

2 April 2020

TAJIKISTAN: Conscientious objector tortured, jailed for two years

By Felix Corley, Forum 18, and Mushfig Bayram, Forum 18

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 (<http://www.osce.org/odihr/31393>).

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 (http://www.forum18.org/archive.php?article_id=2357) 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 (http://www.forum18.org/archive.php?article_id=2533) 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 (http://www.forum18.org/archive.php?article_id=2533), 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". (http://www.forum18.org/archive.php?article_id=2533)

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. (http://www.forum18.org/archive.php?article_id=2533)

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 (http://www.forum18.org/archive.php?article_id=2312). In accordance with Bobojonov's conscientious objection as a Jehovah's Witness to military service he refused to do this. (http://www.forum18.org/archive.php?article_id=2533)

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 (http://www.forum18.org/archive.php?article_id=2548). "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 (http://www.forum18.org/archive.php?article_id=2533), 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." (http://www.forum18.org/archive.php?article_id=2548)

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. (http://www.forum18.org/archive.php?article_id=2138)

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 (http://www.forum18.org/archive.php?article_id=2327). 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 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". (http://www.forum18.org/archive.php?article_id=2533)

Bakhridinzoda 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 (http://www.forum18.org/archive.php?article_id=2533).

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 (http://www.forum18.org/archive.php?article_id=2533). "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." (END)

Full reports on freedom of thought, conscience and belief in Tajikistan (<http://www.forum18.org/archive.php?country=31>)

For more background, see Forum 18's Tajikistan religious freedom survey (http://www.forum18.org/archive.php?article_id=2138)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (http://www.forum18.org/archive.php?article_id=1351)

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