

29 April 2020

TAJIKISTAN: Journalist's jailing based on "complete fabrication"

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

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 search 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'" (http://www.forum18.org/archive.php?article_id=2298). 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 (http://www.forum18.org/archive.php?article_id=2276).

In September 2019, Jehovah's Witness Shamil Khakimov, who is now 69, was jailed under a strict regime for seven years and six months (http://www.forum18.org/archive.php?article_id=2506) 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 (http://www.forum18.org/archive.php?article_id=2138), 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 (http://www.forum18.org/archive.php?article_id=2545). These include Khujand and Konibodom Protestants (http://www.forum18.org/archive.php?article_id=22276) and Jehovah's Witnesses (http://www.forum18.org/archive.php?article_id=2455). This is part of a pattern of impunity for officials in torture cases (http://www.forum18.org/archive.php?article_id=2545).

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 (http://www.forum18.org/archive.php?article_id=2559). 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 (http://www.forum18.org/archive.php?article_id=2138).

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 (http://www.forum18.org/archive.php?article_id=2553) and men wearing beards (http://www.forum18.org/archive.php?article_id=2421).

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

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

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. (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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