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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

5 December 2017

TAJIKISTAN: "Mistakes", but prisoner of conscience remains jailed

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

Despite "mistakes" in the verdict jailing Jehovah's Witness conscientious objector Daniil Islamov for six months, the Supreme Court failed to overturn it. Jailed Protestant Pastor Bakhrom Kholmatov has chosen not to appeal further. Police and secret police raided a Protestant church's worship and fined a church member.

Imprisoned Jehovah's Witness conscientious objector Daniil Islamov has failed to overturn his six-month prison term on appeal. On 28 November, the Supreme Court ruled to send his case back to the first instance Court for "correction of mistakes in the decision" (see below).

The government has ignored a finding by the United Nations (UN) Working Group on Arbitrary Detention that it should release prisoner of conscience Islamov "immediately" and grant him the right to compensation (see below).

Imprisoned Protestant Pastor Bakhrom Kholmatov - jailed for three years for allegedly "singing extremist songs in church and so inciting 'religious hatred'" - has chosen not to appeal further against his prison term (see below).

In Dushanbe, police, secret police and State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA) officials raided a Protestant church 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. One church member was subsequently fined because a print-out of an article from a Russian website had not undergone the compulsory state censorship by the SCRA (see below).

These moves come amid what appears to be a growing crackdown on Sunni Muslims exercising their freedom of religion or belief. At least nine men – including an Imam and a well-known heart surgeon - are known to have been jailed since August in the northern Sugd Region in three separate cases. All were accused of being adherents of Salafi Islam, a movement banned in Tajikistan. None appears to have called for or committed any violation of the human rights of others. All nine men received prison terms of at least five years (see F18News 4 December 2017 http://www.forum18.org/archive.php?article_id=2336).

Jailed conscientious objector's case returned to lower court

Imprisoned Jehovah's Witness conscientious objector Daniil Ruslanovich Islamov (born 31 January 1999) has failed to overturn his six-month prison term on appeal. On 28 November, the Supreme Court ruled to send back his case for "correction of mistakes in the decision" to the first instance Court in Qurghonteppa, which imprisoned him, Jehovah's Witnesses told Forum 18 on 30 November.

Jehovah's Witnesses said they are waiting for a response from the Supreme Court as to what exactly those mistakes are. They lamented that Islamov has already been "under arrest for six months since his pre-trial arrest, and we hope that he will be released soon."

The Supreme Court referred Forum 18 to its international section. The official who answered the phone of the international section on 1 December did not answer why Islamov - who has already been in custody for six months - was not released. "We do not comment on Court decisions by phone," he told Forum 18 on 1 December. He then put the phone down.

Prisoner of conscience Islamov was forcibly conscripted in April, despite heath problems preventing him doing military service even if he wanted to do it. After refusing to serve in the army, he was detained in a military unit. On 13 October Qurghonteppa Military Court in the southern Khatlon Region sentenced him 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").

The 13 October court decision – seen by Forum 18 – notes that Islamov's six month sentence is deemed to start from that date.

On 5 October the United Nations (UN) Working Group on Arbitrary Detention publicly stated that Tajikistan should release prisoner

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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).

Jailed Protestant Pastor chooses not to appeal further

Imprisoned Protestant Pastor Bakhrom Khasanovich Kholmatov (born 20 July 1975) will "not appeal further against his sentence," local Protestants who asked not to be named for fear of state reprisals told Forum 18 on 29 November. His relatives are able to visit him in prison and pass on to him food and clothes, they added.

Pastor Kholmatov is being in held in Yavan Prison in the southern Khatlon Region, about 360 kilometres (220 miles) from Khujand in the northern Sugd Region where he and his family live (see F18News 20 October 2017 http://www.forum18.org/archive.php?article_id=2327).

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 in 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).

Officials raid Dushanbe church

Meanwhile, police and National Security Committee (NSC) secret police as well as State Religious Affairs Committee officials raided River of Life Protestant Church in Dushanbe during Sunday morning worship on 29 October, Protestants who asked not to be named for fear of state reprisals told Forum 18 on 30 November.

The "Church was told by NSC officers that the raid came because it operated a Russian-language website in a Russian domain." However, once inside the church the officers appeared more interested in the children's club and the Christian literature they found.

The six raiders arrived at about 9 am and began photographing and filming the service. For about half an hour officers also filmed in the rooms where a children's club was underway, despite requests by church members for them to show their permission for filming.

After seizing 45 Christian books from the church basement, the officers questioned the Church's lawyer.

In November, one Church member was fined 500 Somonis (470 Norwegian Kroner, 50 Euros or 55 US Dollars) "for illegally storing materials in the church", local Protestants complained to Forum 18.

Officials handed down the fine – without a court hearing - over one print-out of a text from a Russian-language website. Officials claimed that the text had not had the required approval from the SCRA. The "Church member paid the fine without a court hearing because the officials told them that it could be much worse for the Church if it reaches Court."

The Church also had to close down its Russian-hosted website "because it was ordered to do so by the secret police", Protestants complained.

The government imposes compulsory prior censorship on all literature about religion and other items related to religion. The SCRA is the government agency that conducts the censorship.

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 is punishable under Article 474-1 of 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". (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.

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