

10 December 2009

TAJIKISTAN: More than half of religious communities to be "illegal"?

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

Less than a month before the re-registration deadline of 1 January 2010 imposed by Tajikistan's restrictive new Religion Law, officials have conceded to Forum 18 News Service that less than half the religious communities in the country have been re-registered. Under the Law, communities which do not want to register or fail to gain re-registration will be illegal. Deputy Culture Minister Mavlon Mukhtarov and Idibek Ziyoyev of the Culture Ministry's Head Department for Religious Affairs (HDRA) – which oversees registration - told Forum 18 that unregistered religious activity will not be allowed, despite this breaching international human rights standards. Some mosques have already been refused re-registration, and many are waiting for registration along with the Baptist Union and the country's only synagogue. When re-registering some non-Muslim communities the HDRA has imposed territorial restrictions on their activity. If the number of mosques in a local area exceeds the Law's mosque quotas, Deputy Culture Minister Mukhtarov told Forum 18 that "we will close down mosques which exceed the quotas."

With less than a month left before the re-registration deadline of 1 January 2010 imposed by Tajikistan's restrictive new Religion Law, officials at the Culture Ministry's Head Department for Religious Affairs (HDRA) have conceded to Forum 18 News Service that fewer than half the religious communities in the country have been re-registered so far. Under the Law, communities which do not want to register or fail to gain re-registration will be illegal.

Deputy Culture Minister Mavlon Mukhtarov told Forum 18 from the capital Dushanbe on 8 December that mosques which are above the quotas determined in the new Law will be closed down. He denied that the quotas for mosques - and the closure of those above this number – violates people's religious freedom.

Idibek Ziyoyev, Chair of the HDRA, was equally blunt. He told Forum 18 from Dushanbe on 9 December that mosques which carry on functioning without registration after the New Year will either be closed down or fined. Forum 18 notes that such penalties are likely to be imposed on non-Muslim communities too which do not want to register or have been unable to do so.

Despite the country's international human rights commitments, both Mukhtarov and Ziyoyev told Forum 18 that unregistered religious activity will not be allowed in Tajikistan. This clear breach of the country's international human rights commitments has led to a Baptist church which chooses not to seek state registration being banned. Officials had earlier warned church members they must seek registration, but church members refused (see F18News 2 December 2009 http://www.forum18.org/Archive.php?article_id=1381).

Communities already refused registration

Forum 18 has learnt that some mosques have already been refused re-registration. Among religious communities still waiting for re-registration are some non-Muslim religious organisations, including Tajikistan's Baptist Union and the country's only synagogue. When re-registering some communities, the HDRA has imposed territorial restrictions on their activity, allowing them to function only at their official legal address.

Ziyoyev of the HDRA told Forum 18 that of 3,500 mosques across Tajikistan, only 1,500 have been re-registered so far. He said the rest are still being processed. Of the 84 non-Muslim registered organisations, he said "fewer than ten" have yet to be re-registered. He was reluctant to give these figures, and refused to give more specific information.

Ziyoyev said that, unlike in the past, all registered religious organisations wherever they are located must now be re-registered at the central level by the HDRA in Dushanbe. He said his Department has been flooded by re-registration applications from the approximately 3,500 religious organisations that had registration under the old Law. "This is because the five-fold mosques, which in the past only needed to register with local authorities in the regions, now need to register at the central level according to the new regulations," he explained to Forum 18.

Ever-tighter state controls

Re-registration is required as part of the highly restrictive 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).

Restrictions on religious activity have become ever tighter in recent years. All Jehovah's Witness activity was banned 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. Criminal cases were lodged against a number of Jehovah's Witnesses in Khujand in autumn 2009. In October a Dushanbe court ordered a ban on a Baptist church which chooses not to seek state registration. Officials had earlier warned church members they had to seeking registration, but church members refused (see F18News 2 December 2009 http://www.forum18.org/Archive.php?article_id=1381).

1 January 2010 deadline

The new Religion Law demands that all registered religious organisations re-register with the State by 1 January 2010.

Under the Law, all communities need to gain written confirmation from their local hukumat (administration) that they exist before submitting their application to the HDRA in Dushanbe. A number of communities complained to Forum 18 that some hukumat officials were slow at issuing such certificates because they had no experience of doing so, while others deliberately refused to do so under various pretexts for communities which they did not like.

Asked whether the HDRA would manage to re-register all the organisations by the deadline, Ziyoyev claimed that the process is "going very well". He said the HDRA is "ready to facilitate" the timely re-registration of any organisation submitting their documents.

Deputy Culture Minister Mukhtarov told Forum 18 that if the HDRA is unable to re-register all the organisations needing re-registration in time, re-registration will continue after 1 January. He would not explain to Forum 18 by what authority he could extend a deadline set out in the Law.

Asked what would happen to communities which are not re-registered before the deadline, Ziyoyev said they will need to register as new organisations. Asked what practical difference it would mean for those organisations, he explained: "The only difference would be that first they would need to halt their activity before being registered anew, and pay the state registration fee of around 280 Somonis (371 Norwegian Kroner, 44 Euros or 64 US Dollars)."

Slow re-registration of mosques

Given the reluctance of HDRA officials to give detailed breakdowns of re-registration figures, Forum 18 tried to find statistics from local officials and religious communities.

In Khujand, Tajikistan's second biggest city, Hamzaali Pulodov, religious affairs official at the town hukumat, said that of the 45 mosques in the town that currently have registration, none has yet been re-registered. He insisted that all will be re-registered. "No mosques which already existed before the new Law will be closed down," he claimed to Forum 18 on 9 December. Told of Deputy Minister Mukhtarov's comment that mosques which fail to re-register will be closed, he said nothing like this has happened in Khujand so far.

In Istaravshan, which is close to Khujand, religious affairs official Dilovar Azimov said that of the 98 registered mosques, 65 have been re-registered. He told Forum 18 on 9 December that documents for 33 others have been returned recently "since they have errors in them", such as missing signatures. He insisted however that all these mosques will also be re-registered. Azimov did not say whether the ten other mosques have applied for re-registration.

An Ismaili imam from the autonomous Badakhshan Region, in mountainous eastern Tajikistan, who wished to remain unnamed for fear of reprisals, told Forum on 7 December that his mosque has been re-registered but several other mosques in his area have not been registered. "Those mosques also applied for registration two years ago but the authorities did not register them," he complained. "And now the local authorities are saying that they will not be registered at all since their number exceeds the quotas determined by the new Law."

The imam also said he was aware that the problem of mosques not being registered also existed in other districts of the Autonomous Region. The imam said that although the unregistered mosques in his area continue to function, the imams of those mosques could "only" lead prayers but not preach. He added that there is concern that authorities could "at any time" close down these mosques.

Abdullo Khudoyberdiyev, Deputy Head of Badakhshan Administration told Forum 18 on 9 December that it is the central authorities in Dushanbe, who "decide" which mosques to register. "There is a special representative of the Minister of Culture in the region who directly submits to the Minister."

Sardar Azorabekov, the Ministry of Culture Special Representative on religious affairs in Badakhshan declined to talk to Forum 18 on 9 December.

Ziyoyev of the HDRA told Forum 18 that he is not aware of any mosques in Badakhshan functioning without registration. "It may be that they did not receive a registration as a cathedral mosque but as a five-fold mosque," he suggested.

In the Badakhshan Region district of Vandj [Vanch] a district official, who said he was head of the administration but refused to give his name, told Forum 18 on 10 December that all of the 14 registered mosques in the district have been re-registered. Vanj district has a population of over 98,000 people. Asked who decides which mosques are registered as cathedral mosques, and by what criteria, he said that "the Ministry of Culture does it based on the Law." He could not specify any concrete criteria.

Hikmatullo Sayfullozodo of the Islamic Renaissance Party also told Forum on 26 November that he knew of a mosque in Rasht District near Dushanbe, which had been refused re-registration.

Farhad Aliyev, an official overseeing religious affairs in the southern city of Kurgantube [Qurghonteppa], said that out of twelve registered mosques only one has not been re-registered. "It is a central cathedral mosque," he told Forum 18 on 10 December, "the founders have already prepared the documents, and will soon submit to the HDRA in Dushanbe." Aliyev said that 12 mosques for Kurgantube with 72 thousand people, is "enough" at the moment. "Not everyone in the town is a praying Muslim," he stated.

Muslim leaders seem unable or unwilling to predict how many mosques will fail to re-register by the deadline. Haji Nigmatullo Olimov, Deputy Chairman of the state-backed Council of Ulems (see F18News 8 June 2006 http://www.forum18.org/Archive.php?article_id=796), told Forum 18 from Dushanbe on 2 December that he does "not know exactly" how many mosques still need re-registration since the Council has "not provided" the information. He referred Forum 18 to the HDRA.

What will happen to mosques not re-registered?

The Religion Law's Article 11 states that one central cathedral mosque may be established by cathedral mosques in each city or regional district to carry out religious rites and other needs of believers. A cathedral mosque may be established in residential areas with a population of between 10,000 and 20,000 – the figure defined for Dushanbe is between 30,000 and 50,000; a five-fold mosque may be established in areas with a population of between 100 and 1,000 – the figure defined for Dushanbe is between 1,000 and 5,000. A five-fold mosque in Tajikistan is where Muslims gather five times a day to pray, and imams and others are banned by the Religion Law from preaching in them (see F18News 19 June 2009 http://www.forum18.org/Archive.php?article_id=1315).

Deputy Culture Minister Mukhtarov claimed to Forum 18 that his officials "are ready to give any assistance" to re-register or register mosques which submit their documents. However, he added that the number of mosques in local areas "must" correspond to the quotas. "We will close down mosques which exceed the quotas," he declared bluntly.

By contrast, Ziyoyev of the HDRA denied to Forum 18 that any restrictions exist on the number of five-fold mosques. "We can register as many five-fold mosques as the local residents want to have," he claimed, despite the provisions set out in the new Law.

In Khujand, Hamzaali Pulodov, religious affairs official at the town hukumat, insisted – against the Law - that the limitation on the number of mosques will affect only new mosques.

Re-registration difficulties

Many religious communities have complained to Forum 18 about the bureaucracy involved in preparing, lodging and often negotiating with the HDRA over their re-registration applications.

Mahnoz Janmahmadova of Tajikistan's Baha'i Community said that they could not submit their founding documents to the HDRA for a long time after re-registration started. "We had no professional legal assistance to collect and prepare our documents," she told Forum 18 on 10 December. "The HDRA returned our charter yesterday [9 December] so we could make some minor changes to it but they promised to register us without any problem."

Several Protestant Churches also told Forum 18 that it took them two to four months to finalise their founding documents for submission to the HDRA, and get re-registered. They complained that each time the HDRA demanded that the churches amend their charters to limit their activity.

Concerned also with the deadline was Alexandr Werwai, Chairman of Tajikistan's Baptist Union. "Four of the seven officially registered Baptist Churches have been re-registered but the HDRA does not want to register the Union yet," he told Forum 18 on 3 December. "Based on the Law, the Union may be registered as 4 out of 7 officially existing churches want it." The Religion Law's Article 9 point 2 states that a religious centre on the central level may be registered if half of the existing organisations, which wish to set up the centre, have been officially registered.

However, Nazira Dodkhudoyeva of the HDRA objected to this by saying that "in reality" the number of Baptist congregations across Tajikistan is "much" higher. "We are not against re-registering the Union but will do so only after we re-register at least all the officially existing Baptist Churches."

Wervai confirmed there are many more Baptist congregations across the country, however, he said that those are not registered churches, and that the Baptists are waiting until 2010, when he said registration of new organisations will start once more.

Rabbi Mikhail Abdurahmanov of Tajikistan's only synagogue in Dushanbe also said they are still waiting for the HDRA to register the community in their new building. "We hope that we will get registered before the New Year as we were recently promised by the Department [HDRA]," he told Forum 18 on 7 December.

Despite international protests, the authorities bulldozed the Dushanbe synagogue in June 2008 without compensation. A private businessman (and a brother-in-law of President Emomali Rahmon) provided the Jewish community with an alternative building in March 2009, which is where the community is hoping to register (see F18News 3 April 2009 http://www.forum18.org/Archive.php?article_id=1279).

Geographic limitations imposed

Representatives of several religious organisations complained to Forum 18 they could not get national status when they re-registered. They insist that they should be allowed to determine for themselves where they will function, but say that they were forced to accept limitations imposed by the HDRA as the price of re-registration.

Article 10 points 9 and 10 of the new Law define religious organisations' status as national, city and district level organisations, depending on the territory their activity covers as shown in their charters.

Religious communities have told Forum 18 of their fear that, if they are involved in religious activity outside the territory shown in their charters, the authorities might accuse them of violating the Law.

Dilorm Kurbanova of the Hare Krishna Community said that when the HRDA re-registered it in October, it gave them a status which would only allow them to function in Dushanbe. She told Forum 18 on 25 November that her community is satisfied with the status at the moment, as they have fewer than 15 members. But she said it "will create difficulty" in future since the "only way to share our faith with others from outside Dushanbe from now on will be if and when we meet them in Dushanbe."

A member of the Word of Life Church in Dushanbe told Forum 18 that the HDRA at first did not want to give them national status, which would allow them to carry out activity across Tajikistan, but "after lengthy negotiations" they finally agreed to do so. However, he said that he knows of other Protestant churches which "could only register with a limited status, which will allow them to function only in the district where they are registered."

Father Vladimir Slepov, Dean of the Russian Orthodox Church in Chkalovsk, said he did not expect any territorial restrictions to be imposed on Orthodox parishes. He said that his parish only managed to prepare and submit to the HDRA the final version of its founding document on 1 December. "I do not know what status we will get, but I think Tajikistan's Law allows us to preach anywhere in the country," he told Forum 18 on 2 December.

Asked why some communities have been refused national status which would allow them to function across Tajikistan, Dodkhudoyeva of the HDRA told Forum 18: "The Law demands religious communities to have religious centres in more than one region of Tajikistan to receive national status, and those we refused do have members in only one locality." She did not clarify what provisions of the Religion Law demand so.

HDRA tries to impose other limitations on re-registering organisations

One Protestant leader told Forum 18 that the HDRA "wanted us to specify in our charter that we could only invite our members' children to our children's camps or receive literature from outside only in the amounts proportional to the number of our members." However, he said that they were able to re-register without those limitations.

HDRA officials would not explain to Forum 18 why they demanded such changes in the charters.

Will the ban on Jehovah's Witnesses be overturned?

Asked about the Jehovah's Witnesses, Deputy Minister Mukhtarov said the Culture Ministry is ready to assist Jehovah's Witnesses to receive official registration, but they must address the Supreme Court which issued a nationwide ban on their activity. "We cannot interfere with the Court," he said. Criminal cases continue against some Jehovah's Witnesses, after the police and National Security Committee (NSC) secret police raided a religious meeting in a private flat (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>.

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY