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TAJIKISTAN: One more prisoner of conscience

By Mushfig Bayram, Forum 18

Jehovah's Witness conscientious objector to military service Daniil Islamov has been jailed for six months. And the government has imposed highly intrusive Mourning Regulations ordering among other things: "Crying while grieving for the dead is allowed. But crying and wailing loudly .. is forbidden".

Eighteen-year-old Jehovah's Witness conscientious objector to military service Daniil Islamov was on 13 October sentenced to six months' jail, Jehovah's Witnesses who wished to remain anonymous for fear of state reprisals told Forum 18. Prisoner of conscience Islamov is the first conscientious objector to have been jailed, and his lawyer is preparing to appeal against the sentence. The UN Working Group on Arbitrary Detention has stated that Tajikistan should release prisoner of conscience Islamov "immediately" (see below).

Protestant prisoner of conscience Pastor Bakhrom Kholmatov has been moved to a prison about 360 kilometres (about 220 miles) away from his home, and has been placed in solitary confinement. "We do not know when exactly he was put in solitary confinement and when he will be moved to his general regime prison", Protestants who wished to remain anonymous for fear of state reprisals told Forum 18 (see below).

The State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA) and the state-controlled Council of Ulems have issued Mourning Regulations imposing a procedure that all ceremonies mourning dead Muslim people and the expression of condolences on this loss must follow. Amongst their highly intrusive regulations is: "Crying while grieving for the dead is allowed. But crying and wailing loudly .. is forbidden" (see below).

Asked by Forum 18 if the Mourning Regulations were not both a violation of people's fundamental freedoms, as well as state interference in peoples' very personal emotional matters, Abdurakhmon Mavlanov of the SCRA replied: "I wonder why somebody in Canada should be interested or concerned for religious issues in Tajikistan." He then refused to speak further with Forum 18 (see below).

And three actors have been given police permission to wear beards in plays (see below).

A Tajik human rights defender who wished to remain anonymous for fear of state reprisals told Forum 18 on 20 October that the "authorities are radicalising Muslims by such actions", noting that "when the authorities attack the hijab and women, local Muslims begin sympathising with the radicals". They also commented that: "This is stupidity! Instead of finding real terrorists they punish innocent people" (see below).

Conscientious objector prisoner of conscience jailed

Jehovah's Witness conscientious objector Daniil Ruslanovich Islamov (born 31 January 1999) was on 13 October sentenced to six months' jail. Judge Alisher Rafikozda, Chair of Qurghontepa Military Court in the southern Khatlon Region, sentenced prisoner of conscience Islamov 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"), Jehovah's Witnesses who wished to remain anonymous for fear of state reprisals told Forum 18 on 18 October.

Jehovah's Witnesses have been banned in Tajikistan since 2007, military comments at the time suggesting that the ban might possibly be linked to this pacifist community's conscientious objection to compulsory military service. Since 2007 Jehovah's Witnesses have endured raids on their meetings, prosecutions using police agent provocateurs and torture while exercising their internationally-recognised right to freedom of religion and belief (see Forum 18's Tajikistan religious freedom survey <http://www.forum18.org/archive.php?article_id=2138>). Prisoner of conscience Islamov is the first conscientious objector to have been jailed.

Prisoner of conscience Islamov was forcibly conscripted in April 2017, despite health problems preventing him doing military service even if he wanted to do it, and has since April been detained in a military unit (see F18News 31 August 2017

<http://www.forum18.org/archive.php?article_id=2312>).

In May 2013 the United Nations (UN) Human Rights Committee in its Concluding Observations on Tajikistan (CCPR/C/TJK/CO/2) "reiterates its previous concern (CCPR/CO/84/TJK, para. 20) 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 (art. 18)". It stated that Tajikistan should "take necessary measures to ensure that the law recognizes the right of individuals to exercise conscientious objection to compulsory military service, and establish, if it so wishes, non-punitive alternatives to military service" (see F18News 31 August 2017 <http://www.forum18.org/archive.php?article_id=2312>).

Immediately after the court hearing, prisoner of conscience Islamov was taken to a temporary detention prison in the south-western town of Kurganteppa [Qurghontepa] where is still being held. Where he will be taken for the rest of his jail term is unclear. Prisoner of conscience Islamov's lawyer is preparing an appeal against the sentence.

Court officials claimed that Judge Rafikzoda was "not available to talk" and his phone was not answered on 18 October. His assistant Izzatullozoda (who would not give his first name) told Forum 18 the prisoner of conscience Islamov will serve his sentence in a general regime prison. He refused to further discuss the case or Tajikistan's binding legal human rights obligations in international law with Forum 18, claiming that he does not know the case well.

UN Arbitrary Detention Working Group wants Islamov's "immediate" release

On 5 October the United Nations (UN) Working Group on Arbitrary Detention publicly stated that Tajikistan should release prisoner of conscience Islamov "immediately". The Working Group's Advanced Edited Opinion (A/HRC/WGAD/2017/43) finds that Tajikistan has contravened the International Covenant on Civil and Political Rights. "The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. Islamov immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law" (see <http://www.ohchr.org/Documents/Issues/Detention/Opinions/Session79/A_HRC_WGAD_2017_43_EN.pdf>).

Protestant prisoner of conscience moved further from family, put in solitary confinement

Prisoner of conscience Pastor Bakhrom Khasanovich Kholmatov (born 20 July 1975) has been moved to Yavan Prison in the southern Khatlon Region, which is about 360 kilometres (about 220 miles) from Khujand in the northern Sogd Region where Pastor Kholmatov and his family live, Protestants who asked not to be named for fear of state reprisals told Forum 18 on 16 October. While on trial and while his appeal was heard (which he lost) he had been held 80 kms (50 miles) from his home (see F18News 31 August 2017 <http://www.forum18.org/archive.php?article_id=2312>).

Prisoner of conscience Pastor Kholmatov was jailed for three years 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 reveal any details of the case, trial, or jailing (see F18News 30 July 2017 <http://forum18.org/archive.php?article_id=2298>). The National Security Committee (NSC) secret police arrested Pastor Kholmatov on 10 April after they raided his Sunmin Sunbogym (Full Gospel) Protestant Church in Khujand, and harassed and physically tortured with beatings its members (see F18News 28 April 2017 <http://www.forum18.org/archive.php?article_id=2276>).

Prisoner of conscience Kholmatov has been placed in solitary confinement in Yavan Prison, the authorities claiming that this is in accordance with the normal procedure in the Code on Execution of Punishments. Article 77 Part 2 states that convicts are placed in solitary confinement for 15 days before being released into the main prison. "We do not know when exactly he was put in solitary confinement and when he will be moved to his general regime prison" Protestants said. "He will be allowed to receive parcels and visits from his family", and they also said he has his Bible with him and is allowed to read it. Prisoner of conscience Kholmatov's address is:

Tajikistan

Yavan

Ispravitelno-Trudovaya Koloniya, yas. 3/6

6th otryad

Bakhromu Khasanovichu Kholmatovu

State regulations for mourning the dead

The State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA) and the state-controlled Council of Ulems (which controls all permitted public expressions of Islam) have issued Mourning Regulations imposing a

procedure that all ceremonies mourning dead Muslim people and the expression of condolences on this loss must follow.

The imposition of Mourning Regulations was announced in September 2017 changes to the Traditions Law, which at the same time saw teachers being banned from attending mosques on the Islamic festival Id al-Adha. They and children were forced to attend school, even though the state declared it a holiday. Officials also banned haj pilgrimage returnees from holding celebratory meals (see F18News 12 September 2017 <http://forum18.org/archive.php?article_id=2315>). The only expressions of Islam allowed are Sunni Hanafi (see Forum 18's Tajikistan religious freedom survey <http://www.forum18.org/archive.php?article_id=2138>).

Independent Tajik news agency Asiplus reported on 18 October that the authorities had issued 500,000 copies of the Mourning Regulations.

"Crying while grieving for the dead is allowed" ..

Amongst the Mourning Regulations are orders that:

- 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 Tajik 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.

"I wonder why somebody in Canada should be interested.."

Abdurakhmon Mavlanov of the SCRA in Dushanbe refused to comment on 19 October, when asked by Forum 18 if the Mourning Regulations were not both a violation of people's fundamental freedoms, as well as state interference in peoples' very personal emotional matters. "I cannot comment", he said.

When Forum 18 repeated the question, he replied: "I wonder why somebody in Canada should be interested or concerned for religious issues in Tajikistan." He then refused to speak further with Forum 18.

A Tajik human rights defender who wished to remain anonymous for fear of state reprisals told Forum 18 on 20 October 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 that: "This is stupidity! Instead of finding real terrorists they punish innocent people".

"Total control of Muslim activity"

The state has particularly sought to control and restrict all Muslims who exercise their freedom of religion and belief (see Forum 18's Tajikistan religious freedom survey <http://www.forum18.org/archive.php?article_id=2138>). Mosque demolitions, surveillance cameras, metal detectors, a ban on state employees at Friday prayers, youth activists to prevent prayers not in Hanafi or Ismaili tradition have all been part of the state's increasing moves to "establish total control of Muslim activity", human rights defenders have told Forum 18 (see F18News 6 May 2016 <http://www.forum18.org/archive.php?article_id=2175>).

Actors given police permission to wear beards in plays

Commenting on the authorities' campaign against women wearing the hijab and men wearing beards, the human rights defender noted that a radical group is using the slogan "Wives and mothers protect your honour", and that "when the authorities attack the hijab and women, local Muslims begin sympathising with the radicals".

President Emomali Rahmon has been attacking women wearing the hijab as well as men wearing beards from at least March 2015. About the same time, police began forcibly shaving bearded Muslim men throughout the country (see Forum's Tajikistan religious freedom survey <http://www.forum18.org/archive.php?article_id=2138>).

In Spring 2017 officials launched a massive renewed campaign against women wearing the hijab (Islamic headscarf). Victims and human rights defenders complain that women have been questioned, threatened and fined, as have some husbands. Some have lost

their jobs or been forced to leave school (see F18News 2 August 2017 <http://www.forum18.org/archive.php?article_id=2301>).

The campaign against hijab-wearing women and beard-wearing men continues. Police in the northern city of Konibodom in Sogd Region have given written permission to three actors to wear beards, Radio Free Europe reported on 13 October. Khushnudi Dado, Farrukh Vaitov and Farkhod Tukhtashov of the Musical-Drama Theatre were all permitted to wear beards while performing in the ballet *Death of a Usurer*. The actors were given permission after police on 7 October stopped and questioned them in a street.

Mavlanov of the SCRA told Forum 18 that the SCRA does not give such permission. "We do not give such permission, but in Sogd Region the police gave this permission", he said.

Interior Ministry Press Secretary Umarjon Emomali told Forum 18 on 20 October: "I don't know who made this news [about the actors' beards]". Asked why men are pressured not to wear beards, he replied: "We want to be a developed country, we don't want visiting guests to have the wrong impression of us as untidy people". Asked what this has to do with being a developed country, he replied that "we are not against beards but they need to look more cultured and well-groomed".

He denied that the state forcing men not to wear beards and women not to wear hijabs violated their fundamental freedoms. (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=2138>.

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://nationalgeographic.org/education/mapping/outline-map/?map=Tajikistan>>.

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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
RodelÅ, kka
N-0502 Oslo
NORWAY