

## **Table of Contents**

- ***Impunity for torturers continues***
  - ***Journalist's jailing based on "complete fabrication"***
  - ***Two years in prison for a conscientious objector***
  - ***Conscientious objector tortured, jailed for two years***
  - ***Fines, torture for hijab-wearing, fines for Bible translation***
  - ***Five-year jail term for conscientious objector?***
  - ***Churches, mosque confiscated, no sign of promised kindergarten***
  - ***Alleged "extremist", alleged Shia, jail, torture***
  - ***12-year jail term after secret trial***
  - ***Conscientious objection "a major crime"?***
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## **Impunity for torturers continues**

***Impunity for multiple instances of torture of Muslims, Jehovah's Witnesses, and Protestants continues. Conscientious objector and prisoner of conscience Jovidon Bobojonov was tortured by soldiers kneeling on his neck. Officials refuse to tell Forum 18 why suspect torturers have not been arrested and put on criminal trial for torture, as international human rights law requires. Tajikistan's assurances to the UN Human Rights Committee of introducing civilian alternative service remain unfulfilled.***

By Mushfig Bayram

Forum 18 (01.07.2020) - <https://bit.ly/31whVFH> - Despite multiple complaints, the officials who are suspected of torturing Nilufar Rajabova in December 2019 have still not been arrested or put on criminal trial for torture as Tajikistan's international human rights obligations require.

Dushanbe's Sino District Deputy Police Chief Lieutenant Colonel Mashrafi Islamzoda hit her repeatedly, causing Rajabova to fall down and be unable to walk, she told Forum 18. Officials also threatened to severely physically assault her mother in front of her. Officials from the General Prosecutor's Office and Dushanbe City Prosecutor's Office have refused to tell Forum 18 why the suspect torturers have not been arrested and put on criminal trial for torture (see below).

Rajabova was arrested for wearing a hijab, and human rights defenders have told Forum 18 that police continued in both Dushanbe and Vahdat to hunt for women in hijabs until the coronavirus lockdown (see below).

The soldiers who tortured conscientious objector and prisoner of conscience Jovidon Bobojonov – including by kneeling on his neck – have also not been arrested and prosecuted for torture. Soldiers also kneeled on his neck. When he tried to resist, they beat him in the kidneys. The more he resisted, the more pressure to his neck was applied by soldiers' knees (see below).

The torture was carried out after Bobojonov refused to wear a military uniform. Dushanbe City Military Prosecutor's Office has refused to take any action, claiming that "other soldiers from the unit did not confirm the testimony of Bobojonov" and that a medical report did not confirm the injuries. The Military Prosecutor of Dushanbe garrison, Shukhrat Makhmadyorzoda, and Senior Investigator Mekhrubon Ibrohimzoda of Dushanbe's Military Prosecutor's Office, both refused to tell Forum 18 why the suspect torturers have not been arrested and put on criminal trial for torture (see below).

Jehovah's Witnesses will appeal to the United Nations (UN) Human Rights Committee, they told Forum 18 (see below).

There is a pattern of impunity for officials in torture cases, including over the torture of current prisoner of conscience Muslim Khayriddin Dostakov, Jehovah's Witnesses in February 2019 in Khujand and Konibodom, and of Sunmin Sunbogym Church members in the northern city of Konibodom in March 2017 after the Church was raided, forcibly closed, and members were fired from their jobs.

It appears that the known prisoners of conscience jailed for exercising freedom of religion and belief are often not being treated in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules). Colonel Ilkhomjon Makhmudzoda, Deputy Head of the Chief Directorate of Enforcement of Criminal Punishments, refused to tell Forum 18 whether prisoners are allowed to read religious books, pray, or be visited by clergy of their choice (see below).

### ***Impunity for Muslim woman's torturers***

Nilufar Rajabova was one of around 20 women detained in the capital Dushanbe in December 2019 for wearing a hijab. Later that day she was tortured.

Sino District Deputy Police Chief Lieutenant Colonel Mashrafi Islamzoda "approached me and cursed me right in front of my face. He pushed me several times, and once hit me on my neck so hard that I fell down. While falling I heard a crack in my spine," Rajabova told Forum 18. She was before being detained being medically checked for possible spinal column damage, and after Lt-Col Islamzoda hit her "I could not get up independently because I had pain and felt dizzy."

Rajabova's mother was called to Sino Police Station, and "officials also threatened my mother with severe physical assault, and cursed her," Rajabova said. "I could not walk independently, so two police officers helped me to get into the taxi we called." When Rajabova's mother asked the officials what right they have to treat women like this, "they told us that we are not women but provocateurs".

Rajabova has repeatedly made official complaints about the torture she and her mother experienced, most recently on 14 April 2020 to Sino District Prosecutor's Office. "Despite my continued complaints, no officials have been punished for my torture to this day," she told Forum 18 on 17 June.

Tajikistan is obliged under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to both arrest and put on criminal trial for torture any official suspected of being responsible for this.

Senior Investigator Jonon Barotzoda of Sino District Prosecutor's Office, who had earlier asked Rajabova why the women were making "such noise", claimed to Forum 18 in March that "we already answered her complaint." When Forum 18 asked whether officials suspected of torturing Rajabova had been arrested and would be put on criminal trial,

Barotzoda replied: "I do not know. You need to talk to higher authorities. I am not competent to talk to you." He then refused to talk more.

Yokub Ismatov of the General Prosecutor's Office, who is responsible for complaints from citizens, told Forum 18 on 17 June that the complaint was on 30 January referred to Dushanbe City Prosecutor's Office. He refused to say why the suspect torturers have not been arrested and put on criminal trial for torture, asking Forum 18 to call back in 10 minutes. Subsequent calls on 17 and 18 June were not answered.

Firdavs Nasriddinzoda, the Assistant to Dushanbe City Prosecutor Umed Karimzoda, refused on 17 June after consulting with Karimzoda to say why the suspect torturers have not been arrested and put on criminal trial for torture. City Prosecutor's Office officials who refused to give their names on 18 June also refused to answer this question.

Rajabova was fined 550 Somonis under Administrative Code Article 460 ("Petty hooliganism") for allegedly insulting a state official. After two appeals, Judge Takhmina Valizoda of Dushanbe City Court upheld the fine on 4 April. The Judge did not answer her telephone when Forum 18 called on 19 June. On 1 July she did answer her phone but claimed to hear Forum 18 until she was questioned about why Rajabova was fined and why officials suspected of torture were not arrested and put on criminal trial. She then claimed not to hear Forum 18 and put the phone down. She did not answer subsequent calls that day.

Rajabova is preparing to appeal to the Supreme Court about being both fined and tortured, she told Forum 18.

### ***Impunity for conscientious objector's torturers***

While conscientious objector Jovidon Jamolovich Bobojonov (born 10 March 2000) was being forcibly held in Military Unit No. 45075, officials attempted to force him to wear military uniform and take the military oath of allegiance. In accordance with Bobojonov's conscientious objection as a Jehovah's Witness to military service he refused to do this.

On one occasion when Bobojonov refused to put on the military uniform, six soldiers attacked him, Jehovah's Witnesses told Forum 18. The soldiers twisted his arms behind his back, forced him to the ground, and Bobojonov's head was pressed with an army boot to the floor.

Soldiers also kneeled on his neck. When he tried to resist, they beat him in the kidneys. The men tried to take off his trousers and put on military uniform trousers. The more he resisted, the more pressure to his neck was applied by soldiers' knees. Bobojonov then woke up, and found that he was bound with ropes, Jehovah's Witnesses added. He was seated on a chair but could not keep his balance, so someone held him in the chair so that he would not fall off.

Torture continued after Bobojonov's transfer to Military Unit No. 13003. "Soldier Kalandarov (first name not known) physically assaulted Jovidon while he was kept at the military unit and soldier Khasanov witnessed it," Jehovah's Witnesses told Forum 18 on 25 June.

On 5 February Bobojonov's parents complained to the Armed Forces General Staff and Dushanbe City Military Prosecutor's Office, demanding that the authorities take action against their son's torturers.

Military Prosecutor's Office investigators refused to open a criminal case because they allegedly could not corroborate the testimony of Bobojonov. "Other soldiers from the unit

did not confirm Bobojonov's testimony, the investigation report claimed," Jehovah's Witnesses stated. "Also a medical report from the unit from 31 January claimed that there were no marks of a beating on his body."

The Military Prosecutor of Dushanbe garrison, Shukhrat Makhmadyorzoda, on 25 June refused to tell Forum 18 why the suspect torturers have not been arrested and put on criminal trial for torture. "I cannot talk to you now. I need to look at the case materials," he replied. He then asked Forum 18 to call back later and put the phone down. Subsequent calls on 25 and 26 June went unanswered.

Senior Investigator Mekhrubon Ibrohimzoda of Dushanbe's Military Prosecutor's Office, who investigated Bobojonov for conscientious objection, on 25 June also refused to tell Forum 18 why the suspect torturers have not been arrested and put on criminal trial for torture. Even though the phone number called was his, Ibrohimzoda claimed to Forum 18 on 25 June that "you have reached the wrong number". He did not answer subsequent calls on 25 or 26 June.

### ***Conscientious objector's jailing upheld***

On 2 April, Dushanbe's Military Court jailed the 20-year-old Bobojonov for two years in a general regime labour camp for refusing compulsory military service on grounds of conscience.

Bobojonov appealed against his conviction, but on 21 May Judges Matin Bobozoda, Tojiddin Usmonzoda, and Nabi Alizoda of the Supreme Court's Board overseeing military cases rejected the appeal. Saidali Rakhmanzoda, Chair of the Board, refused on 17 June through an assistant (who refused to give their name) to explain why conscientious objectors are jailed and not allowed to do civilian alternative service.

Bobojonov had a fever in the detention prison in Dushanbe but recovered and on 6 June was transferred to a labour camp in Yavan. His address is:

Tajikistan  
735310 Viloyati Xatlon  
Shahri Yavan  
kuchai Shamsov  
Muassisai Islohii YaS 3/6  
Bobojonov Jovidon Jamolovich

On 10 June Bobojonov told relatives by phone from the Yavan labour camp that he would be quarantined until 23 June. He last saw his friends at his trial in March. He last saw his parents when the verdict was announced at the end of his trial on 2 April. Only his lawyer was able to visit him while he was in the detention prison in Dushanbe.

Jehovah's Witnesses will appeal on behalf of Bobojonov to the UN Human Rights Committee, they told Forum 18 on 29 May.

### ***Still no alternative service law***

Conscientious objector Bobojonov allegedly "committed a major crime by refusing to serve in the Armed Forces", Major-General Musa Odinzoda, Deputy Chief of the Armed Forces General Staff claimed.

Officials, including from the Presidential Administration, have refused to explain to Forum 18 why Tajikistan is so swift to arrest and prosecute conscientious objectors such as

Bobojonov, and so slow to act on repeated UN Human Rights Committee recommendations in 2004, 2013, and 2019.

On 29 March 2019 Tajikistan claimed to the UN Human Rights Committee that an alternative service law was being prepared. Yet in January 2020 Subhiddin Bakhriddinzoda of the President's National Centre for Law told Forum 18 that "there is no draft law on alternative civilian service ready to present to Parliament".

An assistant to Deputy Imomali Nasriddinzoda, Head of Parliament's Law and Human Rights Committee, claimed that Parliament "may consider" passing an alternative service law "after the next election" on 1 March.

The elections, which were marked by "systemic infringements on fundamental political rights and freedoms", took place and Deputy Nasriddinzoda is again Head of the Law and Human Rights Committee. When Forum 18 on 23 June stated that it wanted to discuss an alternative service law, an assistant who refused to give her name responded that "we have been instructed not to give any comments to international organisations" and put the phone down.

Deputy Nasriddinzoda subsequently answered his phone on 23 June, but put it down as soon as Forum 18 introduced itself.

Sodik Shonazarov, Senior Advisor of the Legal Policy Section of the Presidential Administration, also refused to discuss an alternative service law. "I do not know anything about it. You had better call the Parliament," he told Forum 18 on 23 June. Told that Deputy Nasriddinzoda and his office refused to discuss an alternative service law, Shonazarov responded: "Write to the Foreign Ministry and they will refer the letter to us".

### ***Anti-hijab actions continue***

Rajabova, independent human rights defender Sherzod Mahmadjonov, and others who did not wish to give their names for fear of state reprisals, all confirmed that police continued in both Dushanbe and Vahdat to hunt for women in hijabs until the coronavirus lockdown. Some hunts continued after the lockdown into April, Mahmadjonov told Forum 18 on 24 June.

However, no source stated that men wearing beards had been stopped.

Mosques and Muslims exercising freedom of religion and belief are targeted for particularly severe state restrictions, imposed through the state-controlled Council of Ulems [Islamic scholars] and other state agencies. These include restrictions introduced in 2017 on how Islamic festivals and the haj pilgrimage are marked.

Beard and hijab-wearing bans have included forcing one couple to divorce. Police have set up roadblocks to enforce the bans, which have also been enforced in schools and universities. Officials have refused to give Forum 18 a legal reason for the bans.

Major Akbar Rakhmoni of the Interior Ministry's Department for the Struggle with Organised Crime, which oversees anti-hijab and beard actions, refused to tell Forum 18 why police still carried out anti-hijab actions. "I cannot talk to you about this over the phone," he claimed on 23 June.

### ***Prisoners not treated in line with UN Mandela Rules***

Colonel Ilkhomjon Makhmudzoda, Deputy Head of the Chief Directorate of Enforcement of Criminal Punishments, refused to say whether prisoners are allowed in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules A/C.3/70/L.3) to read religious books, pray, or be visited by clergy of their choice. "I cannot answer you over the phone," he claimed to Forum 18 on 18 June.

Muslim prisoner of conscience Sadriddin Hairiddinovich Mulloyev (born 1984) is serving a 12-year strict regime jail term handed down by Dushanbe's Sino District Court in January 2020.

Prison authorities have not allowed Mulloyev to contact his family by phone or receive visits since late February. The authorities claim that this – including denial of phone contact - is due to the quarantine regime, relatives told Forum 18.

Dushanbe City Court upheld Mulloyev's sentence in an appeal case on 12 February, the Court's Deputy Chair Judge Asomuddin Bobokhonzoda told Forum 18 on 30 June. On 1 July Bobokhonzoda put his phones down as soon as Forum 18 introduced itself. The family were not told of the date or place of the hearing, and were told of the decision by the National Security Committee (NSC) secret police.

Prisoner of conscience Mulloyev's prison address is:

Tajikistan  
Viloyati Sogd  
Shahri Khujand  
8 mikroraion  
Muassisai islohii YaS 3/3  
Mulloyev Sadriddin Hairiddinovich

The treatment of 69-year-old prisoner of conscience Shamil Rasulovich Khakimov (born 30 January 1951), jailed for seven years six months in August 2019, also does not appear to be in line with the Mandela Rules.

Prison authorities have not allowed Khakimov to receive visits, including from his son, since before the coronavirus lockdown. In December 2019 Khakimov's Bible was taken away from him, but it was returned on 20 April 2020 on condition that he "reads it in solitude with no one around".

Prisoner of conscience Khakimov's prison address is:

Tajikistan  
Viloyati Sogd  
735700 Shahri Khujand  
Muassisai islohii YaS 3/5  
Khakimov Shamil Rasulovich

While conscientious objector Bobojonov was in detention in Dushanbe he was not allowed to have his personal Bible or a Bible supplied by the authorities, Jehovah's Witnesses told Forum 18. The detention prison had no Bible in the library. It is not known whether he has been given a Bible in Yavan Labour Camp, or whether other aspects of his prison conditions conform to the Mandela Rules.

Bobojonov's parents have been trying to get a Bible approved for them to pass on to Jovidon. They have been seeking permission for the Tajik translation of the Bible produced by the Bible Society of Tajikistan under licence from the Moscow-based Institute for Bible Translation. For any religious book to be accepted for a prisoner, the

State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA) needs to write a letter to say the book is authorised for use in the country. Bobojonov's parents sent their request for this letter to the SCRA on 18 March, Jehovah's Witnesses told Forum 18. They have had no response.

It is unclear, relatives told Forum 18, whether Muslim prisoner of conscience Daler Abdumannonovich Sharipov (born 1 January 1988) has access to a Koran or has been allowed to pray. However, he told relatives on 13 June that he is "doing well".

Sharipov, a journalist, was jailed for one year in April, and his family hope he will soon be amnestied. He has been transferred from the NSC secret police investigation prison he was held in to the same labour camp conscientious objector and prisoner of conscience Jovidon Bobojonov (jailed for two years in April after being tortured) is being held in.

Prisoner of conscience Sharipov's prison address is:

Tajikistan  
735310 Viloyati Xatlon  
Shahri Yavan  
kuchai Shamsov  
Muassisai Islohii YaS 3/6  
Sharipov Daler Abdumannonovich

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## **Journalist's jailing based on "complete fabrication"**

By Mushfig Bayram

Forum 18 (29.04.2020) - <https://bit.ly/3c30kId> - A Dushanbe court jailed journalist Daler Sharipov for one year for "extremism" and "inciting religious hatred" for writing a booklet containing "absolutely no malice or incitement there to religious hatred", and articles speaking of Islam as a religion of peace, and Muhammad as a prophet of peace. Jehovah's Witness Shamil Khakimov is serving a seven year and six month sentence on the same charges.

Independent journalist Daler Sharipov was sentenced on 16 April by a court in the capital Dushanbe to one year in jail for allegedly inciting religious hatred, charges he denied. The National Security Committee (NSC) secret police had detained him for questioning and raided his flat in January, confiscating religious books and his laptop computer.

Sharipov was charged under Criminal Code Article 189, Part 1 ("Inciting national, racial, local or religious hatred or dissension, humiliation of national dignity, as well as propaganda of the superiority of citizens based on their religion, national, racial, or local origin, if committed in public or using the mass media").

Criminal Code Article 189, Part 1 was also used to jail former prisoner of conscience Protestant Pastor Bakhrom Kholmatov for three years in July 2017. Jehovah's Witness Shamil Khakimov, who is 69 and in poor health, was in September 2019 jailed under Part 2 of the same Criminal Code Article for seven years and six months (see below).

Sharipov is still (29 April) being held in the NSC Investigation Prison in Dushanbe, where Jehovah's Witness conscientious objector Jovidon Bobojonov was held before this month being jailed for two years (see below).

The Prosecutor General's Office has claimed in a statement that the charges relate to both media articles which were allegedly "extremist" and "aimed at inciting religious hatred", as well to as an allegedly "illegally published" 56-page booklet supposedly "aimed at inciting young people to jihadist ideology and calls for the commission of extremist and terrorist acts." These allegations are strongly rejected by Sharipov's family, independent journalists, and human rights defenders who have read the articles and booklet (see below).

No official involved in the case, including the judges, has been able or willing to explain to Forum 18 why Sharipov was charged and jailed (see below).

A human rights defender, who asked to remain anonymous for fear of state reprisals, told Forum 18 that "the whole prosecution was built on this: that Sharipov must have said that some of the thoughts came from Hassan al-Banna, founder of the Muslim Brotherhood which is banned in Tajikistan. Sharipov did not do so."

"There is absolutely no malice or incitement there to religious hatred which the authorities accuse him of," the human rights defender categorically stated of the booklet. They also noted that Sharipov had published articles speaking of Islam as a religion of peace, and Muhammad as a prophet of peace (see below).

Sharipov's wife, Saida Kurbonova, described a State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA) "expert analysis" claiming that her husband incites people to religious hatred as "a complete fabrication. Daler openly discourages young men from joining terrorist and extremist organisations, and argues in the booklet that the Prophet Muhammad was a peaceful man, and was against terrorism".

"Sharipov did not think that he committed any crime by writing the booklet, and he told this to the Court during the trial," his lawyer Abdurakhmon Sharipov (not a relation) told Forum 18. He added that Sharipov will not appeal against the one year sentence as "he does not think that the Courts will revoke his sentence. Appealing is a waste of time and money, he thinks." Also the appeal process would take at least a year, and he hopes to be freed under amnesty before the end of the sentence (see below).

### ***Held by NSC secret police since January***

On 28 January the National Security Committee (NSC) secret police summoned independent journalist Daler Abdumannonovich Sharipov (born 1 January 1988) to the capital Dushanbe for questioning. It then held him in custody for two days. On 30 January Judge Safar Nuralizoda of Ismolili Somoni District Court authorised detention for two months. Sharipov has remained in NSC secret police custody until today (29 April), even after his 15 and 16 April trial.

Also on 28 January, the NSC raided his flat in Vahdat, 21 km (13 miles) east of Dushanbe. The NSC search the flat and confiscated religious books and his laptop computer.

Repeated calls by Forum 18 to the NSC between 24 and 27 April were not answered.

Judge Nuralizoda could not explain why he authorised Sharipov's NSC secret police detention. "We deemed that the charges were serious", he claimed to Forum 18 on 24 April. "We studied the charges and witnesses statements and thought that the defendant could have influenced the witnesses or the prosecution's collection of evidence." He would not explain in what exact way Sharipov's actions were allegedly serious.

On 31 January, Sharipov appealed against the detention order, but on 2 February it was upheld, his lawyer Abdurakhmon Sharipov (not a relation) told Forum 18 on 24 April.

Judge Asomuddin Bobokhonzoda, Chair of Dushanbe City Court's Board overseeing criminal cases, could not explain why the Court upheld the detention. "Another colleague of ours gave that decision, and I do not remember the details of the case at the moment," he claimed to Forum 18 on 24 April. He would not say who had made the decision, but asked Forum 18 to "call back on Monday" [27 April]. On 27 April Bobokhonzoda refused to comment. "If the defendant or his lawyer have any questions, they can appeal." He then refused to talk more.

### **Criminal charge**

Sharipov was charged under Criminal Code Article 189, Part 1 ("Inciting national, racial, local or religious hatred or dissension, humiliation of national dignity, as well as propaganda of the superiority of citizens based on their religion, national, racial, or local origin, if committed in public or using the mass media"). This carries a maximum punishment of five years' imprisonment.

This is the same Criminal Code Article under which former prisoner of conscience Pastor Bakhrom Kholmatov was [jailed for three years in July 2017. He led a Protestant Church in Khujand, and was jailed for allegedly "singing extremist songs in church and so inciting 'religious hatred'".](#) The NSC secret police [arrested Pastor Kholmatov in April 2017 after they raided Sunmin Sunbogym \(Full Gospel\) Protestant Church congregations in Khujand and Konibodom, and harassed, fired from jobs, and physically tortured their members.](#)

In September 2019, Jehovah's Witness Shamil Khakimov, who is now 69, was [jailed under a strict regime for seven years and six months](#) under Criminal Code Article 189, Part 2 for allegedly "inciting religious hatred". His real "crime" seems to be that the regime thinks he leads Khujand's Jehovah's Witness community.

Contrary to Tajikistan's [obligations under the United Nations \(UN\) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, no official suspected of being responsible for torture has been arrested and put on criminal trial for the torture of the targets of freedom of religion and belief violations.](#) These include Khujand and Konibodom [Protestants](#) and [Jehovah's Witnesses](#). This is part of a [pattern of impunity for officials in torture cases](#).

Sharipov is still (29 April 2020) being held in the NSC section of the Investigation Prison in Dushanbe. [Jehovah's Witness conscientious objector Jovidon Bobojonov was before being jailed for two years on 2 April 2020 held in the general section of the same Investigation Prison. He had earlier been tortured.](#) Sharipov's prison address is:

Muassisai islohii YaT 9/1 (SIZO GKNB)  
Shahri Dushanbe  
kuchai Mirzo Tursunzoda 140  
Tajikistan

### **Why?**

The criminal charge brought against Sharipov, according to a 1 February Prosecutor General's Office statement, relates to media articles published from 2013 to 2019 which were allegedly "extremist content aimed at inciting religious hatred and promoting the superiority of one part of the population over another in terms of religious affiliation".

The charge also relates to a claim that Sharipov "illegally published" 100 copies of a 56-page booklet which was supposedly "aimed at inciting young people to jihadist ideology and calls for the commission of extremist and terrorist acts." [Officials apply strict censorship to all religious texts by people of all beliefs.](#)

Nuriddin Karshiboev, Chair of the National Association of Independent Media of Tajikistan (NANSMIT), pointed out to Forum 18 on 24 April 2020 that the Prosecutor General's Office "did not specify which exact articles did these things". He also strongly disputed the claims made about the booklet.

Sharipov has published articles in Tajik media outlets, including in the independent newspaper Ozodagon which the regime forced to close in 2019. Among the issues his articles covered were human rights including freedom of religion and belief violations, such as the regime's ongoing attempts to forcibly stop [women wearing the hijab](#) and [men wearing beards](#).

A human rights defender, who asked to remain anonymous for fear of state reprisals, told Forum 18 on 27 April that the booklet – entitled "Muhammad and terrorism" – has "many thoughts that are not original to Sharipov and taken from some Iranian authors". They observed that the booklet is from a Shia perspective and that "the whole prosecution was built on this: that Sharipov must have said that some of the thoughts came from Hassan al-Banna, founder of the Muslim Brotherhood which is banned in Tajikistan. Sharipov did not do so."

Independent journalist Aziz Naqibzod also pointed out to Forum 18 on 27 April that al-Banna's name is not even mentioned in Sharipov's booklet.

The regime seriously violates everyone's freedom of religion and belief, including [the exercise of Islamic beliefs in ways that are not both state-controlled and Sunni Hanafi](#). Unlike Salafi beliefs, Shia Islam has not been banned.

***"This is a complete fabrication"***

"There is absolutely no malice or incitement there to religious hatred which the authorities accuse him of," the human rights defender categorically stated of the booklet. They also noted that Sharipov had published articles in 2019 speaking of Islam as a religion of peace, and Muhammad as a prophet of peace.

Saida Kurbonova, Sharipov's wife, told Forum 18 on 23 April that "as a religious person he loves Islam, which is why in his articles he defended the rights of Muslims. He criticised extremism of any kind."

But the State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA) "produced an 'expert analysis' that Daler incites people to religious hatred in the booklet, and that some of the thoughts in it may have been inspired by the Egyptian Muslim Brotherhood. This is a complete fabrication."

Kurbonova added: "Daler openly discourages young men from joining terrorist and extremist organisations, and argues in the booklet that the Prophet Muhammad was a peaceful man, and was against terrorism."

Sharipov's lawyer also pointed out that – contrary to the claim of the SCRA's "expert analysis" – the booklet in reality argues that Islam does not justify terrorism.

NANSIT Chair Karshiboev told Forum 18 that Sharipov "may also have been punished for

his past articles and efforts against corruption." Also, Sharipov in 2012 applied for registration of a political organisation he founded called Qadam ba Qadam (Step by Step). Unknown men then attacked him in the street, resulting in him needing to be hospitalised. Around the same time other journalists also faced similar attacks. "Many thought that the attack was to intimidate him," Karshiboev commented.

Sharipov's detention by the NSC secret police came before a 1 March 2020 parliamentary "election" in which no party critical of President Emomali Rahmon won a seat. The former main opposition party, the Islamic Renaissance Party, was [banned by the regime after the last 2015 "election"](#).

### ***Jailed***

Judge Bakhodur Isozoda of Shohmansur District Court of Dushanbe on 16 April 2020 sentenced Sharipov to one year in a general regime labour camp. The prosecution had called for Sharipov to be jailed for two years and four months. "They tried to save their face by giving him a year in prison," a human rights defender, who wished to remain anonymous for fear of state reprisals, commented to Forum 18 on 27 April about the sentence.

Forum 18's repeated calls to Judge Isozoda between 24 and 27 April were not answered. Other officials, including his secretary Nazokat Shukurova, refused to connect Forum 18 with him.

Between 24 and 27 April Prosecutor General's Office officials, who all refused to give their names, refused to talk to Forum 18 about the case.

Sharipov's lawyer thought that Sharipov did not get a longer prison term because "he has a good reputation among people, and national and international protests were sent to the President and Prosecutor General's Office."

Sharipov's wife Kurbonova told Forum 18 that "the Court made an unjust decision because my husband is not an extremist. Daler is a very good, honest, educated, and peaceful man. He is known as such by the whole family, as well as his friends and acquaintances."

"Sharipov did not think that he committed any crime by writing the booklet, and he told this to the Court during the trial," his lawyer Sharipov told Forum 18. "He is a well-known journalist, and is not regarded as an extremist by wider society." NAMSIT Chair Karshiboev, who has known Sharipov for 10 years, confirmed that this is a widely-shared opinion.

### ***To appeal "is a waste of time and money"***

"Daler decided not to appeal against the sentence," his lawyer Sharipov told Forum 18. "He said in Court that he does not consider that he violated the law or has committed any crime. But he does not think that the Courts will revoke his sentence. Appealing is a waste of time and money, he thinks."

One factor in this decision is that it will take at least a year to go through all the successive appeals including a final one to the Supreme Court, his lawyer added. "By the end of that time he will have finished serving his [one year] sentence."

Sharipov's lawyer also said that "because his sentence is not lengthy, Daler is supposed to be put in a labour camp and not in a strict regime prison. He could be pardoned after

serving one third of the sentence, also under the law taking into account time in detention from his initial arrest on 28 January. This is what he is hoping for."

The lawyer also pointed out that the maximum sentence could have been five years, but the Prosecutor General asked for a sentence of two years and four months. "This gives us hope that the authorities may consider pardoning him soon."

Sharipov's father Abdumannon has expressed concern about pains he says his son has been feeling in the area of his heart. On 28 April he wrote to the Human Rights Ombudsperson, Umed Bobozoda, asking him to monitor his son's situation and for his son to be given appropriate medical attention while in prison.

Bobozoda was appointed to this post by the President in March 2019, and Tajikistan's Ombudsperson's Institution is not recognised as being in full accord with the Paris Principles, which require such institutions to be independent of government.

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## Two years in prison for a conscientious objector

HRWF (04.04.2020) - On 1 April, a Tajik military court sentenced 20-year old Jovidon Bobojonov, a Jehovah's Witness objecting to military service. He had been in pretrial detention for six months. During his detention, military unit personnel had beaten him multiple times to intimidate him into serving in the military.

The UN Human Rights Committee has addressed the matter of conscientious objection to military service in Tajikistan on three occasions. In 2005, 2013, and 2019, the Committee strongly recommended that Tajikistan recognize the right to conscientious objection.

Most recently, on 22 August 2019, the Committee released its Concluding Observations on Tajikistan and strengthened its earlier findings by stating:

§46. "The State party should step up its efforts to adopt the legislation necessary to recognize the right to conscientious objection to military service without discrimination as to the nature of the beliefs (religious or non-religious beliefs grounded in conscience) justifying the objection, and to ensure that alternative service is not punitive or discriminatory in nature or duration by comparison with military service." ([link to original CCPR report](#))

The ICCPR protects the right of conscientious objectors to refuse to perform military service.

### Additional Background

On 4 October 2019, military officers in the city of Khujand abducted Jovidon Bobojonov from his home and took him to an enlistment office, where he was placed into custody.

He was subsequently transferred to military unit No. 45075, where he was pressured to take the military oath of allegiance. On one occasion, when he



refused to put on the military uniform, six military unit members assaulted him. They twisted his arms behind his back and forced him to the ground. Jovidon's head was pressed with an army boot to the floor, his neck was clamped with their knees. When he tried to resist, they beat him in the kidneys. The men tried to take off his pants and put on the military uniform pants. The more he resisted, the more they pressed on his neck with his knee. Then he passed out. When he woke up, he was bound. He was seated on a chair but could not keep his balance, so someone held him in the chair so that he would not fall off.

As of March, he had been in custody at the KGB temporary detention facility in Dushanbe.

Jovidon's parents, who are also Jehovah's Witnesses, have filed complaints with numerous Tajik officials, including the Presidential Administration and the Ombudsman Office. The Tajik authorities claim that since a law on alternative service has not been adopted, Bobojonov's actions constitute a crime and therefore his abduction was lawful.

**Address of hearing:** Military Court of Military Post of Dushanbe, 1 Negmat Karabayev av. (Таджикистан, Душанбе, просп. Негмата Карабаева 1, Военный суд Душанбинского гарнизона)

Source: Headquarters of Jehovah's Witnesses, New York (USA)

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## Conscientious objector tortured, jailed for two years

By Felix Corley

Forum 18 (02.04.2020) - <https://bit.ly/2UNqGrg> - Nearly six months after being seized, Dushanbe's Military Court jailed 20-year-old Jehovah's Witness conscientious objector Jovidon Bobojonov today (2 April) for two years in a general regime labour camp for refusing compulsory military service. He has already appealed against his conviction. While held in the military unit, personnel tortured Bobojonov with beatings to pressure him to take the military oath and put on uniform.

The Military Court in the capital Dushanbe today (2 April) jailed 20-year-old Jehovah's Witness conscientious objector Jovidon Bobojonov for two years in a general regime labour camp for refusing compulsory military service on grounds of conscience. He has already appealed against his conviction.

Although he has been held since October 2019, Bobojonov's sentence is deemed to run from the date of his arrest in January 2020. Bobojonov faced between two and five years in prison (see below).

Guards brought Bobojonov to court in handcuffs from Dushanbe's Investigation Prison, where he has been held since his transfer from a military unit in January (see below).

While in the military unit between October 2019 and January 2020, military personnel tortured Bobojonov with beatings as they tried to pressure him to take the military oath and put on military uniform. Forum 18 was unable to find out if the military personnel who tortured Bobojonov have been arrested and brought to justice (see below).

The last conscientious objector known to have been convicted and imprisoned was fellow Jehovah's Witness Daniil Islamov, jailed for six months in 2017 (see below).

Jehovah's Witnesses are conscientious objectors to military service and their beliefs do

not allow them to undertake any kind of activity supporting any country's military. But they are willing to undertake an alternative, totally civilian form of service, as is [the right of all conscientious objectors to military service under international human rights law](#).

Asked in late February why Bobojonov faces criminal prosecution for refusing military service on grounds of conscience, Investigator Mekhrubon Ibrahimzoda of Dushanbe's Military Prosecutor's Office claimed that the Defence Ministry gave Bobojonov "the option to serve in a special battalion, where they do not take up arms but do construction work. He refused this, which is why a criminal case was opened". Called again in mid-March, Ibrahimzoda put the phone down (see below).

In defiance of its international human rights obligations, and despite repeated requests from the United Nations (UN) Human Rights Committee and the UN Working Group on Arbitrary Detention, Tajikistan has not introduced a possibility for a genuinely civilian alternative service to the military conscription imposed on young men.

Sodik Shonazarov, Senior Advisor of the Legal Policy Section of the Presidential Administration, refused to explain why – despite government claims - no law introducing alternative civilian service appears to be in preparation. "You can call back tomorrow, what is the hurry?" he told Forum 18. He then refused to answer when Forum 18 asked why Tajikistan was so swift to arrest and prosecute conscientious objectors such as Bobojonov, and so slow to act on repeated Human Rights Committee recommendations in 2004, 2013, and 2019 (see below).

### ***Conscientious objector sentenced***

The criminal trial of Jehovah's Witness conscientious objector Jovidon Jamolovich Bobojonov (born 10 March 2000) began under Judge Najmuddin Loikzoda at Dushanbe Military Court on 16 March. Bobojonov faced charges under Criminal Code Article 376, Part 2 ("Refusal to perform military service duties with the purpose of evading it completely"). The punishment for this is a prison term of between two and five years.

"A few witnesses were heard on 16 March, then the Judge adjourned the case to 18 March," Jehovah's Witnesses told Forum 18. A further hearing was held on 18 March and resumed on 19 March. The verdict was then set to be delivered on 1 April, but was postponed until 2 April.

On 2 April, Judge Loikzoda sentenced Bobojonov to two years in a general regime labour camp, the minimum term under Criminal Code Article 376, Part 2. He deemed that the sentence is to run from January 2020, the date of his formal arrest.

The telephone of Judge Loikzoda's assistant went unanswered each time Forum 18 called on 2 April.

"Jovidon was brought to court in handcuffs," a local Jehovah's Witness told Forum 18 from Dushanbe after the verdict was handed down. "The hearing was held in the judge's office, so only his parents and lawyer were able to be present. About 15 of his friends waited outside the court to support him."

Although Bobojonov was reported in February to be "emotionally and physically exhausted" since his kidnapping in October 2019 and forcible transfer first to the military unit and then to the Investigation Prison, the local Jehovah's Witness said he looked well. "He looked better and was smiling today."

### ***Appeal lodged***

Although the verdict was only handed down on 2 April, Bobojonov's lawyer the same day lodged an appeal against the conviction and jail term.

The appeal is expected to be heard in mid-April by the Military Collegium of the Supreme Court in Dushanbe, a local Jehovah's Witness told Forum 18.

If he loses that appeal, Bobojonov would still have a further opportunity to appeal to the Presidium of the Supreme Court.

After fellow conscientious objector Daniil Islamov was jailed for six months by a military court in October 2017, he too appealed further. However, the Military Collegium of the Supreme Court [rejected his appeal in January 2018](#) and the Presidium of the Supreme Court rejected his final appeal in March 2018. Islamov was freed in April 2018 after serving his full term.

The time Islamov spent forcibly held in a military unit between April and September 2017 was similarly not offset against his jail term.

### ***"Committed a major crime by refusing to serve in the Armed Forces"***

From 4 October 2019, Bobojonov was [held in a military unit near Dushanbe pending trial](#) as he refused to bear arms. His requests to do an alternative civilian service, first made in writing on 22 August 2019, were refused.

On 4 October 2019 officers took Bobojonov into custody and escorted him to the Conscription Office, where they detained him. On 6 October 2019, [officers sent him against his will by train to military unit 45075 in Rudaki District](#), just south of the capital Dushanbe.

In [October 2019, Bobojonov's parents complained about their son's arrest and detention to officials. Among the replies they received was a letter from Major-General Musa Odinzoda, Deputy Chief of the Armed Forces General Staff, claiming that Bobojonov "committed a major crime by refusing to serve in the Armed Forces"](#).

Officials [such as Sugd Regional Military Prosecutor Abdukodyr Nurov refused in January 2020 to give any legal grounds to Forum 18 as to why Bobojonov was arrested and taken to a military unit. Asked why Tajikistan will not pass an alternative service law and ignores repeated UN Human Rights Committee recommendations to do so, Nurov shouted "Who are you and why should I answer you?" before putting the phone down.](#)

### ***Torture in military unit***

While conscientious objector Bobojonov was being forcibly held in military unit No. 45075, officials attempted to force him to wear military uniform and take the military oath of allegiance, as they also tried to coerce [conscientious objector Daniil Islamov in 2017 to wear military uniform and take the military oath](#). In accordance with [Bobojonov's conscientious objection as a Jehovah's Witness to military service he refused to do this](#).

On one occasion, when Bobojonov refused to put on the military uniform, six military unit members attacked him, Jehovah's Witnesses complained to Forum 18.

The soldiers twisted his arms behind his back and forced him to the ground. Bobojonov's head was pressed with an army boot to the floor, while his neck was clamped with their knees. When he tried to resist, they beat him in the kidneys. The men tried to take off his trousers and put on the military uniform trousers. The more he resisted, the more they pressed on his neck with his knee. Then he passed out.

When Bobojonov woke up, he was bound, Jehovah's Witnesses added. He was seated on a chair but could not keep his balance, so someone held him in the chair so that he would not fall off.

Forum 18 was unable to find out if the military personnel who tortured Bobojonov have been arrested and brought to justice.

Under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Tajikistan is obliged to both arrest any person suspected on good grounds of having committed torture and also try them under criminal law which makes "these offences punishable by appropriate penalties which take into account their grave nature".

### ***Criminal charge***

On 28 January 2020, Dushanbe's Military Prosecutor's Office opened the case against Bobojonov under Criminal Code Article 376, Part 2 ("Refusal to perform military service duties with the purpose of evading it completely"). The punishment for this is a prison term of between two and five years.

The criminal case – lodged five days after Bobojonov submitted a further written request to be allowed to do an alternative civilian service - was initiated by Colonel J. Odinzoda, Commander of the Defence Ministry's military unit 13003. The case was assigned to Senior Investigator Mekhrubon Ibrohimzoda of Dushanbe's Military Prosecutor's Office.

The Defence Ministry gave Bobojonov "the option to serve in a special battalion, where they do not take up arms but do construction work," Investigator Ibrahimzoda [claimed to Forum 18 in February](#). "He refused this, which is why a criminal case was opened." Told that the service Bobojonov was offered is still military and not civilian service, Ibrahimzoda replied: "We do not have a law on civilian service."

Ibrohimzoda of Dushanbe's Military Prosecutor's Office refused to answer when asked why Tajikistan is not implementing its binding international obligations, and why the authorities pursue prosecutions and imprisonments instead of finding amicable solutions before a law is adopted. "I cannot speak for higher authorities who are responsible for adopting laws", he replied.

Ibrohimzoda also refused to comment when asked whether the minimum two year jail term for conscientious objection is severe. "I cannot do anything about it," he replied.

Reached again in mid-March, Ibrohimzoda put the phone down as soon as he heard Forum 18's name. His telephone went unanswered on 2 April after Bobojonov's verdict was handed down.

Shukhrat Makhmadyorzoda, Dushanbe's Military Prosecutor refused to talk to Forum 18 on the case. "I know you were going to call and ask about this," he replied to Forum 18 on 16 March asked why a criminal case had been brought against Bobojonov. However, he refused to discuss the case. "We are not going to talk to you on this. Call the Prosecutor General's Office," he said before putting the phone down.

### ***Transferred to Investigation Prison in Dushanbe***

On 28 January, after nearly [four months' custody from October 2019 in military unit 45075](#), Bobojonov was transferred to Dushanbe's Investigation Prison:

Muassisai islohii YaT 9/1  
Shahri Dushanbe  
kuchai Mirzo Tursunzoda 140  
Tajikistan

Judge Rudoba Sharifzoda of Dushanbe Military Court ruled on 31 January that Bobojonov was to be held in pre-trial detention.

Judge Sharifzoda's Assistant, Davlatov (who did not give his first name), told Forum 18 when it called in February that the Judge was busy. Asked why the Judge ordered Bobojonov to be held in pre-trial detention, Davlatov responded: "[Because the case is serious and the Judge had all the reasons to give the order.](#)"

Following the verdict on 2 April, guards took Bobojonov back in handcuffs to the Investigation Prison. "Jovidon does not yet have a Bible in prison, but his lawyer is hoping to be allowed to hand one over later in the week," a local Jehovah's Witness told Forum 18 from Dushanbe after the verdict was handed down.

### ***No alternative civilian service***

Military service of two years is compulsory for almost all able-bodied young men between the ages of 16 and 27.

Article 1 of the November 2000 Universal Military Obligation and Military Service Law includes the provision: "In accordance with the law, a citizen has the right to undergo alternative service in place of military service. The procedure for undergoing alternative service is determined by law". However, no law enacting alternative service has ever been adopted.

Indeed, military comments in 2007 [suggested that the ban that year on the Jehovah's Witnesses might be linked to this community's conscientious objection to compulsory military service.](#)

The Working Group on Arbitrary Detention in October 2017 asked for a reply within six months as to "whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of Tajikistan with its international obligations in line with the present opinion". As of 26 February 2020, Tajikistan had not replied to the Working Group.

Instead, conscientious objectors have been jailed, including Daniil Islamov, [jailed for six months in 2017](#). Officials claimed as an excuse that a civilian alternative service law has not been introduced.

On 29 March 2019 Tajikistan claimed to the UN Human Rights Committee that an alternative service law was being prepared. Yet in January 2020 Subhiddin Bakhriddinzoda of the President's National Centre for Law [told Forum 18 that "there is no draft law on alternative civilian service ready to present to Parliament"](#).

Bakhriddinzoda [claimed that one had been prepared with the involvement of the Presidential Administration, but that it would only be considered after parliamentary elections on 1 March.](#)

Muhammadato Sultonov, Parliament's Press Secretary, on 26 February also refused to comment on the issue or put Forum 18 through to any parliamentary deputies.

Sodik Shonazarov, Senior Advisor of the Legal Policy Section of the Presidential Administration, refused to say why Tajikistan had not introduced a genuine alternative civilian service. "You can call back tomorrow, what is the hurry?" he told Forum 18 on 26 February.

Shonazarov of the Presidential Administration refused to answer when Forum 18 asked why Tajikistan was so swift to arrest and prosecute conscientious objectors such as Bobojonov, and so slow to act on [repeated Human Rights Committee recommendations in 2004, 2013, and 2019](#). "Please, call back tomorrow and speak to Zarif Alizoda, who is our Chief," Shonazarov responded. He claimed that Alizoda is "busy, and will be available tomorrow."

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## **Fines, torture for hijab-wearing, fines for Bible translation**

Forum 18 (09.03.2020) - <https://bit.ly/2QqOgb4> - Around 20 Muslim women were detained in a Dushanbe street for wearing a hijab, with some being fined. One, Nilufar Rajabova, stated that she was also tortured at a police station. Elsewhere, Christians were given large fines for arranging a Bible translation into Tajik.

Police with Dushanbe's Sino District Administration Women and Family Committee officials at about 11 am on the morning of 14 December 2019 detained at least 20 Muslim women for wearing the hijab. One of the women, Nilufar Rajabova, told Forum 18 that she was also tortured at a police station.

Four days later, on 18 December 2019, Rajabova was fined for allegedly insulting a Women and Family Committee officials while she was "carrying out her official duties" detaining women wearing the hijab publicly. Rajabova described that hearing and a 22 January 2020 appeal hearing as a "comedy". At the appeal hearing, "Judge Khurshed Azizmatzoda just asked me two questions and then asked me to go out of the Courtroom and wait. Then they called me in after about 10 minutes and announced that the Court has no reasons to cancel the fine" (see below).

Other women detained with Rajabova are understood to have been fined for wearing a hijab. Muslims exercising freedom of religion and belief are targeted for particularly severe state restrictions, and beard and hijab-wearing continue to be enforced (see below).

At neither hearing were Rajabova's statements about being tortured investigated. After she complained to the Prosecutor General's Office, Jonon Boratzoda, Senior Investigator of Sino District Prosecutor's Office, "questioned us for three hours. He was consulting over the phone with someone before he asked each question." Boratzoda asked why the women were making "such noise" publicly about the case (see below).

Contrary to Tajikistan's obligations under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, no official suspected of being responsible for torture in Rajabova's case is known to have been arrested and put on trial for these crimes. Officials have not answered Forum 18's questions about why no arrests or criminal trials have happened (see below).

As well as targeting individuals exercising freedom of religion and belief, the regime also targets religious communities. Between August 2019 and January 2020, the State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA) fined leaders of four Protestant churches each between 7,000 and 11,000 Somonis. "These are huge fines, as an average monthly collection of offerings in some of these churches is around 500 Somonis," a local Protestant who wishes to remain anonymous for fear of state reprisals told Forum 18 (see below).

"They were fined for arranging a translation of the Bible into modern Tajik," the local Protestant said. The translation is needed as some Christians think that other translations use archaic words and some passages in those translations are unclear (see below).

The regime also continues to force Tajik non-Muslim communities to complete compulsory annual reports in Russian. One local Protestant told Forum 18 that "SCRA officials tell us that Christians and churches in Tajikistan are a 'foreign element'." The Protestant thought that forcing non-Muslim communities to make compulsory annual reports in Russian and not Tajik are a SCRA attempt to "prove" this claim (see below).

The regime carefully examines the completed forms, which are very detailed and particularly focus on finance. One local Protestant, who wishes to remain unnamed for fear of state reprisals, told Forum 18 that a church leader was not directly told that "officials will punish a church if it does not make any financial contribution to state programmes and projects. But the direct questions gave the church leader the strong impression that churches will be punished if they don't do this" (see below).

Corruption is reported to be widespread in Tajikistan, Transparency International's Corruption Perceptions Index 2019 ranking the country 153 out of 180 countries.

### ***Fine and torture for hijab-wearing***

Police with Dushanbe's Sino District Administration Women and Family Committee officials at about 11 am on 14 December 2019 detained at least 20 Muslim women for wearing the hijab. One of the women, Nilufar Rajabova, told Forum 18 on 3 March 2020 that she was stopped while returning home from a hospital visit for a tomography scan to investigate pain she has experienced caused by possible spinal column damage. She and other women were then taken to Sino Police Station "for a 'warning talk'".

Mosques and Muslims exercising freedom of religion and belief are [targeted for particularly severe state restrictions, imposed through the state-controlled Council of Ulems \[Islamic scholars\] and other state agencies](#). These include [restrictions introduced in 2017 on how Islamic festivals and the haj pilgrimage are marked](#). Beard and hijab-wearing [bans continue to be enforced, including forcing one couple to divorce. Police have set up roadblocks to enforce the bans, which are also been enforced in schools and universities. Officials have refused to give Forum 18 a legal reason for the bans](#). On 11 January 2020, Radio Free Europe (RFE/RL) reported that international passports were being denied to men with beards.

Police in Sino Police Station refused to identify themselves when Rajabova asked for their names. Officers then confiscated her mobile phone and took her to see Deputy District Police Chief Lieutenant Colonel Mashrafi Islamzoda (Istami). Five other officers were already present, and Lt-Col Mashrafi called other officers in by phone "including two from the National Security Committee (NSC) secret police", Rajabova stated.

### ***Severe threats, torture***

In the presence of the approximately 15 male officers Lt-Col Mashrafi "began cursing me with unutterable swear words," Rajabova said. "He threatened that he will ask all the men in the room to in turn severely physically assault me. He also threatened that they will jail me for 15 days."

An NSC secret police officer, who would not give his name, told Rajabova "that women who insist on our Muslim way of life need to be eliminated".

"At times Islamzoda approached me and cursed me right in front of my face. He pushed me several times, and once hit me on my neck so hard that I fell down. While falling I heard a crack in my spine," Rajabova told Forum 18. She was before being detained being medically checked for possible spinal column damage, and after Lt-Col Islamzoda hit her "I could not get up independently because I had pain and felt dizzy."

While this was going on, officials before 6 pm asked Rajabova's mother to come to Sino Police Station. Both women were then kept in the Police Station until about 9 pm. Before they were released, "officials also threatened my mother with severe physical assault, and cursed her," Rajabova told Forum 18. "I could not walk independently, so two police officers helped me to get into the taxi we called."

When Rajabova's mother asked the officials what right they have to treat women like this, "they told us that we are not women but provocateurs", Rajabova stated.

Major Amin Asrorov, duty officer at Sino Police Station, would not answer any questions when Forum 18 rang on 4 March 2020. Lt-Col Islamzoda did not answer his telephone when Forum 18 repeatedly called the same day.

### ***Court hearings a "comedy"***

Four days later, on 18 December 2019, at a hearing in Sino District Court, Rano Abdullayeva of Sino District Administration Women and Family Committee claimed Rajabova had insulted her while she was "carrying out her official duties" detaining women wearing the hijab publicly. Abdullayeva's allegations were supported by "Firuza Nurova who I had never seen before," Rajabova said.

Nargiz Sharifzoda, the head of the Women and Family Committee, did not answer her phone when Forum 18 called repeatedly on 4 March 2020.

"I could not even get up during the court hearing since I was still taking injections and pills for my spine and head," Rajabova told Forum 18. Judge Ashurzod, after a hearing lasting 10 minutes in which he did not consider Rajabova's statements of being tortured, fined Rajabova 550 Somonis. The fine was imposed under Administrative Code Article 460 ("Petty hooliganism") for allegedly insulting a state official, according to the 18 December 2019 Court decision seen by Forum 18.

Sino District Court officials on 4 March 2020 refused to discuss the case and fine with Forum 18 on 4 March 2020.

Other women detained with Rajabova are understood to have been fined for wearing a hijab.

Rajabova described the 18 December 2019 hearing and 22 January 2020 appeal hearing in Dushanbe City Court as a "comedy". At the appeal hearing, "Judge Khurshed Azizmatzoda just asked me two questions and then asked me to go out of the Courtroom and wait. Then they called me in after about 10 minutes and announced that the Court has no reasons to cancel the fine."

Judge Azizmatzoda refused to answer when Forum 18 asked him why he had not acted on Rajabova's statements about being tortured. "I cannot comfortably talk to you over the phone. You need to come our office," he said on 4 March before refusing to talk more.

Also in Sino District Court, on 2 January [Judge Mirzo Odinazoda jailed 35-year-old Muslim Sadridin Mulloyev for 12 years to punish him for his earlier membership of the Muslim missionary movement Tabligh Jamaat. He was jailed one year after his return to Tajikistan having been given an amnesty, and was also accused him of support for the activities of mercenaries. His family reject all the charges against him.](#)

### ***Impunity for torture***

On 19 December 2019 Rajabova complained about her detention and torture to the General Prosecutor's Office. Jonon Boratzoda, Senior Investigator of Sino District Prosecutor's Office, "summoned me and my mother on 22 December," Rajabova said. "He did not tell us why he summoned us but questioned us for three hours. He was consulting over the phone with someone before he asked each question."

Boratzoda asked why the women were making "such noise" publicly about the case. Referring to critical comments on Facebook from others users, he said "we are taking note of all this". He then released the women without saying what will be done about their complaint.

Contrary to Tajikistan's [obligations under the United Nations \(UN\) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#), no official suspected of being responsible for torture in Rajabova's case is known to have been arrested and put on trial for these crimes.

Senior Investigator Baratzoda claimed to Forum 18 on 4 March that "we already answered her complaint." When Forum 18 asked whether officials suspected of torturing Rajabova had been arrested and would be put on criminal trial, Baratzoda replied: "I do not know. You need to talk to higher authorities. I am not competent to talk to you." He then refused to talk more.

There is a pattern of impunity for officials in similar cases, for example the torture of [current prisoner of conscience Muslim Khayridin Dostakov, Jehovah's Witnesses in February 2019 in Khujand and Konibodom](#), and of [Sunmin Sunbogym Church members in the northern city of Konibodom in March 2017 after the Church was raided, forcibly closed, and members were fired from their jobs](#).

Interior Minister Ramazon Rakhimzoda told local media on 14 February 2020 that "neither the police nor other officials committed any violations when they detained Rajabova. Her father was imprisoned for terrorism, her brother escaped justice and is on the wanted list, and she was fined because of her insults to officials." An Interior Ministry official claimed that Rajabova had "voluntarily paid the fine", which she vehemently denied to Forum 18.

### ***Family targeted***

Rajabova's father Rakhmatullo Rajabov was a senior member of the [Islamic Renaissance Party, which was banned in August 2015](#). He was in September 2015 jailed for 28 years.

In 2018 Rajabova asked the government Agency for Social Insurance and Pensions (ASIP) for help with caring for her two school-age children who for medical reasons

"cannot even go to bathroom independently without being carried by my mother and me". ASIP officials invited her for a meeting on 18 August 2018. "But when I went there they shouted at me that I am a member of a terrorist's family. NSC secret police officers then took me to their office, and warned me to be quiet and not to make a noise."

ASIP officials did not answer the phone when Forum 18 repeatedly called on 4 March 2020.

### ***Targeting religious communities also, fined for Bible translation***

As well as targeting individuals exercising freedom of religion and belief, the regime also targets religious communities. For example, [Sunmin Sunbogym \(Full Gospel\) Protestant Church's two buildings in northern Tajikistan have both been confiscated, one of them with a 2018 excuse that a kindergarten would open there - but in 2020 there is no still sign of the kindergarten. Similarly, officials have turned Khujand's Nuri Islom Mosque into a cinema.](#)

Sunmin Sunbogyn's Pastor [Bakhrom Kholmatov was jailed for three years in July 2017 for allegedly "singing extremist songs in church and so inciting 'religious hatred'".](#)

Between August 2019 and January 2020, the State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA) fined leaders of four Protestant churches each between 7,000 and 11,000 Somonis. "These are huge fines, as an average monthly collection of offerings in some of these churches is around 500 Somonis," a local Protestant who wishes to remain anonymous for fear of state reprisals told Forum 18 on 12 February.

Another local human rights defender estimated to Forum 18 in February 2020 that the average monthly salary is about 1,500 Somonis.

"They were fined for arranging a translation of the Bible into modern Tajik," the local Protestant said. The translation is wanted as some Christians think that other translations use archaic words and some passages in those translations are unclear.

In autumn 2019 SCRA officials with police visited the Linguatex centre for translation of religious texts, to question the firm about its activities and finances. Linguatex was providing the Bible translation. Linguatex Director Kholmakhmad Rajabov told Forum 18 on 18 February 2020 that "we are fine, and we were not punished in any way. We continue our normal activity. We were just warned because we translate religious texts but had not notified the SCRA in advance as [the Religion Law requires](#). We will take care that in future we do not do anything to violate the Law."

SCRA officials refused to discuss the large fines imposed on churches on 20 and 21 February, and also refused to reply when Forum 18 asked why the SCRA is not willing to discuss freedom of religion and belief issues.

### ***"They want to make us weary and stop"***

One Protestant told Forum 18 that "the authorities do not want Tajik churches, which is why they pressure them with fines and other punishments. They want to make us weary and stop." The Protestant added that "SCRA officials tell us that Christians and churches in Tajikistan are a 'foreign element'." The Protestant thought that forcing non-Muslim communities to make compulsory annual reports in Russian and not Tajik are a SCRA attempt to "prove" this claim.

In December 2018, [customs officers at Dushanbe Airport confiscated 5,000 Christian](#)

[calendars claiming that "linguistic experts in the Culture Ministry .. found elements of propaganda of an alien faith". Abdurakhmon Mavlanov of the SCRA did not answer when Forum 18 asked on 21 February 2019 why the state might regard some faiths as "alien", or whether followers of "alien" faiths have greater or less freedom of religion and belief than followers of "non-alien" faiths.](#)

### ***Compulsory annual reports***

Compulsory annual reports, which particularly focus on community finances, were [imposed following January 2018 changes to the Religion Law. An amendment to Article 19 requires all religious communities to provide the SCRA "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". Even before these changes, the SCRA illegally demanded that religious communities had to complete a detailed SCRA questionnaire every year.](#)

The regime imposed the January 2018 changes [without consultation, and they break Tajikistan's legally-binding international human rights obligations.](#)

Forum 18 has seen a blank copy of the 2019 version of the annual report form, which requires that non-Muslim communities must state in Russian:

- which [state controlled] newspapers and magazines the religious community subscribed to, including the total amount of money paid for the subscription;
- the amount of money given to charity, including the amount given to the needy young couples, to orphans, assistance to disabled persons and sick, help to poor families;
- the amount of money given to the state-controlled Public Fund for Charity;
- the amount given for help to those who suffered natural disasters;
- any other amounts given for other charity not specified in the form;
  
- how many orphans, disabled persons or individuals from poor families the religious community provided material assistance to;
- how many days of voluntary community work were done, including subbotnik (state-imposed forced "voluntary" community work on Saturday), and a full description of the works done;
- the amount of money spent on planting fruit-bearing trees, decorative trees, and flower beds;
- the total income of the religious community for the past year, with how much was spent and how much remains;
- how much was spent on salaries, repair of buildings, taxes, and utility bills;
- how many video cameras for surveillance were installed in the religious community's building, and how many are functioning;
- how many official letters the religious community received from state agencies, how many it has replied to already, and how many await replies;
- and a list of all international organisations the religious community cooperated with in the past year.

The regime carefully examines the completed forms. One local Protestant, who wishes to remain unnamed for fear of state reprisals, told Forum 18 on 4 March that a local administration summoned a church leader to their offices, and went through the completed 2019 form item by item. When "they answered yes, the official put a plus sign in front of each item on their list".

The church leader was not directly told that "officials will punish a church if it does not make any financial contribution to state programmes and projects. But the direct

questions gave the church leader the strong impression that churches will be punished if they don't do this."

Corruption is reported to be widespread in Tajikistan, Transparency International's Corruption Perceptions Index 2019 ranking the country 153 out of 180 countries. (END)

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## Five-year jail term for conscientious objector?

By Mushfig Bayram

Forum 18 (26.02.2020) - <https://bit.ly/3av1Lhe> - The criminal trial of 19-year-old Jehovah's Witness conscientious objector Jovidon Bobojonov for refusing compulsory military service on grounds of conscience could begin at Dushanbe Military Court in early March. If convicted, he faces between two and five years in prison. He has become "emotionally and physically exhausted" since he was seized in October 2019, Jehovah's Witnesses say.

The criminal trial of 19-year-old Jehovah's Witness conscientious objector Jovidon Bobojonov for refusing compulsory military service on grounds of conscience could begin at the Military Court in the capital Dushanbe in early March. One official of the Court told Forum 18 that the criminal case is close to completion. If convicted, Bobojonov faces between two and five years in prison.

In late January, officials transferred Bobojonov from the military unit where he had been confined for nearly four months to Dushanbe's Investigation Prison. Military Prosecutors opened a criminal case against him over his refusal to perform compulsory military service on grounds of conscience (see below).

Jehovah's Witnesses are conscientious objectors to military service and their beliefs do not allow them to undertake any kind of activity supporting any country's military. But they are willing to undertake an alternative, totally civilian form of service, as is the right of all conscientious objectors to military service under international human rights law.

"Jovidon Bobojonov has become emotionally and physically exhausted since the time he was forcefully kidnapped from his home by military officers on 4 October 2019," Jehovah's Witnesses complained to Forum 18 on 25 February (see below).

Asked why the Judge at Dushanbe Military Court ordered Bobojonov to be held in pre-trial detention, her assistant responded: "Because the case is serious and the Judge had all the reasons to give the order" (see below).

Asked why Bobojonov faces criminal prosecution for refusing military service on grounds of conscience, Investigator Mekhrubon Ibrahimzoda of Dushanbe's Military Prosecutor's Office claimed that the Defence Ministry gave Bobojonov "the option to serve in a special battalion, where they do not take up arms but do construction work. He refused this, which is why a criminal case was opened" (see below).

In defiance of its international human rights obligations, and despite repeated requests from the United Nations (UN) Human Rights Committee and the UN Working Group on Arbitrary Detention, Tajikistan has not introduced a possibility for a genuinely civilian alternative service to the military conscription imposed on young men.

Sodik Shonazarov, Senior Advisor of the Legal Policy Section of the Presidential Administration, refused to explain why – despite government claims – no law introducing

alternative civilian service appears to be in preparation. "You can call back tomorrow, what is the hurry?" he told Forum 18. He then refused to answer when Forum 18 asked why Tajikistan was so swift to arrest and prosecute conscientious objectors such as Bobojonov, and so slow to act on repeated Human Rights Committee recommendations in 2004, 2013, and 2019 (see below).

### **No alternative civilian service**

Military service of two years is compulsory for almost all able-bodied young men between the ages of 16 and 27.

Article 1 of the November 2000 Universal Military Obligation and Military Service Law includes the provision: "In accordance with the law, a citizen has the right to undergo alternative service in place of military service. The procedure for undergoing alternative service is determined by law". However, no law enacting alternative service has ever been adopted.

Indeed, military comments in 2007 suggested that the ban that year on the Jehovah's Witnesses might be linked to this community's conscientious objection to compulsory military service.

The Working Group on Arbitrary Detention in October 2017 asked for a reply within six months as to "whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of Tajikistan with its international obligations in line with the present opinion". As of 26 February 2020, Tajikistan had not replied to the Working Group.

Instead, conscientious objectors have been jailed, including Daniil Islamov, jailed for six months in 2017. Officials claimed as an excuse that a civilian alternative service law has not been introduced.

On 29 March 2019 Tajikistan claimed to the UN Human Rights Committee that an alternative service law was being prepared. Yet in January 2020 Subhiddin Bakhriddinzoda of the President's National Centre for Law told Forum 18 that "there is no draft law on alternative civilian service ready to present to Parliament".

Bakhriddinzoda claimed that one had been prepared with the involvement of the Presidential Administration, but that it would only be considered after parliamentary elections on 1 March.

Muhammadato Sulstonov, Parliament's Press Secretary, on 26 February also refused to comment on the issue or put Forum 18 through to any parliamentary deputies.

Sodik Shonazarov, Senior Advisor of the Legal Policy Section of the Presidential Administration, refused to say why Tajikistan had not introduced a genuine alternative civilian service. "You can call back tomorrow, what is the hurry?" he told Forum 18 on 26 February.

Shonazarov of the Presidential Administration refused to answer when Forum 18 asked why Tajikistan was so swift to arrest and prosecute conscientious objectors such as Bobojonov, and so slow to act on repeated Human Rights Committee recommendations in 2004, 2013, and 2019. "Please, call back tomorrow and speak to Zarif Alizoda, who is our Chief," Shonazarov responded. He claimed that Alizoda is "busy, and will be available tomorrow."

### **"Committed a major crime by refusing to serve in the Armed Forces"**

From 4 October 2019, 19-year-old Jehovah's Witness conscientious objector Jovidon Jamolovich Bobojonov (born 3 October 2000) was held in a military unit near Dushanbe pending trial as he refused to bear arms. His requests to do an alternative civilian service, first made in writing on 22 August 2019, were refused.

On 4 October 2019 officers took Bobojonov into custody and escorted him to the Conscription Office, where they detained him. On 6 October 2019, officers sent him against his will by train to military unit 45075 in Rudaki District, just south of the capital Dushanbe.

Officials also attempted to force conscientious objector Islamov to wear military uniform and take the military oath of allegiance, as they also tried to coerce conscientious objector Daniil Islamov in 2017 to wear military uniform and take the military oath. In accordance with Bobojonov's conscientious objection as a Jehovah's Witness to military service he refused to do this.

In October 2019, Bobojonov's parents complained about their son's arrest and detention to officials. Among the replies they received was a letter from Major-General Musa Odinzoda, Deputy Chief of the Armed Forces General Staff, claiming that Bobojonov "committed a major crime by refusing to serve in the Armed Forces".

Officials such as Sugd Regional Military Prosecutor Abdukodyr Nurov refused on 10 January 2020 to give any legal grounds to Forum 18 as to why Bobojonov was arrested and taken to a military unit. Asked why Tajikistan will not pass an alternative service law and ignores repeated UN Human Rights Committee recommendations to do so, Nurov shouted "Who are you and why should I answer you?" before putting the phone down.

### **Criminal charge**

On 28 January 2020, Dushanbe's Military Prosecutor's Office opened the case against Bobojonov under Criminal Code Article 376, Part 2 ("Refusal to perform military service duties with the purpose of evading it completely"). The punishment for this is a prison term of between two and five years.

The criminal case was initiated by Colonel J. Odinzoda, Commander of the Defence Ministry's military unit 13003, Jehovah's Witnesses told Forum 18. The case was assigned to Senior Investigator Mekhrubon Ibrohimzoda of Dushanbe's Military Prosecutor's Office.

The Defence Ministry gave Bobojonov "the option to serve in a special battalion, where they do not take up arms but do construction work," Investigator Ibrahimzoda claimed to Forum 18 on 26 February. "He refused this, which is why a criminal case was opened." Told that the service Bobojonov was offered is still military and not civilian service, Ibrahimzoda replied: "We do not have a law on civilian service."

Ibrohimzoda of Dushanbe's Military Prosecutor's Office refused to answer when asked why Tajikistan is not implementing its binding international obligations, and why the authorities pursue prosecutions and imprisonments instead of finding amicable solutions before a law is adopted. "I cannot speak for higher authorities who are responsible for adopting laws", he replied.

Ibrohimzoda also refused to comment when asked whether the minimum two year jail term for conscientious objection is severe. "I cannot do anything about it," he replied.

## **Transferred to Investigation Prison in Dushanbe**

On 28 January, after nearly four months' custody from October 2019 in military unit 45075, Bobojonov was transferred to Dushanbe's Investigation Prison:

Muassisai islohii YaT 9/1  
Shahri Dushanbe  
kuchai Mirzo Tursunzoda 140  
Tajikistan

Judge Rudoba Sharifzoda of Dushanbe Military Court ruled on 31 January that Bobojonov is to be held in pre-trial detention.

Asked about the case, the Court referred Forum 18 on 26 February to Anusherovon Khakanzoda, Chief of the General Section. Khakanzoda referred Forum 18 to Judge Sharifzoda when asked why a criminal case was opened and why arrest restraint was ordered. "She only ordered the arrest, and she did not open the case." He did not further wish to discuss the case with Forum 18.

Judge Sharifzoda's Assistant (who did not give her name) took Forum 18's questions down on 26 February and then, after consulting with Judge Sharifzoda, asked it to call back later. Called back the same day, Davlatov (who did not give his first name), Assistant to Sharifzoda, told Forum 18 that the Judge is busy.

Asked why Judge Sharifzoda ordered Bobojonov to be held in pre-trial detention, Davlatov responded: "Because the case is serious and the Judge had all the reasons to give the order."

## **Early March trial?**

Judge's Assistant Davlatov refused to explain why Bobojonov is being detained and prosecuted for being a member of a religious community that rejects military service. "if you want to find out why you can come to the Court in one week and you will see why." One week would be on or around Wednesday 4 March.

Davlatov also told Forum 18 that the criminal case is close to completion, indicating that Bobojonov's trial at Dushanbe Military Court is now close. Davlatov did not wish to discuss the case further.

## **"Emotionally and physically exhausted"**

"Jovidon Bobojonov has become emotionally and physically exhausted since the time he was forcefully kidnapped from his home by military officers on 4 October 2019," Jehovah's Witnesses complained.

Bobojonov's mother was able to visit her son on 22 February. "Jovidon's lawyer is allowed to visit him at any time," Jehovah's Witnesses told Forum 18. "His friends were given an opportunity to support him by passing some basic groceries."

"Although Jovidon did not complain of ill-treatment, we still do not have reliable information about how he is treated in the isolation ward," Jehovah's Witnesses added. "Unfortunately, he doesn't have a Bible. We do not know whether he did not take his Bible or the prison authorities do not allow one."

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## Churches, mosque confiscated, no sign of promised kindergarten

By Mushfig Bayram

Forum 18 (12.02.2020) - <https://bit.ly/38pNxwX> - Sunmin Sunbogym (Full Gospel) Protestant Church's two buildings in northern Tajikistan have both been confiscated, one of them with a 2018 excuse that a kindergarten would open there - but in 2020 there is no still sign of the kindergarten. Similarly, Khujand's Nuri Islom Mosque has been turned into a cinema.

Sunmin Sunbogym (Full Gospel) Protestant Church's two buildings - in Konibodom and Khujand in northern Tajikistan - have both been sealed by the authorities and left empty since 2017 raids that led to the torture of Church members, the jailing of their Pastor, and the forcible closure of the Konibodom branch of the Church.

"After the 2017 raids and arrest of Pastor Bakhrom Kholmatov, the number of worshippers in Khujand itself went down from roughly 500 people to about 100," a Tajik Protestant told Forum 18 on 19 February 2020. The fall in numbers was particularly noticeable after the buildings were confiscated. "People are afraid to go to church because of what happened" (see below).

The authorities confiscated the Khujand building in 2018, claiming that they wanted to turn it into a kindergarten. Yet there is still in 2020 no sign of the kindergarten. Officials have refused to discuss the issue. For example, Muhayyo Akmal Khojayeva, Head of Khujand's Education Department told Forum 18 on that "we asked the Education Ministry and other organs to transfer the building to us because we had a lack of kindergartens". Asked why the building is still empty and why kindergartens cannot be built on other sites, she then claimed: "I am very busy, and can only talk to you if you come to our office".

As well as ordering the building's confiscation, courts have refused to order compensation to be paid for the large financial sums the Church spent since 1995 to restore the now-confiscated building. Judges and court officials have refused to discuss their decisions or their legality (see below).

Sunmin Sunbogym's Khujand congregation now meets in a space made from two standard 40-foot shipping containers placed on the land around its building. "Church members are praying for a new building as they feel that they meet in a cage instead of a normal building," local Protestants complained. "Also, the Church has to pay a large electricity bill to keep the temperature inside the metal containers normal in the cold winter and hot summer months" (see below).

Sunmin Sunbogym Church is not the only religious community to have had its places of worship forcibly closed and confiscated without compensation. Another recent Khujand forced closure and confiscation happened to the Nuri Islom (Light of Islam) Mosque community, which has been confiscated and turned into a cinema (see below).

One local Muslim asked "why didn't the authorities instead restore the old Bahor Cinema building on Syrdarya Street [in the town centre], which is now empty and unused?" Mirzo Salimpur of independent Tajik news site Akhbar.com told Forum 18 that many local Muslims have protested against the confiscation, stating that "it is a sin to show films in the mosque building" (see below).

A Sogd Regional Administration official has variously claimed that the mosque "had become a breeding ground for suspicious people" and that "the Mosque community closed it". Officials have used this excuse before, and the Sogd official would not answer when Forum 18 asked why community members wanted to close their own mosque (see below).

A human rights defender, who wished to remain unnamed for fear of state reprisals, told Forum 18 "many of the closed-down mosques like Nuri Islom have been turned into libraries, culture houses, etc. This is just like in the old Soviet Union" (see below).

### **"To close down churches and take away their property"**

Prisoner of conscience Pastor Bakhrom Kholmatov, who led a Protestant Church in Khujand, was jailed for three years in July 2017 for allegedly "singing extremist songs in church and so inciting 'religious hatred'".

The National Security Committee (NSC) secret police arrested Pastor Kholmatov in April 2017 after they raided his Sunmin Sunbogym (Full Gospel) Protestant Church in Khujand, and harassed and physically tortured its members.

Pastor Kholmatov was freed on the morning of 17 December 2019. Since then, his involvement in the Church has been restricted to taking part in but not leading meetings for worship as an ordinary member of the congregation, local Protestants told Forum 18 on 21 February 2020.

The authorities also closed the Sunmin Sunbogym congregation in the northern city of Konibodom in March 2017, after the NSC secret police forcibly closed it in March 2017 after raiding and physically torturing its church members also, as well as firing them from their jobs.

"The church there remains closed," a local Protestant told Forum 18 in December 2019.

At the time of the 2017 raids, officials "insulted the believers by shouting and swearing at them. They demanded that they renounce their faith and leave the Church", local Protestants said. NSC secret police officers stated that their purpose "is to close down churches in Tajikistan and take away their property".

### **Impunity for torture**

Contrary to Tajikistan's obligations under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, no official suspected of being responsible for torture in either Khujand or Konibodom has been arrested and put on trial for these crimes.

This is part of a pattern of impunity for officials in similar cases. Those tortured include current prisoner of conscience Muslim Khayriddin Dostakov, as well as Jehovah's Witnesses in February 2019 in Khujand and Konibodom.

### **"People are afraid to go to church because of what happened"**

The building Sunmin Sunbogym Church itself built and owns in Konibodom – used by the Church until its branch in the town was forcibly closed - has been sealed by the authorities and left empty since the raids. The Church was warned not to try to use this building.

The authorities similarly warned the Church not to use its two-storey building in Khujand, which they sealed in March 2019. The building has since also been left empty.

"After the 2017 raids and arrest of Pastor Bakhrom Kholmatov, the number of worshippers in Khujand itself went down from roughly 500 people to about 100," a local Protestant told Forum 18 on 19 February 2020. The fall in numbers was particularly noticeable after the buildings were confiscated. "People are afraid to go to church because of what happened."

### **Where's the kindergarten?**

Sunmin Sunbogym was registered as a Church with permission to carry out missionary activity in 1993. It began a 49 year rent of its Khujand building from the Mayor's Office in 1995, and was re-registered by the State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA) in 2009.

The Khujand building was a concrete building in poor repair on what a local person described as "derelict land" before the Church began renting it. After 1995 the Church spent "hundreds of thousands of Somonis" on both cleaning up and cultivating the land, and repairing and remodelling the two-storey building.

This was a heavy financial burden for Church members in a country where a local human rights defender estimates the current average monthly salary as about 1,500 Somonis.

However, Judge Rakhmonali Ismoilzoda, Deputy Chair of Sogd Regional Economic Court, claimed to Radio Free Europe (RFE) on 26 February 2019 that an August 2018 court order to confiscate the Khujand building and invalidate the agreement between the Church and Khujand Mayor's Office was made as the Education and Science Ministry wanted to use the building as a kindergarten.

The Court also refused to order any compensation to be paid to the Church for the loss of its building, or for the expensive repairs it made to the building.

Muhabbat Nozimova of the Ministry of Education and Science, who appeared in Court, claimed to RFE that the "the Church building must be returned for education purposes as the 12th District of Khujand [where the building is] is densely populated and there is a lack of kindergartens."

Judge Ismoilzoda also claimed to RFE that the Mayor's Office rented the building to the Church for 38 years, although Church lawyer Ilyos Ismoilzoda explained that the rental period was 49 years and that the Court had decided against the law.

The Higher Economic Court upheld the August 2018 order on appeal at the end of 2018. Court officials, who refused to give their names, refused to discuss the issue with Forum 18 on 21 February 2020.

A local Protestant told Forum 18 on 20 February 2020 that there has been no sign of any activity by the authorities around the building since 2018, and no indication of any intention to transform the building into a kindergarten.

Minister of Education and Science Mahmadyousuf Imomov's Assistant (who refused to give his name) on 20 February refused to tell Forum 18 why the Ministry brought the claim against the Church in 2018, and why the building is in 2020 still empty and has not been turned into a kindergarten. "All questions must be sent to the Foreign Ministry, and if they think it proper they will send them to us," he claimed before putting the phone down.

When rung back on 21 February, as soon as Forum 18 introduced itself the Minister's Assistant stated that "we will not talk to you" before putting the phone down. The Ministry's Press Service also refused to discuss the issue with Forum 18.

Muhayyo Akmal Khojayeva, Head of Khujand's Education Department (who Nozimova of the Ministry represented in Court), told Forum 18 on 21 February that "we asked the Education Ministry and other organs to transfer the building to us because we had a lack of kindergartens". Asked why the building is still empty and why kindergartens cannot be built on other sites, she then claimed: "I am very busy, and can only talk to you if you come to our office." She then refused to discuss the issue further.

Judge Sulaymon Kosimzoda, Deputy Chair of Sogd Regional Economic Court, refused on 20 January 2020 to answer any of Forum 18's questions on the legality of the confiscations, the refusal to order compensation to be paid to the Church, and the lack of any activity by the authorities to carry out their 2018 claimed intention to start a kindergarten.

### **"They meet in a cage instead of a normal building"**

Sunmin Sunbogym's Khujand congregation now meets in a space made from two standard 40-foot shipping containers placed on the land around its building. A standard 40-foot shipping container is inside just over 12 metres (just under 40 feet) long, just over 2 metres (just under 8 feet) wide, and over 2 metres (just under 8 feet) high. Local Protestants have found that putting two of these shipping containers together allows a maximum of 100 people to meet for worship.

"Church members are praying for a new building as they feel that they meet in a cage instead of a normal building," local Protestants complained. "Also, the Church has to pay a large electricity bill to keep the temperature inside the metal containers normal in the cold winter and hot summer months."

### **Mosque closed, turned into cinema**

Sunmin Sunbogym Church is not the only religious community to have had its places of worship forcibly closed and confiscated without compensation.

The authorities 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.

Another recent Khujand forced closure and confiscation happened to the Nuri Islom (Light of Islam) Mosque community. The mosque community built their mosque in 1991 with funds it raised itself. Yet Soghd Regional Administration has now confiscated and closed the mosque.

Bakhtiyor Kosimov, who is responsible for cultural issues in the Regional Administration, told local media on 28 January 2020 that the Nuri Islom Mosque will now function as a cinema.

"It has 80 seats," Kosimov stated, "and will begin to function in March during the Novruz Spring festival. As well as films, we will organise here a club for movie fans. It is important to develop this sphere."

One local Muslim asked on Facebook "why didn't the authorities instead restore the old Bahor Cinema building on Syrdarya Street [in the town centre], which is now empty and

unused?"

Mirzo Salimpur, Chief Editor of independent Tajik news site Akhbar.com, told Forum 18 on 20 February that many local Muslims have protested against the confiscation, stating that "it is a sin to show films in the mosque building".

Mosque community members Forum 18 has spoken to do not want to make any public comments. The state has now built a new state-controlled mosque with foreign donated funds.

### **"A breeding ground for suspicious people"?**

Kosimov of Sogd Regional Administration claimed in response to the protests that "the old building had become a breeding ground for suspicious people, but the Mayor's Office renovated it and made it a culture centre. You should be thankful."

Kosimov gave a different reason when Forum 18 talked to him on 19 February. Asked why the Nuir Islom Mosque was forcibly closed, Kosimov claimed that "the Mosque community closed it."

Officials have used this excuse before, for example in 2017 in relation to the nationwide large-scale mosque closures.

Similarly, Khuseyn Shokirov, SCRA Deputy Head in Dushanbe, insisted to Forum 18 in April 2017 in relation to the Sunmin Sunbogym congregation in Konibodom: "The Church was closed down because its members wished so, and it is their internal matter." He gave no evidence for his claim.

When Forum 18 asked Kosimov of Sogd Administration why community members wanted to close their own mosque, and whether they were compensated for the loss of the building, Kosimov did not answer.

Tajikistan commits serious violations of freedom of religion and belief, including imposing severe on any non-state public manifestation of Islam such as imposing severe limitations on the numbers of mosques – all of which must be state controlled.

Mukhsin Mirkamolov, the State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA) official responsible for Khujand, refused to talk about the issue. "Put your questions to the Regional Administration. They are deciding the issue with the building," he told Forum 18 on 19 February. When Forum 18 persisted, he replied: "Don't you understand. I already explained to you. You should speak to the City Administration." He then refused to talk more.

SCRA officials in the capital Dushanbe also refused to talk about Khujand and Sogd Region to Forum 18 on 20 and 21 February, and also refused to reply when Forum 18 asked why the SCRA is not willing to discuss freedom of religion and belief issues.

### **"Just like in the old Soviet Union"**

A human rights defender, who wished to remain unnamed for fear of state reprisals, told Forum 18 on 19 February that the "authorities are leading a process of de-islamisation of the country by having closed down thousands of mosques."

The human rights defender added: "This means that hundreds of thousands of Muslims have been left without their Mosque communities. Some have joined other Mosques that still continue, but he majority have stopped attending Mosques and pray at home."

The human rights defender pointed out that "many of the closed-down mosques like Nuri Islom have been turned into libraries, culture houses, etc. This is just like in the old Soviet Union."

Commenting on the state building a new state-controlled mosque in Khujand, as well as similar mosques elsewhere, the human rights defender said that there were suspicions that this is "just decoration, and a way to launder millions of US dollars provided by foreign states and donors".

Transparency International's Corruption Perceptions Index 2019 ranks Tajikistan poorly, at 153 out of 180 countries.

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## **Alleged "extremist", alleged Shia, jail, torture**

***36-year-old Muslim Khayriddin Dostakov is spending his birthday in jail under criminal investigation after having been arrested and tortured. Officials allege he spread "extremist ideas", and questioned him about whether he has become a Shia Muslim or spread Shia beliefs. Dostakov "was tortured with electric shocks" and "lost consciousness several times", Bakhrom Khamroyev of Memorial told Forum 18.***

By Mushfig Bayram

Forum 18 (29.01.2020) - <https://bit.ly/200Y9y8> - On 29 December 2019 Tajikistan arrested 36-year-old Muslim Khayriddin Dostakov at Dushanbe Airport as he returned from Russia to visit relatives. It is unclear what exactly he is thought to have done, but officials claim that he spread "extremist ideas". Officers have questioned him about whether he has become a Shia Muslim or spread Shia beliefs.

Tajikistan's regime, as well as seriously violating everyone's freedom of religion and belief, is hostile to exercising Islamic beliefs in ways that are not both state-controlled and Sunni Hanafi. Unlike Salafi beliefs, Shia Islam has not been banned.

Investigator Khurshed Goibzoda of the Interior Ministry told Forum 18 on 29 January 2020 that "we have two months at our disposal to refer the case to court" (see below).

Dostakov lived in Moscow and one of his main tasks "was to warn Tajik migrants whom he met in Russia about the dangers and consequences of being drawn into the conflicts in Iraq and Syria", Bakhrom Khamroyev of the Russian human rights group Memorial told Forum 18. "It is ridiculous that Tajikistan's authorities accuse him of calling on people to commit extremist activity," Khamroyev stated (see below).

Parvina Iloliyeva, Dostakov's wife, has also strongly denied the authorities' claims. "They have no evidence to prove that my husband propagated extremism or called on people to join extremist groups," she told Forum 18 on 29 January (see below).

While being held in a Dushanbe Investigation Prison Dostakov has been tortured into making a false "confession". Khamroyev of Memorial told Forum 18 that Dostakov "is being tortured and his face and body is all swollen. Dostakov does not look like himself, and was tortured with electric shocks." He "lost consciousness several times". When questioned by Forum 18 about this one Interior Ministry official gave a short laugh (see below).

Norak Police and Dushanbe Prosecutor's Office officials have raided Dostakov's parents' home and confiscated books on "the life of the Prophet Muhammad and his family, the teachings of traditional Islam, and some books criticising movements such as Salafis and others for inciting hostility between Sunni and Shia Islam" (see below).

### ***"Invited for a talk"?***

Khayriddin Abdulloyevich Dostakov (born 29 January 1984) is an ethnic Tajik born in Tajikistan, and has Russian citizenship. He is also known as Khayriddin Abdullo. He flew from Moscow to Tajikistan on a Tajik Air flight to visit his relatives.

Officers of Tajikistan's Interior Ministry arrested Dostakov on his arrival at Dushanbe's International Airport on 29 December 2019, Bakhrom Khamroyev of Russia's Memorial Human Rights Centre told Forum 18. On 31 December the Interior Ministry told Radio Free Europe (RFE) that Dostakov is being charged under Criminal Code Article 307-1 ("Public calls for extremist activity") and Article 307-2 ("Organisation of an extremist association").

Emomali Umarjoni of the Interior Ministry claimed to Forum 18 on 28 January 2020 that "the agencies leading the case have not shared any information with us". This contradicted his claim to RFE on 31 December 2019 that Dostakov was "invited for a talk, and after clarification of a few questions he will be released". The Interior Ministry told RFE that "we had information that he [Dostakov] began to spread extremist ideas during the past year."

Investigator Khurshed Goibzoda of the Interior Ministry, who is working on the case, told Forum 18 on 29 January 2020 that "we have two months at our disposal to refer the case to court". He refused to answer any questions about why Dostakov was arrested and is alleged to have "spread extremist ideas".

### ***Recent jailings, secret trials***

After he returned to Tajikistan under amnesty in February 2019, 35-year-old Muslim Sadriddin Mulloyev was on 2 January 2020 jailed for 12 years for his earlier membership of the Muslim missionary movement Tabligh Jamaat. The court case took place in secret, and his relatives vehemently denied the charges.

In a closed hearing in prison, 68-year-old Jehovah's Witness Shamil Khakimov was on 10 September 2019 jailed for seven years, six months in strict regime custody for "inciting religious hatred". On release in August 2026, aged 74, Khakimov would be banned from religious activity until August 2029. "I am guilty of nothing," he told the court.

### ***Attack, questioned about Shia beliefs***

Dostakov lived in Moscow and worked as "a defender of the rights of and consultant to Tajik labour migrants in Russia," Khamroyev of Memorial told Forum 18. One of his main tasks "was to warn Tajik migrants whom he met in Russia about the dangers and consequences of being drawn into the conflicts in Iraq and Syria", Khamroyev said.

For this, Dostakov was attacked on several occasions in Russia from 2015 onwards by people speaking fluent Tajik and stating they were Daesh sympathisers. Russian police have not brought the attackers to justice.

The attackers warned Dostakov that he and family members would be killed if he continued trying to stop other Tajiks getting involved in Iraq and Syria. As he was afraid

that he might also be attacked in Tajikistan he was reluctant to return home. He was also afraid that the authorities might target him as he studied at an Iranian university, but as Tajik-Iranian diplomatic relations improved decided to visit his relatives in December 2019.

Dostakov's two school-age nephews had accompanied him from Moscow. After his arrest, police took his nephews to his relatives, but gave no information on Dostakov's whereabouts or the reason for the arrest. Khamroyev told Forum 18 that he later found out that Dostakov was taken to an Interior Ministry detention centre in Dushanbe.

On an earlier visit to Tajikistan in 2019, officers of the National Security Committee (NSC) secret police had questioned Dostakov "about his religious beliefs, whether he had converted to Shia Islam, and whether he shared Shia beliefs with others", Khamroyev of Memorial stated. This made Dostakov suspect that he could be questioned again, but not that he would be arrested and detained.

Tajikistan's regime, as well as seriously violating everyone's freedom of religion and belief, is hostile to exercising Islamic beliefs in ways that are not both state-controlled and Sunni Hanafi. Unlike Salafi beliefs, Shia Islam has not been banned.

Lieutenant Colonel Tolibshoh Oyev, Head of the police Department for the Struggle with Organised Crime, is investigating the case, Interior Ministry officials told Forum 18 on 28 January 2020. But he claimed to Forum 18 that "I do not know anything about Dostakov and this case". He refused to answer questions about Dostakov's arrest, detention, and torture.

Dushanbe City Prosecutor Farrukh Nasimov on 22 January refused to say why Dostakov was arrested, his parents' home raided (see below), and why the authorities are accusing Dostakov of "extremism". He claimed that "everybody at first denies their guilt". Asked what exactly Dostakov is alleged to have done, the Prosecutor claimed to be ready to answer Forum 18 "tomorrow in the morning". But on 23 January Nasimov refused to talk to Forum 18.

"It is ridiculous that Tajikistan's authorities accuse him of calling on people to commit extremist activity", Khamroyev told Forum 18 on 28 January 2020.

Parvina Iloliyeva, Dostakov's wife, has strongly denied the authorities' claims. "They have no evidence to prove that my husband propagated extremism or called on people to join extremist groups," she told Forum 18 on 29 January. "They only have statements they extorted from him under torture."

### **Torture**

Khamroyev of Memorial told Forum 18 that a source who knows about the case states that Dostakov "is being tortured and his face and body is all swollen. Dostakov does not look like himself, and was tortured with electric shocks." They said that Dostakov "lost consciousness several times".

Dostakov was shown "a video of Daesh terrorists taking an oath, and told to write down the words of the oath and repeat it to a camera", Khamroyev of Memorial told Forum 18. "Dostakov was then forced to sign the charges against him." Investigators told Dostakov that "your Russian friends [Memorial] will not be able to help you".

Parvina Iloliyeva, Dostakov's wife, told Forum 18 on 29 January that "he told me that all the statements in his name, including when he allegedly took an oath of loyalty to an extremist group are all lies. These are not his words." Iloliyeva said that Dostakov "wrote

the confession under dictation. He is extremely frightened, so I decided to speak out because I want to save him."

When Forum 18 asked Umarjoni of the Interior Ministry about Dostakov's torture, Umarjoni gave a short laugh after asking "didn't I already tell you?" He then continued "I do not know anything about it", before refusing to talk more.

Goibzoda of the Interior Ministry also refused to speak about the torture of Dostakov. "I know you ask provocative questions," Goibzoda claimed, before refusing to talk more.

Under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Tajikistan must both arrest and put on criminal trial for torture any official thought to be responsible.

No official responsible for torturing people exercising freedom of religion or belief appears to have been arrested or put on trial, including those implicated in the torture of Jehovah's Witnesses in February 2019, as well as officials implicated in torturing Protestants in April 2017.

### ***Raid, religious literature confiscated, relatives questioned***

In early January Norak Police and Dushanbe Prosecutor's Office officials raided Dostakov's parents' home in the town of Norak, 70 kms (45 miles) south-east of Dushanbe, Khamroyev of Memorial told Forum 18.

Dostakov's wife confirmed this, stating that the officials confiscated about 100 books produced by "registered Russian Islamic publishing houses".

"They were on the life of the Prophet Muhammad and his family, the teachings of traditional Islam, and some books criticising movements such as Salafis and others for inciting hostility between Sunni and Shia Islam." Iloliyeva observed that "nothing insulting was said about Sunni Islam or other faiths in these books".

Dostakov's relatives "have been summoned and questioned by the authorities about their beliefs and Shia Islam", Khamroyev told Forum 18.

Norak Police Chief Lieutenant Colonel Saidakhror Mirzoyev refused to discuss the raid with Forum 18 on 28 January. He then put both his landline and mobile phones down as soon as on subsequent calls he heard Forum 18's name.

### ***Investigation Prison***

Dostakov's relatives "feel concerned for his life in the prison", Khamroyev of Memorial told Forum 18. The authorities are also evasive about the address Dostakov is being held at.

The Investigation Prison address:  
Muassisai islohii YaS 3/1-i  
Shahri Dushanbe  
kuchai Mirzo Tursunzoda  
Tajikistan

## 12-year jail term after secret trial

***On 2 January a Dushanbe court jailed 35-year-old Muslim Sadriddin Mulloyev for 12 years to punish him for his earlier membership of the Muslim missionary movement Tabligh Jamaat. "With the help of our lawyer we will appeal against the Court decision," said his father. "My son is innocent." Officials refused to discuss the case or why the trial was secret.***

By Mushfig Bayram

Forum 18 (23.01.2020) - <https://bit.ly/38Sj4Iv> - Nearly a year after his return to Tajikistan in February 2019 and amnesty, a Dushanbe court on 2 January 2020 jailed 35-year-old Muslim Sadriddin Mulloyev for 12 years. Prosecutors accused him as a former member of the Tabligh Jamaat Muslim missionary movement, which Tajikistan's Supreme Court banned in 2006. They also accused him of support for the activities of mercenaries. His family reject all the charges against him.

The trial was shrouded in secrecy, with little information made public and officials refusing to answer questions. Officials prevented Mulloyev from having contact with his lawyer or his family (see below).

"With the help of our lawyer we will appeal against the Court decision," Hairiddin Mulloyev, Sadriddin Mulloyev's father, told Forum 18.

Forum 18 was unable to reach any official at Dushanbe City Court on 23 January to find out if any appeal has yet been lodged.

Hairiddin Mulloyev believes the charges were fabricated so that his son could be imprisoned. "My son is innocent," he insisted to Forum 18 from the town of Kulob on 15 January. "He is no mercenary, no recruiter, and no terrorist." He believes that his son was arrested "because of his past activity as a Tabligh Jamaat member".

Tabligh Jamaat is a Muslim missionary movement active in Central Asia which encourages other Muslims to greater piety. Sadriddin Mulloyev completed a five-year jail term in 2013 for membership of the group.

Mulloyev is from the town of Kulob in south-western Khatlon Region and is a son-in-law of Khaydar Sharifzoda, a well-known public figure and Imam-hatyp of Kulob. He is married with four children.

Faredun Hodizoda, an independent legal expert from Dushanbe told Forum 18 that he also does not believe that Mulloyev is a terrorist. "His father-in-law Mullo Khaydar is a well-known and respected Imam and the Imam-hatyp of Kulob's cathedral Mosque," he told Forum 18 on 16 January. "Their family are good people."

### ***Prisoners freed, new arrests***

Tajikistan imposes severe restrictions on the exercise of human rights including freedom of religion and belief.

Mulloyev is a "victim of a new campaign of arrests of Muslims," an independent human rights defender, who asked to remain unnamed for fear of the state reprisals, told Forum 18 on 16 January. "The authorities recently amnestied hundreds of Muslim prisoners and there is free space in the prisons, so they decided to fill them up again."

Among Muslims amnestied in 2019 was Abdumalik Salomov, a heart surgeon accused of participating in the activity of the Salafi Muslim movement who was jailed with eight others in three cases in the northern Sogd Region in November 2017.

"All Dr Salomov did was get together several times with his friends and have meals with them," human rights defenders, who asked not to be named for fear of state reprisals, told Forum 18. Also jailed under similar charges were two of his close friends, Ilhom Gafarov and Saydullo Mirzoyev, who were forced to sign false police statements. Gafarov received five and half years, and Mirzoyev five years.

The Supreme Court banned Salafi thought in 2009, even though an official admitted to Forum 18 that adherents of the Salafi school of Islamic thought had committed no crimes. Salomov was freed on 30 October 2019 and was allowed to resume his work as a doctor on 15 December 2019, Radio Free Europe reported.

In a closed hearing in prison, a judge in Khujand on 10 September 2019 jailed 68-year-old Jehovah's Witness Shamil Khakimov for seven years, six months in strict regime custody for "inciting religious hatred". On release in August 2026, aged 74, Khakimov would be banned from religious activity until August 2029. "I am guilty of nothing," he told the court.

Protestant Pastor and prisoner of conscience Bakhrom Kholmatov was released on 17 December 2019 after serving all but three months of a three-year jail sentence for allegedly "singing extremist songs in church and so inciting 'religious hatred'". But congregations of his Church – forcibly closed in 2017 by the NSC secret police after raids and torture - remain closed.

Jehovah's Witness conscientious objector Jovidon Bobojonov has been held by the military since October 2019 despite offering to do alternative civilian service, even though the government claimed in March 2019 to the UN Human Rights Committee that an alternative service law is being prepared. He faces trial and possible jailing for what the Deputy Chief of the Armed Forces General Staff called "a major crime".

Other arrests continue. The authorities arrested at least 27 Muslims in early January 2020, Radio Free Europe and other media reported. The rights defender told Forum 18 that "some say that the number of those arrested is much higher."

### ***Authorities promised amnesty "but instead put him in prison"***

Sadriddin Hairiddinovich Mulloyev (born 1984) had previously been jailed from 2008 to 2013 on charges of membership of the banned Tabligh Jamaat Muslim missionary movement. After being freed, Mulloyev went to Turkey where he learnt that he was being sought again by Tajikistan on "extremism" charges.

Officers of various security agencies asked Mulloyev by phone to return to Tajikistan, promising him amnesty.

Mulloyev voluntarily returned to Tajikistan in February 2019 and reported to police, where he "repented" of having been a Tabligh Jamaat member and was granted amnesty. However in September 2019 he was arrested and held on serious criminal charges because of his earlier adherence to the Tabligh Jamaat movement.

Hairiddin Mulloyev told Forum 18 that the "authorities persuaded Sadriddin to return to Tajikistan promising him amnesty but instead put him in prison. He is not guilty of any crime."

## ***Criminal case***

The Department for Investigating Crimes of Special Importance at the General Prosecutor's Office in Dushanbe prepared a criminal case against Mulloyev. Rajabali Sodiqzoda, the head of the Department for Investigating Crimes of Special Importance, refused to discuss Mulloyev's case, telling Forum 18 in December 2019 that he did not have the information to hand.

Prosecutors accused Mulloyev of participating in extremist and terrorist activities. Charges against him were brought under Criminal Code Articles 187, Part 2 ("Participation in a criminal association"), Article 307-2, Part 3 ("Participation in creation of extremist association and in the activities of it; committing such actions repeatedly or using one's official position"), Article 307-3, Part 2 ("Participation in the activity of political parties, social or religious organisations, or other organisations, liquidated or banned by a court for extremist activity") and Article 401, Part 1 ("Recruitment, training, financing or other material support to mercenaries as well as their usage in armed conflicts or military actions"), Hairiddin Mulloyev told Forum 18 on 15 January.

The maximum punishment under the first three charges is imprisonment for a period up to 12 years, and under Criminal Code Article 401, Part 1 is imprisonment for a period between 12 and 20 years.

The Prosecutor appointed by the Department for Investigating Crimes of Special Importance asked the Court in late October 2019 in the next to last hearing to give Mulloyev an 18-year prison sentence. Under all except for the charges under Criminal Code Article 401, Part 1 is a provision for indicted persons, who have voluntarily cooperated with the authorities for preventing crimes and whose actions there are no elements of crime, to be freed from criminal responsibility.

On 2 January 2020, Judge Mirzo Odinazoda of Dushanbe's Sino District Court found Mulloyev guilty and handed down a 12-year prison sentence.

## ***No answers***

Asked about Mulloyev's case the official (who did not give her name) of the General Prosecutor's Office on 22 January referred Forum 18 to Manuchehr Mahmudzoda, Head of its International Section. Reached the same day, Mahmudzoda refused to answer Forum 18's questions on the case. "I cannot discuss with you the issue over the phone." He then declined further to talk to Forum 18. "You need to send your questions in writing to the Foreign Ministry."

Phones at the reception of Chair of Sino Court, Judge Sukhrob Rushonzoda, went unanswered on 22 January. Court officials, including Rushonzoda's Secretary Tatyana (she did not give her last name), between 13 and 19 December also refused to discuss the case with Forum 18 or put it through to any of the officials who could do so.

## ***Why the secrecy?***

The authorities were silent about the prosecution and trial of Mulloyev. They did not allow him to see his lawyer or his family for more than two months between October 2019 and early January 2020, when the Court finally gave its verdict.

Rakhmonali Rajabov, Mulloyev's initial lawyer in the case, said that the last hearing he participated in was in late October 2019. On 31 October the defendant had been expecting to give his last address to the court, but the session was postponed. "After this

date I could not contact my client," he told Forum 18 on 8 January, "and I was not given access by the authorities to talk to him in the detention prison."

Rajabov added that in early November, Mulloyev's relatives called and told him that they were not satisfied with his services and that they were looking for a different lawyer. Despite the fact that the relatives began looking for a new lawyer, Rajabov tried unsuccessfully to contact Mulloyev in prison in mid-December 2019. "I requested the Court in mid-December to permit me to see Mulloyev but I was refused," he told Forum 18.

Saidrahim Jumayev, Investigator of the General Prosecutor's Office, however, claimed to Radio Free Europe in October 2019 that the "investigation of the case was done within legal boundaries" but declined to make further comments.

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## **Conscientious objection "a major crime"?**

***Jehovah's Witness conscientious objector Jovidon Bobojonov has been held since October 2019 by the military despite offering to do alternative civilian service, even though the government claimed in March 2019 to the UN Human Rights Committee that an alternative service law is being prepared.***

By Mushfig Bayram

Forum 18 (14.01.2020) - <https://bit.ly/3aS5cQd> - From early October 2019, 19-year-old Jehovah's Witness conscientious objector Jovidon Bobojonov has been held in a military unit near Dushanbe pending trial as he refused to bear arms, wear military uniform, or take the military oath. His requests to do an alternative civilian service have been refused. No criminal case against him is known to have been launched.

In October 2019, Bobojonov's parents complained to officials about their son's arrest and detention. Among the replies they received was a letter from Major-General Musa Odinzoda, Deputy Chief of the Armed Forces General Staff, claiming that Bobojonov "committed a major crime by refusing to serve in the Armed Forces" (see below).

Officials such as Sugd Regional Military Prosecutor Abdukodyr Nurov refused on 10 January 2020 to give any legal grounds to Forum 18 as to why Bobojonov was arrested and taken to a military unit.

Asked why Tajikistan will not pass an alternative service law and ignores repeated United Nations (UN) Human Rights Committee recommendations to do so, Nurov shouted "Who are you and why should I answer you?" before putting the phone down (see below).

In defiance of its international human rights obligations, and despite repeated requests from the UN Human Rights Committee and UN Working Group on Arbitrary Detention, Tajikistan has not introduced a possibility for a genuinely civilian alternative service to the military conscription imposed on young men.

The Working Group on Arbitrary Detention in October 2017 asked for a reply within six months as to "whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of Tajikistan with its international obligations in line with the present opinion". As of 14 January 2020, Tajikistan has not replied to the Working Group (see below).

Instead, conscientious objectors (as in the previous 2017 case of Daniil Islamov) have been jailed. Officials claimed as an excuse that a civilian alternative service law has not been introduced (see below).

On 29 March 2019 Tajikistan claimed to the UN Human Rights Committee that an alternative service law was being prepared. Yet on 13 January 2020 Subhiddin Bakhriddinzoda of the President's National Centre for Law told Forum 18 that "there is no draft law on alternative civilian service ready to present to Parliament".

Bakhriddinzoda claimed that one had been prepared with the involvement of the Presidential Administration, but that it would only be considered after parliamentary elections on 1 March. The Presidential Administration has refused to answer questions on the issue (see below).

Human rights defenders in Dushanbe told Forum 18 they had no information about any government plans to introduce a law allowing an alternative civilian service.

### ***Latest conscientious objector Bobojonov***

On 13 August 2019, Khujand's Military Conscription Office summoned 19-year-old Jehovah's Witness Jovidon Jamolovich Bobojonov. He replied on 22 August with a written request to perform alternative civilian service, Jehovah's Witnesses told Forum 18.

However, on 4 October officers took Bobojonov into custody and escorted him to the Conscription Office, where they detained him. On 6 October officers sent him against his will by train to military unit 45075 in Rudaki District just south of the capital Dushanbe.

At the military unit, officers tried to pressure him into wearing a military uniform and taking the military oath of allegiance. In accordance with Bobojonov's conscientious objection as a Jehovah's Witness to military service he refused to do this.

"Jovidon is still being held in the military unit without trial and without investigation," Jehovah's Witnesses told Forum 18 on 10 January. "No criminal case against him has been launched."

Prisoner of conscience Bobojonov is still being held in:  
Military unit 45075  
Rudaki District  
Dushanbe

### ***Bobojonov "committed a major crime"***

In October 2019, Bobojonov's parents complained about their son's arrest and detention to officials including the Presidential Administration, which passed on the complaint to the Defence Ministry and the General Prosecutor's Office on 22 October.

Major-General Musa Odinzoda, Deputy Chief of the Armed Forces General Staff, replied to Bobojonov's parents on 28 October (in a letter seen by Forum 18) claiming that Bobojonov "committed a major crime by refusing to serve in the Armed Forces". Major-General Odinzoda insisted that serving in the military is Bobojonov's "sacred duty" and that his conscription was not therefore illegal.

Major-General Odinzoda's assistant, who refused to give his name, on 10 January 2020 claimed Odinzoda was in a meeting and asked Forum 18 to call back. When Forum 18 called back a different official (who also refused to give their name) answered the phone

and claimed that "Odinazoda is not available and his assistant was sent somewhere." He then refused to answer questions and put the phone down.

Sugd Regional Military Prosecutor Abdukodyr Nurov also replied to Bobojonov's parents on 28 October 2019 (also seen by Forum 18), denying that a right to conscientious objection exists. Officials claimed that, as there is no law on alternative service, refusal to do military service is a crime, and conscription officers acted lawfully.

Regional Military Prosecutor Nurov on 10 January 2020 refused to give any legal grounds to Forum 18 for Bobojonov being arrested and taken to a military unit. He also refused to say why he claimed to Bobojonov's parents that there is no right to alternative civilian service, than claiming that "I do not know what case you are speaking about."

Asked why Tajikistan will not pass an alternative service law and ignores repeated UN Human Rights Committee recommendations to do so, Nurov shouted "Who are you and why should I answer you?" before putting the phone down. Subsequent calls to his phone went unanswered.

### ***"The will of the people"?***

The regime's claim that not having a law on alternative service makes jailing conscientious objectors legal was also used in the case of conscientious objector and former prisoner of conscience Daniil Islamov (see below).

In June 2017 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 no domestic legal provision exists for this.

Similarly, Rakhmonali Saidaliyev, Qurghonteppa's Military Prosecutor, told Forum 18 in August 2017 that Islamov cannot do the alternative civilian service he is willing to do as "Tajikistan does not have alternative service."

Deputy Murodullo Davlatov, a member of Parliament's Lower Chamber and Deputy Head of its International Relations Committee, claimed to Forum 18 in February 2017 that "the people of Tajikistan do not want alternative service, and Parliament represents the will of the people".

On 10 January 2020 the assistant (who refused to give her name) to Deputy Imomali Nasriddinzoda, Head of Parliament's Law and Human Rights Committee, claimed that Parliament "may consider" passing an alternative service law "after the next election" (due on 1 March).

Asked why conscientious objectors are, despite repeated UN Human Rights Committee recommendations, still being arrested and prosecuted, the assistant refused to answer and referred Forum 18 to the Foreign Ministry. She then immediately put the phone down. Deputy Nasriddinzoda did not answer his phone.

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."

As has happened to conscientious objector Bobojonov, officials also attempted to force conscientious objector Islamov to wear military uniform and take the military oath.

### ***No alternative civilian service law***

Military service of two years is compulsory for almost all able-bodied young men between the ages of 16 and 27.

Article 1 of the November 2000 Universal Military Obligation and Military Service Law includes the provision: "In accordance with the law, a citizen has the right to undergo alternative service in place of military service. The procedure for undergoing alternative service is determined by law". However, no law enacting alternative service has ever been adopted.

Indeed, military comments in 2007 suggested that the ban that year on the Jehovah's Witnesses might be linked to this community's conscientious objection to compulsory military service.

### ***Jailing conscientious objectors***

On 13 October 2017 Jehovah's Witness conscientious objector Daniil Ruslanovich Islamov (born 31 January 1999) was sentenced to six months' jail until April 2018 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").

Prisoner of conscience Islamov had been forcibly conscripted in April 2017, despite health problems preventing him doing military service even if he wanted to do it, and was then detained in a military unit before being tried and sentenced.

On 5 October 2017 the United Nations (UN) Working Group on Arbitrary Detention publicly stated that Tajikistan should release prisoner of conscience Islamov "immediately". The regime ignored this and in January 2019 Jehovah's Witnesses complained about the case to the UN Human Rights Committee.

The UN Working Group's Opinion (A/HRC/WGAD/2017/43) found that Tajikistan had contravened the International Covenant on Civil and Political Rights, and also noted that "The right to conscientious objection is well established in international law and derives from article 18 of the Covenant. The Government of Tajikistan has already been made fully aware of this by the Human Rights Committee, which has specifically recommended that Tajikistan provide for alternatives to military service in such cases" (see below).

The UN Working Group also stated that among the follow up actions were that within six months of the date of transmission of the October 2017 Opinion the government should inform the Working Group "whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of Tajikistan with its international obligations in line with the present opinion".

As of 14 January 2020, Tajikistan has not replied to the UN Working Group.

### ***Will a genuine alternative service law be passed and implemented?***

On 29 March 2019 Tajikistan claimed to the United Nations Human Rights Committee that "to give effect to this right [to alternative civilian service], an inter-agency working group, after studying international experience with regard to recognition of the right to conscientious objection to compulsory military service and conducting research into the administrative and legal issues that the exercise of this right in Tajikistan would entail, prepared and transmitted to the Government a bill on alternative service" (see Replies to

the issues raised by the Human Rights Committee in relation to the third periodic report of the Republic of Tajikistan CCPR/C/TJK/Q/3/Add.1).

But the government gave no timetable for this claimed alternative service law to be adopted.

"There is no draft law on alternative civilian service ready to present to Parliament," Subhiddin Bakhriddinzoda, First Deputy Director of the President's National Centre for Law, told Forum 18 on 13 January 2020. Among the National Centre's functions is responsibility for improving draft laws and checking their correspondence to the Constitution and Tajikistan's international obligations.

The National Centre for Law is also responsible for publishing the text of draft laws, but when asked for the text Bakhriddinzoda claimed that "the inter-agency working group has prepared a text but it has not been finalised yet". Asked why, he responded that "this March we will have a new Parliament, and only then will this issue be discussed."

Bakhriddinoza then stated that "you need to talk Zarif Alizoda, the adviser in the Presidential Administration's Section responsible for laws and their preparation". He then refused to talk more. Alizoda was formerly the Human Rights Ombudsperson and is currently the Assistant to the President on Legal Issues and Plenipotentiary Representative of the President to Parliament.

On 13 January the Presidential Administration claimed that Alizoda would be available to talk on 14 January. But on 14 January various Presidential Administration officials either did not answer their phones, or refused to talk to Forum 18, or claimed that only Alizoda – who was claimed to be unavailable – could answer questions.

Human rights defenders in Dushanbe told Forum 18 on 14 January that they had no information about any government plans to introduce a law allowing an alternative civilian service.

Bakhriddinzoda of the National Centre for Law also refused to answer any questions about Tajikistan arresting and jailing conscientious objectors in defiance of Tajikistan's international obligations.

### ***Ignoring human rights obligations***

Tajikistan has for more than fifteen years ignored repeated insistence by UN human rights bodies and local human rights groups that the regime must allow individuals to refuse on grounds of conscience to do military service.

In its 22 July 2004 Concluding Observations on Tajikistan's record under the International Covenant on Civil and Political Rights (CCPR/CO/84/TJK), the UN Human Rights Committee stated: "The State party should take all necessary measures to recognize the right of conscientious objectors to be exempted from military service."

This was repeated in the Human Rights Committee's 23 April 2013 Concluding Observations (CCPR/C/TJK/CO/2), which "reiterates its previous concern" about "the State party's lack of recognition of the right to conscientious objection to compulsory military service, and at the absence of alternatives to military service".

The Human Rights Committee's concern was again repeated in its Concluding Observations (CCPR/C/TJK/CO/3), adopted on 18 July 2019: "The State party should step up its efforts to adopt the legislation necessary to recognize the right to conscientious objection to military service without discrimination as to the nature of the

beliefs (religious or non-religious beliefs grounded in conscience) justifying the objection, and to ensure that alternative service is not punitive or discriminatory in nature or duration by comparison with military service."

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