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TAJIKISTAN: Court bans Baptist church

By Mushfig Bayram, Forum 18 (<https://www.forum18.org>)

Members of a Baptist congregation in Tajikistan's capital Dushanbe have appealed to the City Court against a ban on their activity imposed because they meet for worship in a private home without state registration. But Judge Soliya Ismailova of Somoni District Court, who handed down the ban, defended her decision and denied that this violated the Baptists' freedom of worship. "The Law demands that all non-government organisations register," she told Forum 18 News Service. The court-imposed ban came after a 9 October raid on a church service by officials of the City Administration, Dushanbe city Prosecutor's office, police and NSC secret police. Baptists told Forum 18 they are continuing to meet for worship despite the ban. State control of religious activity has been steadily tightening in 2009, including through a new Religion Law.

Defending her 26 October decision to ban a Baptist congregation in the capital Dushanbe for meeting for worship in a private home without state registration is Judge Soliya Ismailova of Somoni District Court. "The Law demands that all non-government organisations register," she told Forum 18 News Service from Dushanbe on 23 November. She rejected the Baptists' argument that this violated their freedom of worship. "I already made my decision, and if the Baptists do not agree they may complain to a higher court."

"We have already complained against the decision, and Judge Ismailova knows about it," one of the Baptists, Andrei Chumachenko, told Forum 18 on 1 December with surprise. "We have a notification from the City Court dated 16 November that it has received our appeal." He said that the court has not yet told the Baptists the date of the appeal hearing.

Chumachenko said that despite the ban the Baptists are continuing to worship in the same place. "The authorities have not checked up on us since the ban," he told Forum 18. "We do not want to have official status or be registered as an organisation," he emphasised. The Council of Churches Baptists, to which the Dushanbe congregation belongs, refuse on principle to register with the State.

Judge Ismailova told Forum 18 that she does not know what further punishment a Court would impose if the Baptists continue to worship without official registration.

Similarly Idibek Ziyoyev, Chair of the Culture Ministry's Head Department for Religious Affairs (HDRA), said that he does not know what further action the authorities would take against the Baptists. "This is the first time in my experience that I hear of anyone voluntarily refusing to register," he told Forum 18 from Dushanbe on 1 December. "If they asked us for registration we would assist them."

However, his colleague Nazira Dodkhudoyeva took a harsher view. Told that the Baptists do not want to have official status or become a religious organisation, she insisted to Forum 18 on 24 November that they need to register "like all the other religious communities. They must respect and obey the laws of the country." She said she does not think demanding that the Baptists register restricts them in any way.

Raid and court-imposed ban

The most recent trouble for the church began on 9 October, when its regular Friday evening service was raided by officials of the City Administration, Dushanbe city Prosecutor's office, Police and National Security Committee secret police, the Baptists told Forum 18. "The officials filmed all the attendees without our consent," they complained. "After the meeting finished they warned us that our meetings without registration are illegal." The authorities wrote an official record of the "check-up" and then left, the Baptists said.

Following the raid, Andrei Chumachenko was invited on 20 October to the Somoni District Court, where he was notified by Judge Ismailova of the date of hearing and warned that "it will become a criminal case" unless the Baptists stop gathering, the Baptists told Forum 18.

Dushanbe City Prosecutor Saidmurod Kodirov confirmed the raid but said that he did not personally participate in it. "We had

received reports that the Baptists regularly meet in a private flat without registration," he told Forum 18 on 23 November. However, he was unable to explain why Baptists cannot meet peacefully without State registration. "I will look into the matter," he promised.

The lawsuit against the Baptists was brought by the Somoni District Administration. Judge Ismailova heard the case at Somoni District Court on 26 October, when she handed down her ban on the activity of the church. Three Baptists – Andrei and Marina Chumachenko and Pyotr Plett, the leader of the church – were brought before the court as defendants, but were not personally penalised by the court.

The text of the court decision, which Forum 18 has seen, says that despite the warning from the District Administration, the Baptist church continued gathering in the Chumachenkos' private flat, using it as a "house of prayer" in violation of Tajikistan's Housing Code and the Religion Law. "Based on the Housing Code's Article 11 Point 2, residential houses and premises shall not be used in detriment to the interests of the state and society," the court decision states.

The court decision also argues that according to Religion Law's Article 13 Points 1 and 2, religious organisations "must obtain state registration" or "must register locally without becoming a legal person".

Chumachenko said that they were not given an explanation during the hearing what the phrase "using residential houses or premises in detriment of the interests of the state or society" in the Housing Code means. "I do not understand how we violated the state's or society's interests by having worship meetings in my home," he complained to Forum 18. "I have read the Housing Code and it does not clarify what it really means except just bluntly stating it."

In a complaint which Forum 18 has seen, the Council of Churches Baptists, to which the Dushanbe congregation belongs, wrote to Dushanbe's Mayor and Prosecutor. They insist that Tajikistan's Religion Law's Articles 3 and 4 Point 4 allow them to worship without having official status.

They point to Religion Law Article 3, which declares that "every person and citizen individually or jointly is entitled freely and independently to determine their attitude to religion, (...) express and spread views in regard to their attitude to religion." Article 4 Point 4 declares that "no one shall be obliged to inform of their attitude to religion. No one shall be put under constraint while determining their attitude to religion (...)"

Tightening controls and compulsory re-registration

All religious communities in Tajikistan have until 1 January 2010 to re-register if they want to remain legal. Officials claim this process is going smoothly (see F18News 10 December 2009 http://www.forum18.org/Archive.php?article_id=1386).

The compulsory re-registration was mandated under the harsh new Religion Law which came into force in April 2009. This imposes tight restrictions on the number of mosques that can be opened depending on the number of residents of any location; gives the state the responsibility to appoint all imams; imposes state censorship on all religious literature; imposes a complicated and bureaucratic registration procedure; bans state officials from being among the founders of a religious community; requires state approval to invite foreigners for religious visits or to travel abroad for religious events; and restricts children's religious activity and education (see F18News 3 April 2009 http://www.forum18.org/Archive.php?article_id=1279).

State controls on religious activity have been growing steadily tighter in recent years, including a ban on all Jehovah's Witness activity imposed in 2007. The Supreme Court banned the Salafi school of Islamic thought in 2009. Many members of the Muslim Jamaat Tabligh movement have been arrested in 2009. Many mosques or Muslim prayer halls, the country's only synagogue and Protestant churches have been closed, bulldozed or threatened with confiscation (see F18News 12 June 2009 http://www.forum18.org/Archive.php?article_id=1312).

Criminal cases were lodged in autumn 2009 against a number of Jehovah's Witnesses in the northern town of Khujand on charges of inciting inter-religious hatred, though so far no cases have reached court (see F18News 28 September 2009 http://www.forum18.org/Archive.php?article_id=1354). (END)

More coverage of freedom of thought, conscience and belief in Tajikistan is at <http://www.forum18.org/Archive.php?query=&religion=all&country=31>.

For more background see Forum 18's Tajikistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=190.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

A printer-friendly map of Tajikistan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=tajiki>.

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