Ongoing forced mosque closures

All exercise of the freedom of religion and belief is under tight state control and surveillance, with Muslims being particularly targetted for restrictions. There are, for example, severe limitations on the numbers of mosques permitted and activities allowed inside those mosques. These limitations are backed by repeated mosque and Islamic prayer room closures. The state continues to forcibly close Mosques and Muslim prayer rooms as well as impose increased surveillance and controls on the mosques they do permit. Officials also repeatedly attempt to stop Muslim men wearing beards and Muslim women wearing the hijab (headscarf).

At least nine Muslim men – including an imam and a well-known heart surgeon - are known to have been jailed as prisoners of conscience since August 2017 in the northern Sogd Region in three separate cases. All received five years or more jail terms. Officials refused to explain what they had done wrong.

Religion Law changes in 2018 have imposed further restrictions, including: allowing the state to restrict manifestations of freedom of religion or belief on a wide range of grounds not permitted under international human rights obligations; increasing religious organisations' requirements to report all their activity to the state; requiring state approval for the appointment of all Imams; and increasing state control both on religious education at home, and on those travelling abroad for such education. The changes also make it even more difficult for Muslims who are not Sunni and Hanafi (the only permitted Islamic school) to establish mosques.

The mosque closure campaign parallels similar forced closures when Tajikistan was part of the Soviet Union. Throughout all the territory of the Soviet Union very large numbers of mosques, churches and other places of worship were closed, and their buildings confiscated for secular uses.

Almost 2,000 mosques converted in 2017 to secular uses

On 5 February 2018 Khuseyn Shokirov, who is responsible for the SCRA's work with mosques, claimed at a press conference that "1,938 illegal mosques were in 2017 converted to cultural and medical centres, kindergartens, teahouses and so on". Shokirov also claimed that 231 mosques were given more time to prepare documents. He claimed that the closed mosques "did not have proper documents for land, and some of them were not officially registered as religious communities", Asia-Plus noted on 5 February. This type of excuse is normal when the authorities close mosques.

The authorities also used the excuse that "many of those mosques did not have proper certificates from the State Land Committees or the SCRA", Faizinisso Vokhidova, an independent human rights defender from the capital Dushanbe, told Forum 18 on 20 February.

However, human rights defender Vokhidova pointed out that this does not make the mosques illegal. "Without the endorsement of the local authorities and Land Committees the mosques could not have been built," she stated, "because otherwise the authorities would have raided these buildings and closed them down a long time ago." She also noted that some of the closed mosques were at least 50 years old, and so were built during the Soviet period.

Human rights defender Vokhidova also pointed out that "it is the duty of the Land Committee and the SCRA to provide existing communities with all necessary documents for their mosque buildings and not wait for them to request them". So they cannot be described as illegal because of certain missing papers.

Fear

Many in Tajikistan fear discussing freedom of religion and belief and other human rights violations, for fear of state reprisals. Human rights defender Vokhidova stated that she knew of many closed mosques had refused to complain about their closure, even when offered legal assistance in bring court cases. "They were afraid to do so", Vokhidova told Forum 18.

Press conferences were in early January held in various parts of Tajikistan to announce local mosque closures and the alleged reasons for this. Two typical examples were in the northern Sogd Region, in Isfara and in Bobojon-Gofurov District.

Isfara: "Discrepancy with sanitary rules"?

On 24 January Dilshod Rasulzoda, then-Head of Administration in Isfara, told a press conference that 45 mosques were closed in the city in 2017 due to "discrepancy with sanitary rules and inappropriate conditions in them". He then claimed that local residents asked for the mosques to be converted to secular uses.

However, a former Imam of a mosque in Isfara forcibly closed in 2017 stated on 21 February 2018 that Muslims from his district now have to go to a mosque in a neighbouring mahalla (residential area). "Many of the Muslims from my mosque are old and some are ailing. It is

hard for them to walk several kilometers on unlit streets, especially in the early morning and late evening". The Mosque had existed since Soviet times.

Rasulzoda refused to talk to Forum 18 on 16 February, and has been dismissed from his position. Isfara Administration Press Secretary Ikbol Teshayev told Forum 18 on 20 February that Rasulzoda's dismissal was not related to mosque closures. When asked about the mosque closures, he refused to discuss them and then claimed "We still have 100 five-fold mosques functioning, and they can attend those".

Five-fold mosques are the smallest size of mosque permitted, and are intended for districts with a population of between 100 and 1,000 people. As Isfara has a population of over 250,000 people, Forum 18 asked what would happen if more than the maximum mosque capacity of 10,000 wanted to attend mosques. Teshayev refused to answer the question and then refused to talk more to Forum 18.

Bobojon-Gofurov District: Local residents asked for mosque closures?

Zarif Valizoda, Head of Bobojon-Gofurov District Administration, told a 30 January press conference that 46 mosques were closed down in the District in 2017 "because they were built illegally. Some of them were built 50 meters away from each other". Like his then-colleague Rasulzoda of Isfara, Valizoda also claimed that local residents asked for the mosques to be converted to secular uses.

When Forum 18 asked Valizoda on 20 February why these previously-existing mosques have become illegal, he claimed that "I never said they were illegal." Asked why they were closed, Valizoda claimed that "we did not close down the mosques, but the local residents asked us to convert their mosques into various facilities and use them for different purposes".

Administration head Valizoda then claimed to Forum 18 that "all the mosques that were closed down only had up to 30 people attending". Similar excuses have long been used by the authorities.

Valizoda claimed that there were still 136 five-fold mosques in the district. When Forum 18 asked how their maximum permitted capacity of 13,600 could accommodate the roughly 360,000 people in the District who might attend Friday prayers, Valizoda would not answer.

Q: Why are mosques being closed? A: "What an idiot".

The authorities are highly dismissive of questions about the mosque closures. When Forum 18 on 19 February asked Shokirov of the SCRA why so many mosques were forcibly closed, he claimed that he could not hear the question and then put the phone down. When Forum 18 rang back, a recorded message with a female voice repeatedly said: "Who are you, where are you calling, what an idiot". On 20 February Shokirov's phone was answered with the same recorded message, but this time with a male voice.

SCRA Legal Expert Abdurakhmon Mavlanov refused to discuss the enforced mosque closures on 15 February, and did not answer his phone at any time between 15 and 19 February.

In videos from October 2017 seen by Forum 18, SCRA representative Shokirjon Holdorov is apparently seen demanding the closure of a mosque in Rudaki District, to the south of Dushanbe. In one video Holdorov is apparently drunk according to others in the film. Holdorov then threatens the imam and mosque attendees using foul language. "I have been warning you for six months. If you don't shut this down, I will label you all Salafis and you will all go to jail", the man who appears to be Holdorov states.

The Salafi school of thought is banned in Tajikistan, even though no official has been able to explain to Forum 18 what if any crimes these Muslims have committed. Courts have jailed Salafis for up to 16 years even though no official has been able to describe to Forum 18 any alleged crimes that were committed.

The mosque was later closed, and Holdorov was "given a verbal warning for his behaviour" Eurasianet reported on 5 February 2018.

Amendments impose even tighter state control

By Mushfig Bayram

Forum 18 (19.02.2018) - <http://bit.ly/2oonIZ6> - *Religion Law amendments allow the state to restrict freedom of religion or belief on illegitimate grounds, increase religious communities' reporting obligations, require state approval for all imams, and increase state control on religious education. "We do not need to be afraid of control," said parliamentary deputy Muradullo Davlatov.*

Tajikistan's latest amendments adding more restrictions to the already restrictive Religion Law came into force on 10 January. "Instead of improving the Law, the amendments worsened it and made it more restrictive," human rights defender Faizinisso Vokhidova complained to Forum 18. "The Law represents total control and is unjust."

The amendments: allow the state to restrict manifestations of freedom of religion or belief on a wide range of grounds not permitted under international human rights obligations; increase religious organisations' requirements to report all their activity to the state; require state approval for the appointment of all Imams; and increase state control both on religious education at home, and on those travelling abroad for such education (see below).

Religious communities which asked not to be identified told Forum 18 they already have to submit to the state full details of all their activity and this seems set to increase still further. "We are afraid to give more personal details of our members and religious activity," one community said (see below).

But parliamentary deputy Muradullo Davlatov – a former state religious affairs official – defended the new restrictions. "We do not need to be afraid of control," he told Forum 18. "In all normal countries of the world religious organisations are controlled" (see below).

Entry into force

Parliament's Lower Chamber adopted the Religion Law amendments on 6 December 2017 and the Upper Chamber endorsed them on 21 December. President Emomali Rahmon signed them on 2 January 2018 and they entered into force on publication on 10 January in the state newspaper "Jumhuriyyet" (Republic).

The amendments were to the Religion Law which came into force In April 2009. This made all exercise of freedom of religion or belief with others without state permission illegal. The Law broke the country's international human rights commitments. Its passage was marked by a lack of public consultation, parliamentary debate or explanations of the reasons for its introduction. Among the restrictions imposed by the Law were: a ban on religious activity without state permission and obstacles to gain state registration; restrictions on the number and type of permitted mosques; tight controls on religious education; and the imposition of censorship.

The latest amendments to the Religion Law came into force as the State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA) announced that the authorities had closed nearly 2,000 unapproved mosques across the country in 2017, with several hundred more at risk of enforced closure. And Jehovah's Witness Daniil Islamov has failed to overturn his prison term for refusing compulsory military service at the Supreme Court (see forthcoming F18News article).

"The Law represents total control and is unjust"

Faizinisso Vokhidova, an independent human rights defender from Dushanbe, complained about the lack of public consultation over the latest Religion Law amendments. "The public found out about the changes to the Religion Law only after they were signed into Law by the President and were published," she told Forum 18 on 16 February. "There were no public debates or hearings."

Vokhidova criticised the new restrictions. "Instead of improving the Law, the amendments worsened it and made it more restrictive," she told Forum 18. "The Law represents total control and is unjust."

The amended Religion Law, together with the Law on Regulation of Traditions, Ceremonies and Rituals (Traditions Law) first adopted in June 2007, "totally control the doctrinal issues and practical life of Tajikistan's Muslims", Vokhidova complained. "Can you imagine a Muslim not being able to read the Quran and interpret it for themselves? Can you imagine not being able to follow the traditions of your ancestors who have observed rituals for more than a thousand years, for instance for burying the dead, receiving people and treating them to meals over the funeral period? It is all unjust and nonsense."

Vokhidova added: "When peaceful believers who only want to read their Quran and enjoy their free worship cannot do so, they go underground and some of them end up in the traps of radical and extremist movements."

A leader of a religious community, who asked that neither they nor their community be identified, similarly complained to Forum 18 about the amendments. "The Law was already oppressive. Now we will have to give the state all kinds of information about our members and our activity," they lamented. "The authorities keep heaping pressure on religious communities so that we cannot function normally."

Religious communities, which asked not to be identified for fear of state reprisals, told Forum 18 that before the latest changes to the Law, they already had to fill out detailed questionnaires given them by the SCRA each year.

The SCRA questionnaire, seen by Forum 18, asks about the number of employees, number of founders' meetings yearly, number of worship meetings, what magazines or newspapers they subscribe to, with which foreign organisations the community co-operated during the year, the sum of money it gave for charity, the amount of money the community received and exactly what it was spent on.

"Now there will be more questions and more details, which will make it very difficult for us to work," the communities told Forum 18 of their fears. "We are afraid to give more personal details of our members and religious activity."

No official comment, one deputy comments

No official at the SCRA in Dushanbe was available or willing to discuss the restrictions in the new amendments with Forum 18 between 15 and 16 February. The phones of the Chair Sulaymon Davlatzoda, First Deputy Chair Jumokhon Giyosov and other officials went

unanswered both days. Asked on 15 February about the amendments, the SCRA's Legal Expert Abdurakhmon Mavlanov asked Forum 18 to call back in 20 minutes. He did not answer his phones again between 15 and 19 February.

The General Section of Parliament referred Forum 18 to Imomali Nasriddinzoda, Head of the Law and Human Rights Committee. On 15 February, Nasriddinzoda through his Secretary (who did not give her name) asked Forum 18 to call back on 16 February. However, when called back, the Secretary told Forum 18: "We can talk to you only after the Foreign Ministry endorses your written questions."

Olim Salimzoda, Head of Parliament's International Relations Committee, recommended Forum 18 to discuss the amendments with committee member and Lower Chamber Deputy Muradullo Davlatov, a former head of the SCRA. "He is a theologian and is more competent in these issues to talk to you," Salimzoda told Forum 18 on 15 February.

Asked why no public debates or discussions were held and why civil society was not given a chance to participate in preparing the amendments, Davlatov told Forum 18 on 16 February: "Parliament, which represents the will of the people of Tajikistan, is capable of preparing the Law."

Asked why concerns of religious communities as well as of the wider public about restrictions on freedom of religion or belief were not taken into account, Davlatov repeated his previous answer.

Forum 18 pointed out that the United Nations had several times called on Tajikistan to improve the Religion Law and to abolish the restrictions to religious freedoms, as well as to provide for more freedoms, such as a civilian alternative to compulsory military service.

Asked why Tajikistan did not integrate any of these recommendations into the Law, Davlatov played it down. "Those are only recommendations but not obligations," he told Forum 18. "You need to understand that we have our own specific situation."

Told that Jehovah's Witness Daniil Islamov was jailed in 2017 for refusing to take up arms and asking to perform alternative service instead, and asked what he means by "specific situation", Davlatov claimed: "The people of Tajikistan do not want alternative service, and Parliament represents the will of the people."

The United Nations Human Rights Committee "twice urged Tajikistan to recognise the right to conscientious objection and to provide alternative civilian service, but the government has failed to do so," Jehovah's Witnesses complained to Forum 18.

Illegitimate restrictions

Religion Law Article 4 was amended to say that "Restriction of the right of freedom of conscience and faith is permitted only for the purpose of ensuring the rights and freedoms of others, public order, as well as protection of the constitutional order, security of the state, defence of the country, public morality, public health and territorial integrity of the country".

Some of these criteria (such as protecting the constitutional order, security of the state, defence of the country and the country's territorial integrity) are not legitimate grounds for restricting the manifestation of freedom of religion or belief.

Article 18 ("Freedom of thought, conscience and religion") paragraph 3 of the International Covenant on Civil and Political Rights (ICCPR) specifies the only grounds on which manifestations of the freedom of thought, conscience and religion may be limited: "Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed

by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others."

United Nations Human Rights Committee General Comment No. 22 paragraph 3 notes that ICCPR Article 18 "is to be strictly interpreted: restrictions are not allowed on grounds not specified there, even if they would be allowed as restrictions to other rights protected in the Covenant, such as national security. Limitations may be applied only for those purposes for which they were prescribed and must be directly related and proportionate to the specific need on which they are predicated. Restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner".

More arbitrary restrictions on and control of religious activity

Amended Religion Law Article 6 says that the "authorised state religious affairs organ carries out control of the activity of religious organisations in performing religious rituals" as well as "prepares and adopts by-laws aimed at realisation of state policy on religion in accordance with its competences."

Amended Article 10 says that "A religious organisation is obliged yearly, by 31 December of each year, to inform the authorised state religious affairs organ on the continuation of its activity, providing data which are entered into the State Registry of organisations. Failure to do so can be a reason for halting the activity of the organisation."

Article 16, in addition to the name, address, and other technical details, demands that a religious organisation provides information on all its activity throughout the year, to enter into the State Registry.

Amended Article 19 demands that religious organisations "provide the State Religious Affairs organ on request with information on the sources of income, inventory of its property, expenditure of its resources, number of its employees, salaries paid, the sums of taxes paid and other necessary information".

Article 19 also demands that religious organisations "assist the representative of the authorised State Religious Affairs organ to familiarise with the organisation's appropriate activity for reaching its goals and compliance with the laws".

Forum 18 pointed out to parliamentary deputy Davlatov that the Religion Law became more restrictive and clearly indicates that the state controls religious organisations by annually obtaining all kinds of information about their members and activities, that Article 4 in particular is vague and provides for arbitrary state restrictions, and asked why the state restricts and controls individuals as they exercise their right to freedom of religion or belief.

Davlatov replied: "It's all normal. We do not need to be afraid of control. In all normal countries of the world religious organisations are controlled. We need to stop extremism and terrorism." When Forum 18 insisted with the question, Davlatov brushed it off: "You say they are peaceful, we need to make sure that they are so."

State does "not appoint but only endorses Imams"?

Amended Religion Law Article 5 says that a religious organisation "elects, appoints and substitutes its servants and employees according to its religious beliefs and requirements of Tajikistan's laws". However, the amended Article 11 declares that "the election of sar-hatyps, imam-hatyps and imams of mosques is conducted with the agreement of the authorised state religious affairs organ".

Asked whether this is not interference in the internal affairs of mosques, Davlatov insisted to Forum 18 that this does "not mean that the State appoints those Imams, but only endorses

the Imams elected by their communities". Asked what will happen in cases where the authorities do not endorse an elected Imam, he responded: "I do not know. We have to see in a specific situation when it happens."

Where can non-Hanafi Muslims attend mosque?

Amendments to Religion Law Article 5 declare: "In accordance with Tajikistan's Constitution the ideology of no political party, public or religious association, movement or group can be recognised as state ideology." However, the preamble to the Religion Law says that it "recognises the particular role of the Hanafi school of Islam in the development of the national culture and spiritual life of people of Tajikistan".

Asked why the Law recognises the particular role of Hanafi Islam while it clearly states that the ideology of no religious movement can be recognised as state ideology, Davlatov insisted that "this is only to recognise Hanafi Islam's historic role in the spiritual development of Tajik people." He claimed that this would have "no legal consequences".

Told that as indicated in Article 11 elected Imams of mosques will have to gain endorsement by the state authorities, and these Imams, who have received state salaries since 2014, will have to abide by the teachings of Hanafi Islam and asked where Muslims who want to follow other forms of Islam than Hanafi Islam can attend mosques, Davlatov claimed: "Those Muslims can ask the State to register their Mosque according to their beliefs."

Told that the State for instance closed down more than 90 mosques in 2017 in Isfara and Bobojon Gofurov Districts in Sugd Region claiming that "too many" exist and asked whether registering mosques independent of the state is possible, Davlatov claimed: "Yes, why not? We are a democratic state."

Khuseyn Shokirov, SCRA official responsible for work with Mosques, insisted to Forum 18 on 19 February that "Hanafi Muslims have no more privileges than other Muslim communities". Asked who else can have a registered Mosque other than Hanafi Muslims and a limited number of Ismaili communities, he could not answer.

Asked whether Ahmadi Muslims for instance can register a community, Shokirov responded: "Their beliefs must correspond to our Laws." He did not explain what he meant. He refused to answer any further questions.

Religious education under total state control

Amended Religion Law Article 7 authorises the SCRA to "control the procedure for religious education for the purpose of preventing illegal teaching, propaganda and spread of extremist ideas, religious hatred and enmity".

Amended Article 8 declares that "Receiving religious education in foreign countries as well as foreign institutions of religious education is permitted only after receiving religious education in Tajikistan with written permission of an authorised state religious affairs organ. The order of receiving religious education in foreign countries is determined by Tajikistan's government."

Asked why individuals must receive state permission to study religion and in particular for study abroad, Davlatov told Forum 18: "We need to control for instance those who want to study Islam. There have been too many extremists who studied in some of those schools abroad." Asked why Protestants, Jehovah's Witnesses or Russian Orthodox, for instance, must ask the state's permission for religious education, he retorted: "It's not permission but only endorsement." Asked what the difference is he could not answer.

Tajikistan, most Muslim country in Central Asia, struggles to rein in Islam



Central Mosque in Dushanbe, Tajikistan (Source: paperpaper.ru)

By Paul Goble

Eurasia Daily Monitor (06.02.2018) - <http://bit.ly/2FIDjQm> - In the last month alone, local authorities closed almost 100 mosques in the northern part of Tajikistan, the latest effort by Dushanbe to control Islam in the most fervently Muslim country in Central Asia. Yet, this campaign is exceedingly likely to backfire by driving both imams who have lost their jobs as well as their former parishioners and followers to go underground. Indeed, this move may be at least as counterproductive as Dushanbe's decision two years ago to call home the 6,000 Tajikistani Muslims studying in madrassas (Muslim religious schools) and Islamic universities abroad and then refusing to allow them to work in government-registered mosques. And that entire situation was further exacerbated by the fact that the government has restricted higher Islamic education inside the country to a single Muslim center.

By systematically going after mosques and places of Islamic study, Dushanbe is in large measure recapitulating the unsuccessful Soviet approach, dramatically expanding the Muslim underground in the most Muslim country in Central Asia. As a result, at least some of those Muslim faithful pushed to the shadows could ultimately link up with Islamist radicals coming into the country from Afghanistan, destabilizing the impoverished country still further. If that happens—and there is some evidence that it already is (see below)—the government in Dushanbe and those who want to block the export of Islamist radicalism from Afghanistan are likely to suffer a major defeat and possibly even the overthrow of the secular regime in Tajikistan. In large measure, they will have only themselves to blame for such a loss.

At the end of January, officials in the Tajikistani city of Isfara (Sughd Region) announced that they had closed 45 mosques for failing to maintain "sanitary norms." Apparently, these

former places of worship will be converted into clubs and other social institutions (News.tj, January 25). Then, officials in the neighboring Ghafurov District announced that they were closing 45 mosques supposedly because some of them were built too close together—Tajikistani law bans having two religious facilities within 50 meters of one another—and transforming them into social centers as well (News.tj, January 30).

Officials insist that a sufficient number of mosques will remain open. In the case of the latter closings, the Ghafurov District, which has 360,000 residents, will still have 136 mosques—one for every 2,700 people (Fergananeews.com, January 30). The authorities claim there are “about 4,000” officially registered mosques throughout Tajikistan, of which 370 are so-called “cathedral mosques” of significant size. Moreover, according to the government, that there are some 3,914 imams, or one for every 2,210 people in the country, making Tajikistan the most Islamic state in Central Asia by either of these measures (Fergananeews.com, November 2, 2017).

But those numbers are deceptive. On the one hand, the government exercises tight control over both mosques and imams. All of the latter are appointed by the government-controlled Council of the Ulema and the State Committee for Religious Affairs. The imams are paid out of government funds, a miserly 800 som (\$90) a month. The government also has banned from serving as an imam in official mosques anyone who has received any theological education abroad. This has dramatically limited the number of people in the country who can serve—there is only one Muslim academy in all of Tajikistan, and it is small. It has also diminished the quality of those serving—many Tajikistani imams do not know Arabic or even basic prayers. Furthermore, the government decides on the subjects of the homilies of the imams and regularly distributes to them a special brochure of “recommended” texts. Finally, the country’s security services have set up video surveillance within and around all mosques in the capitals and major cities and many of the mosques in smaller towns as well (Fergananeews.com, January 30). It would seem that the authorities have things under control as much as possible.

But on the other hand, there is an alternative Islam, one that in Soviet times Western scholars like Alexandre Bennigsen called “unofficial” or “underground” Islam. It consists of all Islamic practice that the government does not allow. And as Bennigsen showed, the more tightly the Soviet authorities restricted what “official” mosques and imams could do, the larger and more vital became this second face of Islam (Alexandre Bennigsen, *Islam in the Soviet Union*, London, 1967; Bennigsen, *Islamic Threat to the Soviet State*, London, 1983).

The reasons for evoking that legacy when discussing present-day Tajikistan are numerous: First, Tajikistan in the 1990s suffered a bitter civil war in which an Islamic party played a major role. That party has now been banned (see EDM, September 11, 2015); but its supporters remain not only in the population but among the military and the civilian bureaucracy (RFE/RL, December 1, 2015). The large number of Tajiks who identify as imams but who cannot work in official mosques because they received their training abroad or because, as now, their mosques have been closed are ready, willing and able to lead those who also do not feel comfortable in the denatured Islam that Dushanbe permits (Emmanuel Karagiannis, “The Challenge of Radical Islam in Tajikistan,” *Nationalities Papers*, 34:1, 2006, pp. 1–20.). And the Tajiks of northern Afghanistan, many of whom are Islamists, have made inroads in Tajikistan in recent months as have Tajik Islamic State fighters now returning home (Asia Times, February 4, 2018).

Many in Moscow and the West have praised Dushanbe for its moves to control Islamist radicalism. But they have generally failed to understand that by its actions against Islam, the Tajikistani government is radicalizing far more of its citizens than it is reining in.

Tajikistan converts 2,000 mosques into public facilities

Authorities are eager to streamline the practice of Islam and ensure greater control over religious life in the country.

EurasiaNet (5.02.2018) - <http://bit.ly/2nHv7Tw> - Tajikistan last year converted 2,000 mosques into facilities for general public use in its latest effort to streamline the practice of religion in the country and marginalize those not directly under government control.

The head of the Committee for Religious Affairs, Husein Shokirov, said in a news conference on February 5 that the unauthorized mosques have been repurposed into teahouses, hairdressers, cultural center, medical clinics and kindergartens, among other things.

"We gave the owners of the mosques time to file [registration] documents, but they didn't do it, so the sites were either reclaimed by the government or repurposed into social facilities," Shokirov said.

The committee says that there are 3,900 mosques operating with proper permits in Tajikistan.

Under Tajik law, while the responsibility of building mosques lies with the public, ultimate control over the premises and what happens inside them is assumed by the government. Imams are regularly required to renew paperwork so as to be able to execute their functions and sermons are written on their behalf by the authorities. Any clerics declining to cooperate with the government are invariably ousted.

Since 2014, imams have been receiving state salaries as if they were civil servants. And as of last month, laws have come into force requiring imams to declare all their sources of income. Most of their money typically comes from the offerings of congregants and payments for officiating special events.

Starting from 2010, the government began pursuing policies to restrict entire sections of the population from going to mosque. First women were forbidden and then it was the turn of young people under the age of 18.

The overall direction of travel is for greater state control over religion as a whole. The intent is to have single large mosques serve entire communities, so as to simplify the process of keeping tabs on the faithful.

But often, this centralizing trend complicates the exercise of attempting to observe religious obligations. Many believers hold to the view that prayers to the recently departed are meant to be said in the mosque. People in the regions, who have to cover distances of more than 50 kilometers to reach their closest place of prayer, are no longer in a position to fulfill that obligation in a convenient manner. The same difficulty obtains with attending Friday prayers.

While there may be quiet grumbling about such heavy-handed measures, there have been few shows of open discontent thus far. There have some embarrassing missteps along the way, however.

An amateur video surfaced online some months ago in which a Committee for Religious Affairs representative, Shokirjon Holdorov, could be seen on the grounds of a mosque in the Rudaki district, to the south of Dushanbe, demanding its closure. In the video, a man is heard accusing Holdorov of being drunk. This sparks a foul-mouthed tirade from Holdorov, who threatens grave consequences for the congregants and local cleric.

"It is six months that I have been warning you. If you don't shut this down, I will label you all salafis and you will all go to jail," Holdorov is heard to say.

The mosque was later closed. Holdorov was given a verbal warning for his behavior.
