

Table of Contents

- ***Religious freedom survey, December 2020***
 - ***Tajikistan stops treating incitement of religious hatred as criminal offence***
 - ***Conscientious objector freed, but another jailed***
 - ***"No reason to fear" census religion question?***
 - ***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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Religious freedom survey, December 2020

Tajikistan restricts freedom of religion and belief, along with interlinked freedoms of expression, association and assembly. Forum 18's survey analyses violations including: ban on and punishments for all exercise of freedom of religion or belief without state permission; severe limitations on numbers of mosques; jailing of Muslim, Jehovah's Witness and Protestant prisoners of conscience on alleged "extremism" charges; impunity for torture; jailing of conscientious objectors; and state censorship of religious materials.

By Felix Corley

Forum18 (22.12.2020) - <https://bit.ly/3bsuaYW> - Tajikistan has a record of violating freedom of religion or belief and related human rights such as the freedoms of expression and association. Serious violations documented by Forum 18 include but are not limited to:

- a ban on and punishments for all exercise of freedom of religion or belief without state permission;
- bans on visible signs of faith, including hijabs (headscarves) and beards;
- severe limitations on the numbers of mosques permitted and activities allowed inside those mosques;

- restrictions in the Traditions Law on how funerals can be conducted;
- a ban on all public exercise of freedom of religion or belief, apart from funerals, by people under the age of 18;
- forcible closure of all madrassahs (Islamic schools);
- monitoring of religious believers of all faiths, including collecting individuals' religious affiliation in the October 2020 census;
- arbitrary official actions, including the arrests of Jehovah's Witnesses using police agent provocateurs;
- bans on Jehovah's Witnesses and some Islamic and Protestant movements;
- jailing of Muslim, Jehovah's Witness and Protestant prisoners of conscience on alleged "extremism" charges;
- impunity for torture of Muslims, Jehovah's Witnesses and Protestants;
- the banning of Central Asia's only legal religious-based political party, the Islamic Renaissance Party, and the arrest as prisoners of conscience of its senior party figures;
- forcing imams in state-controlled mosques (the only sort permitted) to preach state-dictated sermons;
- jailing young men who cannot perform compulsory military service on conscientious grounds;
- and state censorship of and bans on some religious literature and websites.

Legal changes enacted in 2020 include: much higher fines in the Administrative Code for exercising freedom of religion or belief without state permission and the involvement of foreigners in such activities; a new Countering Extremism Law which ordered close monitoring of exercise of freedom of religion or belief; and increasing the minimum criminal punishments for "inciting hatred or dissension", but making first "offences" subject to administrative not criminal charges.

The government's actions imply that it thinks that the real threat it faces is people exercising their human rights outside state control.

Tajikistan is the smallest country in Central Asia, and is very mountainous. It has around 9 million people, about 85 per cent of whom are ethnic Tajiks. The rest of the population are mainly ethnic Uzbeks (who like Tajiks are regarded as being of mainly Sunni Muslim background) with smaller percentages of Slavs (mainly Russians, many regarded as being of Russian Orthodox or other Christian background), Jews and other groups. Between 1992 and 1997 the country fought a civil war in which clan and ethnic loyalties were the major factors.

Poverty is widespread and the economy is very weak. The country ranks poorly in Transparency International's 2019 Corruption Perceptions Index, at 153 out of 180 countries. Many people of working age have left the country to seek employment elsewhere, mainly in Russia and Kazakhstan.

Dictatorship, climate of fear

President Emomali Rahmon, a former Soviet Communist Party official, has been head of the government since 1992 and President since 1994. His rule has been marked by multiple human rights violations, little sign of the rule of law, and hostility to democracy including electoral fraud.

After March 2015 parliamentary elections Rahmon's People's Democratic Party (PDPT) had 51 out of the total of 63 deputies in the lower house of parliament, while the shortly to be banned opposition Islamic Renaissance Party (IRP) had no deputies. The IRP was Central Asia's only legal religious-based political party and was thought by independent observers to have more support than the two deputies it had in the previous parliament indicates.

Secular civil society organisations, even those not working on political or human rights issues, spoke to a human rights defender known to Forum 18 of a climate of fear before elections. After the most recent March 2020 parliamentary elections, an Organisation for Security and Co-operation in Europe (OSCE) Election Observation Mission found: "Systemic infringements on fundamental political rights and freedoms have left no space for a pluralistic political debate, and genuine opposition has been removed from the political landscape."

Banning the IRP, beards, and hijabs

The IRP was banned on 28 August 2015, and more than 10 senior party figures were then arrested and are currently jailed as prisoners of conscience for their political opposition to the government.

Just before the 2015 elections, on 27 February, a sermon apparently prepared by the State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA) was read – or at least partly read - during Friday prayers in central mosques nationwide. The text attacked the opposition IRP, praised President Rahmon and his PDPT, and called on Muslims to vote only for candidates from Rahmon's Party. After the elections, another SCRA written sermon called for the IRP to be closed down and for there to be only one party in the country. SCRA Deputy Head Solehjon Zavkiyev denied to Forum 18 that imams were required to read the two state-produced sermons at Friday prayers. Orders to imams to read out such sermons are "not compulsory but only a recommendation", he claimed.

President Rahmon on 6 March 2015 condemned women wearing "uncharacteristic" dress and state TV showed footage of police stopping 10 women in hijabs on the street, claiming they were prostitutes. Women nationwide then began to be stopped at kindergartens and told they must not drop off their children while wearing a hijab. SCRA Deputy Head Zavkiyev claimed to Forum 18 that "no one ever banned the hijab or spoke against it".

Also in March 2015, police began forcibly shaving bearded Muslim men throughout the country. Independent legal expert Faredun Hodizoda noted that "aren't such actions and bans something that those interested in promoting jihad will use to provoke a reaction?" Deputy Interior Minister Ikrom Umarzoda refused to tell Forum 18 who ordered the beard-shaving campaign. Officials have contradicted themselves on whether police will be held responsible.

One victim of the beard-shaving, human rights defender and blogger Rustom Gulov, publicly complained to the President and other senior officials about the campaign's lack of legal basis and the need to punish perpetrators. Gulov stated that the official response "will be an indicator of the value of human dignity in Tajikistan". The only formal response has been for him to be questioned about an allegedly "negative comment

insulting President Rahmon" left on his blog. Officials demanded this be removed, which has been done. On 20 February 2016 Okil Sharipov was arrested, in Isfara in Sogd Region, for filming police forcing a group of women who wore hijabs onto a bus to take them to a police station. Sharipov was then jailed for a year on 26 May, and amnestied in late August 2016 after six months' imprisonment.

In July 2017 President Rahmon and other officials made renewed public statements against wearing the hijab and beards. The campaign became "more energised" after those statements, according to human rights defenders. Working groups – including police, employees of the State Committee for Women and Family Affairs, and SCRA officials - raided bazaars and public places to identify women who wear the hijab to punish them. Such raids were publicised in the local media and on State TV Jahonnamo. Women wearing the hijab were punished with fines and in some cases their husbands were questioned and held in police custody. Other women were threatened with punishments unless they stop wearing the hijab, while some were forced to take it off in public places. At least one was "humiliated" during police questioning, as the victim told human rights defenders. Still others lost their jobs. Officials denied to Forum 18 that anyone had been harassed or claimed the raids were merely an "awareness campaign".

Under repeated pressure from the authorities, a man in the northern Sogd Region divorced his wife in 2017 after seven years of marriage. Police had repeatedly summoned him, demanding that he stop his wife, a devout Muslim, from wearing the hijab. Under great pressure from police, the woman's husband evicted her from their house and also began to publicly insult her. "A normal and happy family was forced to break up," a human rights defender told Forum 18. "The woman refused to stop wearing the hijab because she has a strong faith. There are many such tragedies in Tajikistan. Many women are being pressured into stopping wearing the hijab, but they do not want to make their cases public as if they do so their life can become a real hell. They are afraid that they can be branded as terrorists and face prison". Hijab-wearing women have also been refused employment and medical care. Asked why, the Health Ministry claimed to Forum 18 that it "is not responsible for hospitals".

On 28 September 2018 police put up a roadblock on the outskirts of the capital Dushanbe on the road from Vahdat, west of Dushanbe, to stop cars carrying men with beards and women with hijabs. Police forced men with beards into a barber's shop to have their beards shaved off, and women were forced to take off hijab and wear a shawl showing their necks. Universities are also enforcing the beard and hijab ban, and one university has also banned women from wearing a Tajik traditional shawl. Police in Dushanbe are also enforcing the ban with visits to schools.

The Interior Ministry Press Secretary confirmed to Forum 18 that no law bans hijabs or beards, but refused to explain why the authorities try to ban them. No Education Ministry official, from the First Deputy Minister downwards, has been able to give a legal reason for the beard and hijab ban.

Such actions continue. In December 2019, Nilufar Rajabova was one of around 20 women detained in Dushanbe 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 being medically checked for possible spinal column damage just before being detained, 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 was fined 550 Somonis (about two weeks' average wages for those in formal work) 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 2020. The Judge claimed not to hear Forum 18 when questioned about why Rajabova was fined and why officials suspected of torture were not arrested and put on criminal trial for torture.

Islam particularly targeted for controls

Perhaps because Islam is the majority faith – and so independent non-state controlled Islam is a target for a government hostile to everything outside state control – the Islamic community is singled out for special restrictions in the Religion Law, as well as in arbitrary official actions. There is also an extra-legal ban on Islamic preaching in all but the largest mosques, designated as Central cathedral mosques, medium sized ones as Cathedral mosques, and the smallest as Five-fold mosques.

The state mainly restricts the life of the Islamic community from inside its structures, notably through the Council of Ulems, while it tends to restrict the lives of other communities from outside their structures.

The main state agency for such repression is the SCRA. Among restrictions are limitations on the numbers of mosques allowed per head of population, non-permitted mosques being demolished. Officials are apparently proud of this. On 5 February 2018, the SCRA claimed that 1,938 mosques were in 2017 forcibly closed and converted to secular uses. One human rights defender noted that the SCRA's claim that the mosques were illegal is not credible. They also noted that many closed mosques had refused to complain about their closure, even when offered legal assistance in bringing court cases. "They were afraid to do so."

Press conferences were held in various parts of Tajikistan in January 2018 to announce local mosque closures and the alleged reasons for this. In two cases in the northern Sogd Region, in Isfara and in Bobojon-Gofurov District, officials claimed the mosques were closed at the request of local residents. In neither case were officials able to explain to Forum 18 why they only allow mosques with a capacity far below the possible numbers of worshippers.

Mosque closures continue. In the northern city of Khujand, officials confiscated the Nuri Islom (Light of Islam) Mosque and in January 2020 turned it into a cinema. 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 news site Akhbor.com told Forum 18 that many local Muslims protested against the confiscation, stating that "it is a sin to show films in the mosque building".

A Sogd Regional Administration official 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. 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."

Mosque-goers are closely monitored, including with surveillance cameras in mosques. In July 2015 an Interior Ministry Colonel in Dushanbe warned mosque-goers during Friday prayers not to leave early, which he claimed was a sign of adhering to non-Hanafi Islam. Notices at the entrances of mosques around the country warn that attendees can pray only according to Hanafi rules. Interior Minister Ramazon Rahimzoda told a Ministry round table on 3 March 2016 that groups of young activists will work in mosques as volunteers and, in cooperation with state agencies, will help catch "extremists", as well as those who do not pray according to Hanafi rules.

Tajikistan penalises people for their ideas, not their actions. On 8 December 2014, the Supreme Court reinforced a 2009 ban on Salafi Muslims. Court Deputy Chair Makhmudjon Ashurov refused to state how the regime will identify a person as a Salafi. SCRA Deputy Head Mavlon Mukhtarov claimed to Forum 18 that Salafis are "extremist" because they "attend Tajik Sunni mosques and pray differently, and they also argue with Mosque attendees about the teachings of Islam".

On 13 April 2015 the SCRA imposed more restrictions on the haj pilgrimage to Mecca, banning under-35s from participating. From 2009 there has been a ban on people younger than 16 and older than 80 taking part. The SCRA claims that the under-35s ban is due to renovation works at Mecca, but Saudi Arabia's Embassy in Dushanbe would not confirm this to Forum 18.

In November 2017, the SCRA ordered the removal of all foreign-educated imams, SCRA and Council of Ulems officials said. Human rights defenders told Forum 18 that the campaign to fire Imams as well as recent imprisonments are part of state efforts to "root out the Salafi movement and independent Muslim believers from Tajikistan".

January 2018 amendments to the Religion Law (see below) also imposed tighter SCRA controls over building and opening new mosques. According to the amended Article 8, mosque communities require SCRA permission to use specific buildings for worship, while the SCRA also needs to approve local authorities' plans to allocate land to build a mosque. SCRA permission is required for the appointment of ordinary imams, imam-hatyps (who give sermons) and sar-hatyps (the head of a mosque).

"Mosques have stopped being a social institution, and have become some kind of state agency," a human rights defender who wished to remain anonymous for fear of state reprisals told Forum 18 in February 2019. "Imams are known to share all information on mosque community members with state agencies."

The human rights defender also pointed out that another sign of mosques becoming a state agency was that they now handed over "a big portion of their income to the SCRA". Corruption is widespread in Tajikistan, as noted above. The SCRA has refused to explain to Forum 18 why it collects money from mosques.

Traditions Law, mourn for the dead only in state-permitted ways

On 29 August 2017, Traditions Law amendments and increased punishments came into force. The numerous new restrictions on freedom of religion and belief and interlinked human rights included: the banning of the normal celebratory meals to honour pilgrims returning from the haj; requiring everyone to respect an undefined "national dress" (Kobiljon Abdukodirov, Head of Parliament's Legal Department, confirmed to Forum 18 on 30 August that this is a de facto ban on wearing the hijab and other so-called "non-traditional" religious apparel); banning the customary offering of food on the 3rd, 7th and 40th days after a funeral; makes the SCRA responsible for defining what procedures should be followed for funerals and the subsequent mourning period; and makes the government responsible for organising all haj and umra pilgrimages to Mecca. Human

rights defenders think that this is "to receive money from all for travels and more easily control the pilgrims".

Fines for violating the Traditions Law are for individuals more than four months' average wages for those in a state job, with fines for repeat "offenders" reaching more than two years' average wages.

In 2015 the authorities banned state employees from attending Friday prayers and sermons, even during their lunch hour. One official denied the ban to Forum 18. Others refused to say who ordered such a ban and why.

On Friday 1 September 2017, the date announced by the state as a public holiday to celebrate the Muslim festival of Id al-Adha (Sacrifice), teachers, students and schoolchildren were forced to attend school on the order of Education and Science Minister Nuriddin Sayid. State-controlled mosques backed this, one Dushanbe Imam, who asked not to be named for fear of state reprisals, telling Forum 18 that the Council of Ulems instructed them to make the announcement "since children are banned from participation in religious activity". Teachers were also unofficially banned from attending mosque that day, even if their working day had not begun.

Also in September 2017, the SCRA and the state-controlled Council of Ulems issued Mourning Regulations imposing a procedure that all ceremonies mourning dead Muslim people and expressing grief must follow. These include:

- Payment of fees for the work of grave-diggers must be made in the presence of an authorised state official;
- Crying while grieving for the dead is allowed. But crying and wailing loudly, casting earth onto one's head, tearing hair out, scratching one's face [all traditional customs] are forbidden;
- Only very close relatives and children of the deceased can stay in the same house with the deceased overnight. Close relatives can only publicly mourn for three days;
- Wearing black clothes during mourning is banned;
- Using microphones to amplify prayers during burial is banned;
- After the burial it is "not recommended" to stay in the house of the deceased for many hours.

A human rights defender, who wished to remain anonymous for fear of state reprisals, told Forum 18 in October 2017 that the "authorities are radicalising Muslims by such actions". They noted that "the authorities say that they are for national values, but these regulations are actually getting rid of Tajik traditions which have existed for centuries". They also commented: "This is stupidity! Instead of finding real terrorists they punish innocent people."

Against the wishes of families, Islamic funerals were banned for around 50 prisoners killed by police suppressing a Khujand Labour Camp riot in November 2018.

Rights of the child

State restrictions on exercising freedom of religion or belief are also imposed in other ways. Administrative Code Article 474-3 ("Carrying out of educational and preaching activity by religious communities in educational institutions of pre-school, secondary

school, primary professional, secondary professional and higher professional education, as well as in residential buildings or homes of citizens") was introduced in July 2012.

All madrassahs (Islamic religious schools) began to be forcibly closed from July 2013 after a speech by President Rahmon claiming, without giving evidence, that some of their ex-pupils had become "terrorists". Mavlon Mukhtarov of the SCRA, as well as Abdukhakim Sharipov of Sogd Region's Religious Affairs Department claimed to Forum 18 in December 2013 that the suspensions came because the regime wanted to "bring order" to the madrassahs' legal documents and curricula. Mukhtarov said he "cannot give an exact time" for their reopening.

The 2011 Parental Responsibility Law is hostile to freedom of religion or belief and related rights. This Law not only bans jewellery and tattoos, but limits the names parents can choose for their children, bans "the encouragement of children to receive education in illegal schools and education institutions as well as from individual persons who do not have permission for such activity", requires parents "not to allow the education of adolescent children abroad without the permission of appropriate state agencies" and bans the participation of anyone below the age of 18 in religious events apart from funerals.

These bans continue to be enforced. In December 2018, Mukhiddin Tukhtakhojayev of the SCRA visited one religious community without any warning or invitation to demand information, a human rights defender who knows the community but is not part of it told Forum 18. Tukhtakhojayev is responsible within the SCRA for non-Muslim communities.

"While Tukhtakhojayev was present, a few children under the age of 10 came in to the meeting to see their parents briefly," the human rights defender who wishes to remain anonymous for fear of state reprisals stated. "Tukhtakhojayev did not say anything during the meeting, but a few days later summoned the leaders of the religious community for questioning. He then forced them to write a statement explaining the reasons why the children were present in the meeting."

The community was then under Administrative Code Article 474 ("Violation of the Religion Law") fined 7,700 Somonis, equivalent to almost eight months' average wage.

On 11 December 2018, Konibodom Police in the northern Sogd Region opened a criminal case against Mujibahon Isanova, a local Jehovah's Witness. They did not explain what crime she is alleged to have committed, but the case follows her complaints against bullying by school staff of her eight-year-old son. In front of the class they called the boy "a 'terrorist', 'traitor', and an 'enemy of the State'". The criminal case appears to have been closed later.

On 2 January 2020 President Rahmon signed a new Law on the System of Warning Against and Prevention of Violations of the Law by Minors. This tasked the SCRA with: taking part in such warning and prevention programmes; conducting "informational/agitational measures"; and "unmasking and registering violations of the law by under-18-year-olds in the area of freedom of conscience and the activity of religious associations".

The new Law did not add to the SCRA's tasks under existing laws, but it did restate existing SCRA priorities in restricting the exercise of freedom of religion and belief. President Rahmon also on 2 January signed Administrative Code and "countering extremism" legal changes which also increased restrictions on exercising freedom of religion and belief (see below).

Laws allowing arbitrary official actions

The Religion Law, which came into force in April 2009, makes all exercise of freedom of religion or belief with others without state permission illegal. Its passage was marked by a lack of public consultation, parliamentary debate or explanations of the reasons for its introduction. Among the other restrictions imposed by the Law are: obstacles to gaining state registration; restrictions on the number and type of permitted mosques; tight controls on religious education; and the imposition of censorship.

To gain top-level registration as a "religious organisation", 10 adult citizen founders are needed, who have to gain a certificate from the local authorities confirming that adherents of the religious faith have lived in the local area for at least five years. The founders must supply their citizenship, home address and date of birth, provide an account of their beliefs and religious practices and describe their attitude to education, family and marriage, and health of their adherents. Religious organisations have to specify where they operate and all the activity they undertake in their charters, and have to report annually on their activity or face being de-registered. The SCRA must conduct "expert analyses" of a religious association's religious teaching, the veracity of information supplied on beliefs and rituals, and on the association's literature and religious objects. Many religious communities have told Forum 18 that they have been unable to gain state registration.

These registration requirements break Tajikistan's international human rights law obligations, as outlined in the OSCE/Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities – for example reviewing a religious community's beliefs before granting legal status to it. The Religion Law is described in detail in Forum 18's March 2011 religious freedom survey.

In January 2018, changes to the Religion Law increasing restrictions came into force. "The Law represents total control and is unjust," one human rights defender told Forum 18. The 2018 changes: allow the state to restrict manifestations of freedom of religion or belief on a wide range of grounds not permitted under international human rights obligations; increase religious organisations' requirements to report all their activity to the state; require state approval for the appointment of all Imams; and increase state control both on religious education at home, and on those travelling abroad for such education.

People from a variety of religious communities, who asked not to be identified for fear of state reprisals, told Forum 18 that they already previously had to submit to the state full details of all their activity. "We are afraid to give more personal details of our members and their exercise of freedom of religion and belief," one community leader said. But parliamentary deputy Muradullo Davlatov – a former state religious affairs official – defended the new restrictions. "We do not need to be afraid of control," he told Forum 18. "In all normal countries of the world religious organisations are controlled."

The wording of many parts of the Religion Law and Administrative Code is unclear, allowing much room for official arbitrary actions. In December 2018 some religious communities asked the SCRA to hold a round table explaining the January 2018 legal changes. After frequent raids in 2018, "religious communities wanted the SCRA to explain how they can carry out their normal exercise freedom of religion and belief without SCRA interference, and without the fear of being punished", a community member who did not wish to be named for fear of state reprisals told Forum 18. The SCRA refused to hold a round table, replying that "religious communities must obey the law and give us any information whenever we ask for it".

Intrusive reporting requirements, financial contributions demanded by officials

From January 2019, SCRA officials renewed demands to communities of all beliefs to give the SCRA "all kinds of information on the number of their members, finances and activities", a member of one religious community who wished to remain anonymous for fear of state reprisals told Forum 18. Officials have been particularly interested in community finances, as well as whether children under the age of 10 attend meetings.

Compulsory annual reports, which particularly focus on community finances, were imposed following the January 2018 Religion Law changes. 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 2019 version of the annual report form required 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 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." As noted above, corruption is widespread and the country ranks poorly in Transparency International's annual Corruption Perceptions Index.

Officials already have extensive information on religious communities, and for the first time since 1937 the national census conducted in October 2020 questioned individuals on their beliefs. There were five possible answers:

- Muslim
- Christian
- Non-believer
- Refused to answer
- Other (with a box to specify which belief).

Officials act as if there are no legal controls on their actions. One religious community in early 2019 asked Mukhiddin Tukhtakhojayev, who is responsible within the SCRA for non-Muslim communities, for a formal written request for the information he wanted. He replied that he will not put anything in writing, claiming that "you need to obey my verbal commands". He also claimed: "My verbal commands are the law as I represent the law. If you don't obey my verbal commands you will be in trouble. We [the SCRA] will come and take any documents we want."

Jailing "extremist" prisoners of conscience, raiding worship meetings, closing churches

Another arbitrary official action was the July 2017 jailing for three years of 42-year-old Protestant Pastor Bakhrom Kholmatov for allegedly "singing extremist songs in church and so inciting 'religious hatred'". The government threatened family members, friends, and church members with reprisals if they revealed any details of the case, trial or jailing. "We are afraid of more arrests or other punishments," Protestants told Forum 18. The Pastor was jailed under Criminal Code Article 189, Part 1 as then worded ("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"), which carries a maximum punishment of five years' imprisonment.

The National Security Committee (NSC) secret police, together with the SCRA and other state agencies, raided congregations affiliated to Kholmatov's Sunmin Sunbogym (Full Gospel) Protestant Church in Sogd Region in February 2017. Officials closed down the congregation in the town of Konibodom in March 2017 after interrogating and torturing church members, and NSC secret police officers pressured employers into firing church members from their jobs. The NSC arrested Pastor Kholmatov in April 2017 after they raided his Church also, and harassed and physically tortured its members. Suspect torturers have not been arrested and put on criminal trial for torture, as binding legal obligations under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment require.

One official claimed to Forum 18: "All religions are free in Tajikistan and the state does not interfere in their activity". Protestants strongly disputed officials' claims. "Church meetings continue, but how can things be normal after all that happened? The church is very concerned for the Pastor," they said. "A large of group of believers have stopped

attending the church after the raids, interrogation and harassment. They are afraid of being arrested like the Pastor."

Sunmin Sunbogym's two buildings - in Konibodom and Khujand - have both been sealed by the authorities and left empty since the 2017 raids. "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 Protestant told Forum 18 in 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."

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. 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.

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."

In February 2019, officials arrested 68-year-old Jehovah's Witness Shamil Khakimov, who is in poor health, for allegedly "inciting religious hatred" under Criminal Code Article 189, Part 1 as then worded ("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"). However, prisoner of conscience Khakimov's real "crime" seems to be that the regime thinks he leads Khujand's Jehovah's Witness community. He was prosecuted for books, other literature, photos, videos, audios, computer files and mobile phone data seized from him and other community members, which the Prosecutor's Office claimed contain "features of extremist activity".

The arrest followed police raids on Jehovah's Witnesses meeting for worship. During interrogations which lasted for between 20 minutes and 14 hours, police forced people to sign statements that they were not tortured, yet some detainees were tortured. Contrary to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, no officials suspected of torture have been arrested or put on criminal trial for torture.

Among the evidence in Khakimov's trial was a "state religious expert analysis" of a Tajik translation of the Bible published by the Institute for Bible Translation (IBT) in Moscow. (The IBT is not linked to Jehovah's Witnesses and its translations are used by a wide range of Christians.) The analysis, commissioned by the NSC secret police and conducted by three local Imams, concluded: "The book does not correspond to our society of Hanafi Muslims, its propaganda and distribution among the Muslim people does not meet the goals of our society, and its distribution among Hanafi Muslims causes confrontation and schism, and leads to misunderstandings."

Khakimov was tried in closed hearings in Khujand's Investigation Prison in August and September 2019, during which no evidence was produced that he had harmed anyone. The judge jailed him for seven years and six months in strict regime custody (reduced in summer 2020 under amnesty by two years, three months). On his projected release in

May 2024, when he would be 73, Khakimov would then be deprived of the right to participate in any religious organisation for three years, a period due to end in May 2027.

Independent journalist Daler Sharipov was on 16 April 2020 jailed for one year by a Dushanbe court under Criminal Code Article 189, Part 1 as then worded ("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").

Sharipov denied the charges, brought after the NSC secret police had detained him for questioning and raided his flat in January 2020, confiscating religious books and his laptop computer. The Prosecutor General's Office claimed that the charges related to media articles which were allegedly "extremist" and "aimed at inciting religious hatred", as well to as an allegedly "illegally published" booklet supposedly "aimed at inciting young people to jihadist ideology and calls for the commission of extremist and terrorist acts". A human rights defender, who asked to remain anonymous for fear of state reprisals, told Forum 18 that in the booklet "there is absolutely no malice or incitement there to religious hatred which the authorities accuse him of". They also noted that Sharipov had published articles speaking of Islam as a religion of peace, and Muhammad as a prophet of peace.

His lawyer Abdurakhmon Sharipov (not a relation) told Forum 18 that Sharipov would 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.

Impunity for torture

Impunity for multiple instances of torture of Muslims, Jehovah's Witnesses, and Protestants continues. This includes conscientious objector and prisoner of conscience Jovidon Bobojonov, who was tortured by soldiers kneeling on his neck. Officials have refused to tell Forum 18 why suspect torturers have not been arrested and put on criminal trial for torture, as binding legal obligations under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment require.

Jailing conscientious objectors to military 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 Jehovah's Witnesses might be linked to this community's conscientious objection to compulsory military service.

In defiance of its international human rights obligations, and despite repeated requests from the UN Human Rights Committee, as well as 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.

Those unable to serve in the armed forces on grounds of conscience face prosecution. In April 2017 18-year-old Jehovah's Witness conscientious objector Daniil Islamov was forcibly conscripted into the military against his will, despite health problems from his childhood preventing him doing military service even if he wanted to do it. After refusing to serve in the army, he was detained in a military unit. Islamov requested to perform alternative civilian service, but was refused as there is no legal right to alternative service. In October 2017 he was sentenced to six months' jail 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"). Officials also attempted to force conscientious objector Islamov to wear military uniform and take the military oath.

In June 2017 Colonel Musa Odinzoda, Deputy Chief of the General Staff, 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". 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, Davlatov replied: "He violated the law, which is why he was arrested."

The 13 October 2017 court decision stated that Islamov's six month sentence started from that date. On 5 October the United Nations (UN) Working Group on Arbitrary Detention stated (A/HRC/WGAD/2017/43) that Tajikistan should release prisoner of conscience Islamov "immediately". However, he was released only in April 2018.

On 13 August 2019, Khujand's Military Conscription Office summoned 19-year-old Jehovah's Witness Jovidon Bobojonov. He replied with a written request to perform alternative civilian service, but on 4 October officers took Bobojonov into custody and sent him against his will to military unit 45075 in Rudaki District just south of Dushanbe.

At the military unit, officers tried to pressure him into wearing a military uniform and taking the military oath of allegiance. He refused to do this. On one occasion, when Bobojonov refused to put on the military uniform, six military unit members attacked him. 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. Contrary to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, no officials suspected of torture have been arrested or put on criminal trial for torture.

Major-General Musa Odinzoda, Deputy Chief of the Armed Forces General Staff, in a 28 October 2019 letter to Bobojonov's parents, claimed that Bobojonov "committed a major crime by refusing to serve in the Armed Forces". Odinzoda insisted that serving in the military is Bobojonov's "sacred duty" and that his conscription was not therefore illegal.

Neither the Major-General nor his fellow officers were willing to answer Forum 18's questions. Other officials claimed that as there is no law on alternative service refusal to do military service is a crime.

On 2 April 2020 Bobojonov was jailed for two years in a labour camp. On 1 November 2020 he was released under amnesty after serving nine months of his sentence

The latest conscientious objector arrested pending trial is Rustamjon Norov, a 22-year-old Jehovah's Witness from Dushanbe who had offered to perform alternative civilian service. On 24 September 2020, Dushanbe's Sino District Conscription Office summoned Norov, where officers questioned him for three hours and declared him fit to perform military service. On 1 October police took him "by force under a false pretext" back to Sino District Conscription Office and he was then held for two days without being allowed to consult a lawyer. On 3 October, officials sent Norov to military units in Khujand in the northern Sogd Region, and on 17 October Sogd Military Prosecutor's Office accused him of falsifying his medical history to evade military service, which he denies. He faces charges under Criminal Code Article 376, Part 2 ("Refusal to perform military service duties with the purpose of evading it completely"). The Investigator completed the indictment on 11 December ready to hand to court. Norov is being held in the northern city of Khujand awaiting trial and no trial date has yet been set.

Arresting and jailing Muslims returning to Tajikistan

Officials have also arrested and jailed Muslims returning to Tajikistan who are accused of exercising freedom of religion and belief in ways the regime dislikes.

Despite writing a letter seeking "repentance" at the request of officials, 36-year-old Mukhtadi Abdulkodyrov was arrested by National Security Committee (NSC) secret police officers on 1 December 2018. He had just returned to Tajikistan after working for four years in Saudi Arabia to support his wife and five children. He faced up to eight years in prison in a criminal case to punish him for allegedly being a Salafi Muslim. "I want to let you know that for 36 years of my life I have never committed a crime," Abdulkodyrov had written to the Interior Minister before his return. He had been expecting a pardon for voluntarily renouncing any connection with Salafi Islam, which Tajikistan's Supreme Court banned in 2009. "Mukhtadi did what the authorities asked him to do, but he was arrested instead," a family friend complained. A General Prosecutor's Office official and an official of the Interior Ministry's Department for the Struggle against Organised Crime refused to tell Forum 18 why Abdulkodyrov had been arrested. A Dushanbe court handed him a suspended term and he was released on probation in March 2019.

Nearly a year after his return to Tajikistan in February 2019 and amnesty, a Dushanbe court on 2 January 2020 handed 35-year-old Muslim Sadriddin Mulloyev a 12-year strict regime jail term. 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.

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 in January 2020. "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". Sadriddin Mulloyev completed a five-year jail term in 2013 for membership of the group. Faredun Hodizoda, a legal expert from Dushanbe, told Forum 18 that he does not think that Mulloyev is a terrorist.

On 29 December 2019, officials arrested 36-year-old Muslim Khayriddin Dostakov at Dushanbe Airport as he returned from Russia to visit relatives. Officials claimed that he spread "extremist ideas". Officers questioned him about whether he had become a Shia Muslim or spread Shia beliefs. Tajikistan's regime 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.

Dostakov lived in Moscow and one of his main tasks "was to warn Tajik migrants 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." Parvina Iloiyeva, Dostakov's wife, 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 in January 2020.

Dostakov was 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". Questioned by Forum 18 about this, one Interior Ministry official gave a short laugh.

Norak Police and Dushanbe Prosecutor's Office officials 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".

The authorities freed Dostakov from Investigation Prison on 25 August 2020 after finding no evidence of extremism and closed the criminal case against him.

Steadily increasing legal restriction on exercising freedom of religion and belief

- January 2020 "Countering Extremism Law"

On 2 January 2020 President Rahmon signed a new Law on the System of Warning Against and Prevention of Violations of the Law by Minors (see above). The same day he also signed a Countering Extremism Law, to replace a similar 2003 Law. The new Law defines "extremism" as "the expression of ideology and extremist activity directed at resolving political, social, societal, ethnic, racial, regional and religious issues by means of violence and other illegal activities". Included in the definition of "extremist activity" is "inciting ethnic, racial, regional or religious hatred or discord".

Article 11, Part 8 of the new Law specifically tasks the SCRA with: studying religious communities' exercise of freedom of religion and belief; "carrying out the unmasking of and warning against the activity of unregistered religious associations"; monitoring violations of the Religion Law; issuing warnings and taking cases to court to liquidate religious communities which have violated the Countering Extremism Law; taking part in controlling religious education in Tajikistan and abroad; conducting "informational/agitational measures"; and undertaking religious "expert analyses".

The new Law did not add to the SCRA's tasks under existing laws, but it did restate existing SCRA priorities in restricting the exercise of freedom of religion and belief.

- January 2020 Administrative Code increased fines

Administrative Code amendments significantly increasing the fines for several freedom of religion and belief-related "offences" were also signed into law by President Rahmon on 2 January. These included fines for without state permission exercising freedom of religion or belief by leading or taking part in worship meetings or other activity. Foreigners exercising freedom of religion or belief without state permission are also targeted.

Administrative Code fines are levied in Financial Units. The 2020 state budget set the Financial Unit from 1 January 2020 at 58 Somonis. This means a fine of 100 Financial Units is 5,800 Somonis, equivalent to about four months' average wage for those in formal work, but a far higher burden for those without work or on pension.

Under Article 474-4, Part 1 ("Establishment by religious communities of international links, including international religious links with foreign organisations"), the fine was raised from between 30 and 40 to between 50 and 100 Financial Units.

Under Article 474-4, Part 2 ("Establishment by religious organisations of international links, including international religious links with foreign organisations without the agreement of the state organ for religious affairs"), the fine was raised from between 50 and 100 to between 200 and 300 Financial Units.

Under Article 477, Part 1 ("Leadership of the activity of social or religious associations and organisations not registered in accordance with the established procedure of the law"), the fine was raised from between 30 and 50 to between 100 and 200 Financial Units.

Under Article 477, Part 2 ("Participation in the activity of social or religious associations and organisations not registered in accordance with the established procedure of the law"), the fine was raised from between 3 and 7 to between 70 and 100 Financial Units.

Under Article 477, Part 3 ("Financing the activity of social or religious associations and organisations not registered in accordance with the established procedure of the law"), the fine was raised from between 10 and 20 to between 40 and 50 Financial Units for individuals; from between 40 and 50 to between 100 and 200 Financial Units for officials; and from between 200 and 300 to between 800 and 1,000 Financial Units for legal entities.

Under Article 478, Part 1 ("Undertaking religious activity by foreign religious organisations, their representations, branches, foreign citizens or individuals without citizenship in Tajikistan without registration"), the fine was raised from between 15 and 20 to between 50 and 100 Financial Units for foreign citizens and individuals without citizenship plus deportation from Tajikistan; from between 30 and 40 to between 300 and 500 Financial Units for leaders of foreign religious organisations, their representations and branches plus deportation from Tajikistan; and from between 200 and 300 to between 800 and 1,000 Financial Units for foreign religious organisations, their representations and branches.

Under Article 478, Part 2 ("Violation of the Religion Law by foreign religious organisations in carrying out their activity"), the fine was raised from between 20 and 30 to between 200 and 300 Financial Units for leaders of foreign religious organisations, their representations and branches plus deportation from Tajikistan; and from between 300 and 400 to between 1,000 and 1,500 Financial Units for legal entities.

Under Article 478, Part 3 ("Systematic carrying out by foreign religious organisations of activities contradicting their statutes, as well as failing within the established period to remove violations and inadequacies serving as a basis for the halting of their activity"), the fine was raised from between 40 and 50 to between 300 and 500 Financial Units for

leaders of foreign religious organisations, their representations and branches; and from between 400 and 500 to between 2,000 and 3,000 Financial Units for foreign religious organisations, their representations and branches.

The regime's hostility to communities having international contacts predates the latest Administrative Code changes. For example, in October 2017 police, NSC secret police and SCRA officials raided a Protestant church in Dushanbe during a Sunday morning meeting for worship. They initially claimed to have seen the church's foreign-hosted website, but seemed more interested in the children's club and the church's stock of books. The church was subsequently fined.

- December 2020 "inciting hatred or dissension" legal changes

On 17 December 2020, President Rahmon signed amendments to the Criminal Code and Administrative Code. The Criminal Code amendment reworded Article 189, Part 1 to increase the types and location of any crimes of "inciting hatred or dissension" and the minimum punishment, but restricted the Article's application to individuals who have already been similarly prosecuted under the Administrative Code within one year. The Administrative Code amendment introduced a new administrative offence of "inciting hatred or dissension". The amendments came into force on their official publication on 21 December 2020.

The amended Criminal Code Article 189, Part 1 reads: ("Inciting social, racial, national, local or religious (mashab) hatred or dissension, humiliation of racial, national, religious (mashab) or local dignity, as well as propaganda of the specificity and superiority of citizens based on their attitude to religion (mashab), language, racial, national or local origin, if committed in public or using the mass media or telecommunications networks, including the internet, within a year after the imposition of administrative penalties for such offences"). Punishment is a jail term of between two and five years (compared to a restricted freedom sentence or a jail term of up to five years in the previous text).

The new Administrative Code Article 462-1 reads: "Inciting social, racial, national, local or religious hatred or discord, humiliation of racial, national, religious or local dignity, as well as promoting the uniqueness and superiority of citizens in terms of their attitude to religion (mashab), language, race, nationality or place, if these acts were committed in public or with the use of mass media or telecommunications networks, including the Internet, in the absence of evidence of a crime." Punishments are a fine of 50 to 100 Financial Units (two to four months' average wage for those in formal work) or imprisonment of five to 10 days.

Censorship

The authorities have long imposed censorship linked to freedom of religion or belief, applying it to all texts by people of all beliefs. The "offence" of producing, distributing, importing or exporting religious literature and items of a religious nature which have not passed through the compulsory prior state religious censorship was created with the addition of Article 474-1 to the Administrative Code. Religious communities of all faiths have long complained of the high cost of gaining an "expert analysis" from the SCRA for every item of literature, describing the SCRA's censorship fees as "unaffordable".

In April 2017 a Protestant who wished to remain anonymous for fear of state reprisal was fined about 1,750 Somonis (nearly two months' average wages for those in formal work) for in public giving someone a Tajik-language New Testament. Police also confiscated Tajik-language Bibles and New Testaments as well as his laptop computer from the Protestant. The authorities warned the Protestant's church that their members must not give out religious literature in public places.

In December 2018, customs officers at Dushanbe Airport confiscated 5,000 religious calendars that Baptists were importing. The calendars had photos for each of the 12 months of 2019, and had one quotation from the New Testament for each month. However Rahmonali Rahimzoda of the Customs Service told Radio Free Europe on 14 February 2019 that "following the conclusion of linguistic experts in the Culture Ministry that found elements of propaganda of an alien faith, the calendars were confiscated". Abdurakhmon Mavlanov of the SCRA did not answer when asked by Forum 18 on 21 February 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.

The calendars were destroyed and the Church was fined 4,000 Somonis, which is about four months' average wage, under Administrative Code Article 474-1.

Censorship also includes the internet, this type of censorship being imposed by the State Communications Agency ordering mobile phone companies and internet providers to block specified websites.

To control everything with only the pretence of the rule of law

The regime, despite the experience of civil war between 1992 and 1997, shows little sign of understanding that genuine security depends on genuine respect for human rights. This is despite the explicit linkage between these concepts made in the international human rights obligations the regime has freely taken on.

Indeed, the regime acts as if the real threat it faces is people exercising their human rights outside state control, and its actions appear to be motivated by a wish to control everything with only the pretence of the rule of law. There is no evidence that the regime has any intention of implementing its binding international obligations to respect freedom of religion and belief and other fundamental human rights.

Tajikistan stops treating incitement of religious hatred as criminal offence

Interfax (18.12.20) - <http://www.interfax-religion.com/?act=news&div=16044>

Dushanbe, December 18, Interfax - Tajik President Emomali Rahmon has signed legislative amendments stipulating that steps to foment hatred and enmity along ethnic, racial, and religions lines shall be punishable by a fine in accordance with the Code of Administrative Offenses, the presidential press service said.

Until recently, such offenses entailed criminal liability, i.e. "custodial restraint for five years or imprisonment for the same period" if these actions were committed publicly or with the use of the media.

Under the new amendments, steps to incite ethnic, racial, or religious hatred or enmity shall carry a fine from 2,900 somoni to 5,800 somoni, or administrative arrest from five days to ten days if these actions are committed publicly or with the use of the media.

A repeat offense following the imposition of administrative sanctions shall be treated in accordance with Part 1 of Article 189 of the Criminal Code of Tajikistan, which carries a sentence of two to five years in prison.

Conscientious objector freed, but another jailed

Rustamjon Norov, a 22-year-old Jehovah's Witness from Dushanbe, is in Khujand Investigation Prison facing prosecution for refusing compulsory military service on grounds of conscience. He faces two to five years' imprisonment if convicted. He denies accusations of falsifying his medical history to evade military service. On 1 November, conscientious objector Jovidon Bobojonov was freed under presidential prisoner amnesty after serving nine months of his two-year jail term.

By Felix Corley

Forum18 (05.11.2020) - <https://bit.ly/3699n9U> - Rustamjon Norov, a 22-year-old Jehovah's Witness from the capital Dushanbe, is being held in the northern city of Khujand awaiting trial to punish him for refusing military service on grounds of conscience. No trial date has yet been set. Prosecutors accuse him of falsifying his medical history to evade military service, charges he denies. He had offered to perform an alternative civilian service, but Tajikistan does not offer this. He faces two to five years' imprisonment if convicted.

The Assistant to Saidali Rakhmanzoda Chair of the Supreme Court's Military Collegium, refused to comment on its rejection of Norov's appeal against pre-trial detention. He also refused to put Forum 18 through on 5 November to the Chair or the Judges who made the decision. He referred it to the international section of the Supreme Court (see below).

Asked why Tajikistan still has no alternative to compulsory military service and why the authorities continue punishing conscientious objectors, Khaydar Kadyrov, Chief of the Supreme Court's international section, replied: "I cannot comment on these questions because they are political. Our section is not competent to answer such questions" (see below).

The prosecution of Norov comes as another jailed conscientious objector, fellow Jehovah's Witness Jovidon Bobojonov, was freed on 1 November under a presidential prisoner amnesty. He had served nine months of a two-year prison term. His sentence was deemed to run from January 2020, even though he had been in army detention from October 2019, during which time he was tortured. That torture remains unpunished (see below).

Shodigul Moyonshoyeva, the responsible official for complaints from citizens at the General Prosecutor's Office in Dushanbe, declined to say why complaints about Bobojonov's torture were not investigated and why the responsible military officials have not been put on trial. "Sorry we are in the midst of disinfection works because of the pandemic," she told Forum 18 (see below).

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

In defiance of its international human rights obligations, and despite repeated requests from the United Nations (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 (see below).

Application for alternative civilian service

Rustamjon Batyrovich Norov (born 27 October 1998) grew up in a Jehovah's Witness family in the capital Dushanbe. He earns his living renovating apartments and restoring old furniture.

In 2013, local authorities forcibly took Norov and his younger brother, Ravshan, from school to the Military Conscription Office for a medical examination. Rustamjon Norov was only 15 years old at the time - well below the conscription age.

In 2016, Norov voluntarily reported to the local Military Conscription Office. He explained his conscientious reasons why he could not serve in the armed forces and requested alternative civilian service. The following year, he repeated the process. The deputy commander of the Military Conscription Office "respected Norov and was impressed by his explanation", Jehovah's Witnesses told Forum 18. For the next three years, Norov was not summoned for compulsory military service.

Summoned, detained, facing trial

On 24 September 2020, Dushanbe's Sino District Conscription Office summoned Norov, where officers questioned him for three hours and declared him fit to perform military service. The officers then tried to force him to undergo a medical examination. Norov's father Batyr witnessed the incident and requested that the officers forward his son's case to the Prosecutor's Office.

On 1 October, Sino District Prosecutor's Office summoned Norov, who went with his father. The prosecutor assigned a district police officer who then took him "by force under a false pretext" back to Sino District Conscription Office. When they arrived, Norov's father was denied entry. Norov was then held in the custody of Dushanbe city Conscription Office for two days. He had not been formally charged or tried for a crime. While in custody, officers prevented him from consulting his lawyer.

On 3 October, officials sent Norov to various military units in Khujand in the northern Sugd Region. On 6 October, he was allowed to call his family and receive visits from his lawyer.

On 17 October, the investigator of Sugd Military Prosecutor's Office, Sh. Nematzoda, detained Norov. He is accused of falsifying his medical history to evade military service, which he denies. He is facing 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.

Forum 18 was unable to reach Sugd Military Prosecutor's Office on 5 November.

On 19 October, Judge Shakhrior Iskandarzoda of Khujand Military Court ordered Norov held in pre-trial detention for a period of investigation, Jehovah's Witnesses told Forum 18. Norov appealed against this on 21 October. However, on 28 October the Military Collegium of the Supreme Court in Dushanbe upheld the lower court decision.

Forum 18 was unable to reach Khujand Military Court on 5 November.

Samariddin Saidalizoda, Assistant to Saidali Rakhmanzoda Chair of the Supreme Court's Military Collegium, refused to comment on the rejection of Norov's appeal against pre-trial detention. He also refused to put Forum 18 through on 5 November to the Chair or

the Judges who made the decision. He referred it to the international section of the Supreme Court. He further declined to talk to Forum 18.

Asked the same day why Tajikistan still has no alternative to compulsory military service and why the authorities continue punishing conscientious objectors, Khaydar Kadyrov, Chief of the Supreme Court's international section, replied: "I cannot comment on these questions because they are political. Our section is not competent to answer such questions." He further declined to talk to Forum 18.

No date has yet been set for Norov's trial to begin.

Jehovah's Witnesses say Norov has been encouraged by associating with older fellow believers who faced imprisonment because of their faith. "I clearly understand the potential consequences of my neutral stand," Norov declared. "If I am sent to prison, I consider it an honour to sanctify Jehovah's name in a 'new territory'."

Norov is being held in Investigation Prison, whose address is:

Ya/T 9/2 Investigation Prison
Khujand
Sugd Region
Tajikistan

Conscientious objector freed under amnesty

On 1 November, Jovidon Jamolovich Bobojonov (born 10 March 2000) was released from prison after serving nine months of his two-year jail sentence, his father told Forum 18. He was freed under an amnesty decree declared by President Emomali Rahmon on 30 October. As a result of this decree, 378 convicted persons were released "on the basis of the principles of humanity, compassion, care for family and children and adolescents". No other prisoners of conscience are known to have been freed under the decree.

"Jovidon is doing well, and he was treated normally while in prison," Bobojonov's father Jamol Bobojonov told Forum 18 on 5 November. "In the beginning he did not have a Bible to read in the prison, but eventually he was given one."

On 2 April, the Military Court in Dushanbe jailed Bobojonov for two years in a general regime labour camp for refusing compulsory military service on grounds of conscience. Although he had been held since October 2019, Bobojonov's sentence was deemed to run from the date of his arrest in January 2020. After sentencing he was sent to the labour camp in Yavan in the south-western Khatlon Region.

While he was forcibly held in a military unit between October 2019 and January 2020, military personnel tortured Bobojonov with beatings and by kneeling on his neck as they tried to pressure him to take the military oath and put on military uniform. No one has been punished for this torture.

Jamol Bobojonov told Forum 18 after his son's release that the family wrote complaints about the torture to the Presidential Administration and the General Prosecutor's Office, calling for those who physically assaulted Jovidon Bobojonov while in the military unit to be punished, "but we received no response".

Shodigul Moyonshoyeva, the responsible official for complaints from citizens at the General Prosecutor's Office in Dushanbe, declined to say why the complaint about Bobojonov's torture was not investigated and why the responsible military officials have

not been put on trial. "Sorry we are in the midst of disinfection works because of the pandemic," she claimed to Forum 18 on 5 November. "Call me back in several days."

Compulsory military 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.

Those unable to serve in the armed forces on grounds of conscience face prosecution. Jehovah's Witness Daniil Islamov was forcibly conscripted in April 2017, despite health problems preventing him doing military service even if he wanted to do it. He was then charged under Criminal Code Article 376, Part 1 ("Evasion by an enlisted serviceman of fulfilment of military service obligations by way of inflicting on oneself injury (self-mutilation) or evasion by simulation of sickness or by other deception"). In October 2017 Qurghonteppa Military Court, in Khatlon Region, sentenced him to six months' jail.

Still no alternative service law

In defiance of its international human rights obligations, and despite repeated requests from the UN Human Rights Committee, as well as 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.

- UN Working Group on Arbitrary Detention

On 5 October 2017 the UN Working Group on Arbitrary Detention publicly stated that Tajikistan should release prisoner of conscience Islamov "immediately". The regime ignored this.

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".

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".

No such reply had been received by the Working Group by the six months deadline.

- UN Human Rights Committee

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 again repeated its concern 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."

"A major crime"?

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 in October 2019.

Officials, including from the Presidential Administration, 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 Bakhridinzoda 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 was again Head of the Law and Human Rights Committee. When in June Forum 18 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 in 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, in April 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.

In June Shonazarov claimed that he did not know anything about an alternative service law.

"No reason to fear" census religion question?

Some fear the religion question in the October nationwide census will be used to facilitate freedom of religion and belief violations. "It is probable that Tajiks who have accepted the Christian faith, or are Ahmadis, or are Salafi Muslims, will feel forced to lie and write that they are Hanafi Muslims," one commentator noted. Some Protestants fear the authorities "are trying to identify our members and where they are located".

By Felix Corley

Forum 18 (18.09.2020) - <https://bit.ly/3csylTo> - People have expressed concern about revealing their beliefs to the state in a nationwide census to be held in the first half of October. This is the first time a census has asked individuals to give their religious affiliation since 1937, when Stalin ruled Tajikistan as part of the then-Soviet Union.

Officials have given varying answers about why a religion question is included. Some say it is needed to give Saudi Arabia data for it to determine Tajikistan's haj pilgrimage quota, while others claim unnamed international organisations want it.

The assistant to Deputy Imomali Nasriddinzoda, head of the parliamentary Committee on Legislation and Human Rights, refused to say why the religion question is on the census. "We cannot talk to you," she claimed, telling Forum 18 that "you need to write to the Foreign Ministry" before putting the phone down (see below).

Some fear the regime, and individuals in small towns and villages, may use the information to target people for freedom of religion and belief violations. Various Protestants, who asked not to be named for fear of state reprisals, told Forum 18 that "we are afraid that through this the authorities are trying to identify our members and where they are located". Other Protestants pointed out that officials and others "in small towns or villages can use the information against us and violate the freedom of religion and belief of our believers" (see below).

Independent blogger Rustam Gulov from the northern city of Khujand noted that "it is probable that Tajiks who have accepted the Christian faith, or are Ahmadis, or are Salafi Muslims, will feel forced to lie and write that they are Hanafi Muslims. Their conscience will torment them about this. If they write the truth, they may be persecuted not only by state agencies but also by relatives or local people" (see below).

Gulov also commented that "on the whole the less the state knows about the citizen, the better and more peaceful it is. This is because there are no real mechanisms for the protection of personal data in our country." He sees "no reason" for the regime to have precise numbers of the adherents of various religions (see below).

International human rights law protects individuals from being forced to reveal their beliefs (see below).

Voris Murodov of the regime's Statistical Agency claimed that that no one will be punished for refusing to answer the religion question. When Forum 18 reminded Murodov that the regime systemically punishes people who exercise their freedom of religion and belief, he claimed that "no control or punishment will follow for indicating their religion or for refusal to do so". He also denied that state agencies will violate the freedom of religion and belief of anyone who reveals their views or beliefs, claiming that "there is no reason for fear" (see below).

Religion question on 2020 census

The census is being conducted in accordance with the 2009 Census Law, which requires a census once every 10 years. The Parliament (which has never faced a free and fair election) approved an amendment to the Census Law in 2019, adding a requirement that the census should also collect information about individuals' religious affiliation. President Emomali Rahmon signed the amendment into law on 19 July 2019.

Serious violations of the freedom of religion and belief and interlinked human rights take place in Tajikistan.

Voris Murodov, Head of the Census Section of the regime's Statistical Agency, said that the 2020 census will be conducted across Tajikistan between 1 and 15 October. "It will be done by way of electronic correspondence, and by recording information on tablet devices or on a paper form during door-to-door meetings," he told Forum 18 from Dushanbe on 17 September.

The census will cover all residents, whether citizens or not, as well as Tajik citizens who temporarily live abroad.

Murodov of the Statistical Agency said his Section was responsible for drawing up the questions on the census form. Question 7 on Form No. 2 (for individuals) is headed "Religion".

The question has five possible answers:

- Muslim
- Christian
- Non-believer
- Refused to answer
- Other (with a box to specify which belief).

Exactly the same question was included in an October 2018 trial census taken in two parts of Tajikistan - the 64th and 91st microdistricts of the capital Dushanbe, and the town of Norak in the south-western Khatlon Region.

Individuals' right to privacy

Under international human rights law, the regime has no right to force anyone to reveal what they think about beliefs. As the United Nations Human Rights Committee's interpretative General Comment 22 on Article 18 ("Freedom of thought, conscience and religion") of the International Covenant on Civil and Political Rights (ICCPR) states: "In accordance with [ICCPR] articles 18.2 and 17 ["Right to Privacy"], no one can be compelled to reveal his thoughts or adherence to a religion or belief."

Why the religion question?

Murodov of the Statistical Agency told Forum 18 the religion question was included as the State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA) "asked us to include the question in order to identify exactly how many Muslims exist in the country so that we can give the number to Saudi Arabia for allocating the precise haj quota to Tajikistan".

Asked why this is so important, as Saudi Arabia already allocates the haj quota based on the number of the population of a country, Murodov insisted to Forum 18: "We need to know the real number of Muslims, since we also have non-Muslims living in Tajikistan."

The regime imposes severe restrictions on haj pilgrims as part of its systemic violations of freedom of religion and belief.

Parliamentary deputy Abdukhalim Gafforov gave a different reason, claiming to Radio Free Europe's (RFE) Tajik Service on 9 July 2019 that "state agencies and international organisations which cooperate with Tajikistan needed this information". He said that Tajik officials have repeatedly said that more than 90 per cent of the population are Muslims "and our goal is to establish during the census how many followers of Islam we have, how many followers of Christianity, how many of other faiths, and how many atheists".

Sumangul Tagoizoda, Head of the parliamentary Committee on Social Issues, Family and Healthcare which was responsible for the Census Law, denied that any international organisations asked for information. "I do not know any such organisations," she told Forum 18 from Dushanbe on 18 September 2020. She could not explain why Deputy Gafforov had made this claim. "It is difficult for me to answer you," she said. Gafforov did not answer his phones on 18 September.

Deputy Tagoizoda refused to say why the religion question was in the census. "I am not prepared to answer you," she said, before refusing to talk more.

The assistant to Deputy Imomali Nasriddinzoda, head of the parliamentary Committee on Legislation and Human Rights, refused to put Forum 18 through to her boss or to say why the religion question was on the census. "We cannot talk to you," she claimed to Forum 18 on 18 September, adding that "you need to write to the Foreign Ministry" before putting the phone down.

Independent blogger Rustam Gulov from Khujand told Forum 18 on 1 September that he sees "no reason" for the regime to have precise numbers of the adherents of various religions. "Nothing will change because the authorities will find out that Muslims of the country are not 96 per cent for instance but 98 per cent, or that Christians comprise 1.2 per cent and not 1.3 per cent of the population."

Gulov pointed to Article 26 of the Constitution, which declares: "Everyone has the right to independently determine his (her) relationship toward religion, to profess any religion individually or together with others, or to profess none, and to participate in the performance of religious cults, rituals, and ceremonies." He also noted that Article 8 states that "religious organisations are separate from the state and may not interfere with state affairs". Gulov commented that "therefore, there is no reason for the state to interfere in this."

A human rights defender, who wished to remain anonymous for fear of state reprisals, told Forum 18: "I think one of the points of this question is that the authorities would like to tell the public or international organisations that Tajikistan allegedly has no Jehovah's Witnesses, Baptists or Protestants according to the census. This will be used when the authorities are criticised for violating the freedom of religion and belief of non-Muslims." They commented that "probably many will not reveal their beliefs".

Murodov of the Statistical Agency refused to answer, when Forum 18 asked if the regime will use its claimed census results as an excuse to international actors for freedom of religion and belief violations.

"No reason to fear"?

Murodov of the Statistical Agency claimed that if someone refuses to reveal their views on religion "no punishments will follow". When Forum 18 reminded Murodov that the regime systemically punishes people who exercise their freedom of religion and belief, he

claimed that "no control or punishment will follow for indicating their religion or for refusal to do so".

Murodov also denied that state agencies will violate the freedom of religion and belief of anyone who reveals their views or beliefs, claiming: "How many times must I tell you that there is no reason for fear?"

The blogger Gulov noted that there can be many reasons for refusing to answer the census question on beliefs. For example, "they may be afraid of being accused of extremism, or worried about the confidentiality of their personal data."

Gulov also noted that "it is probable that Tajiks who have accepted the Christian faith, or are Ahmadi, or are Salafi Muslims, will feel forced to lie and write that they are Hanafi Muslims. Their conscience will torment them about this. If they write the truth, they may be persecuted not only by state agencies but also by relatives or local people."

The state engages in serious violations of the freedom of religion and belief of people of all beliefs.

The Salafi school of Islam is banned, Ahmadi Muslims are not allowed to exist, and the only permitted form of Islam is state-controlled Sunni Hanafi.

Various Protestants, who asked not to be named for fear of state reprisals, told Forum 18 in August that "we are afraid that through this the authorities are trying to identify our members and where they are located". Other Protestants pointed out that officials and others "in small towns or villages can use the information against us and violate the freedom of religion and belief of our believers".

"No real mechanisms for protection of personal data"

Murodov of the Statistical Agency claimed that "there will be no question to clarify people's Islamic denomination". He added that "non-Muslims also need not be afraid, since all the information will be confidential. The workers filling in the questionnaires with the population will sign non-disclosure of data agreements."

However, independent blogger Gulov noted that "the forms will be filled out by school children or teachers, apparently on ordinary paper forms. One cannot talk about the secrecy of this information. If they tell one or two people in small towns, the information will spread very quickly since all in these towns know each other."

Gulov said that "on the whole the less the state knows about the citizen, the better and more peaceful it is. This is because there are no real mechanisms for the protection of personal data in our country."

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 Odinazoda, 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, Mahmadjanov 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

Journalist's jailing based on "complete fabrication"

By Mushfig Bayram

Forum 18 (29.04.2020) - <https://bit.ly/3c30k1d> - 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 searched 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.

NAMSIT 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.

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)

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 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."

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 Ulema \[Islamic scholars\] 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 Odinzoda 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 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](#).

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 Sunbogym'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)

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 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."

"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."

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 Akmalkhojayeva, 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 Mahmadyusuf 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 Akmalkhojayeva, 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 the 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.

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/2O0Y9y8> - 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 Sadridin 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 Odiazoda 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.

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

Sugd Regional Military Prosecutor Abdukodiy 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."
