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TAJIKISTAN: Jail terms and massive fines – but for what crimes?

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

Tajikistan continues to prosecute and jail religious believers for their ideas, not their actions, Forum 18 News Service has found. 92 followers of the banned Jamaat Tabligh Muslim religious movement have been punished with lengthy prison sentences and huge fines. 32 of these Muslims were yesterday (18 May) given prison terms of between three and six years, with fines of up to 25,000 Somonis (34,320 Norwegian Kroner, 4,330 Euros or 5,340 US Dollars) being imposed on the remaining four followers, a Tajik lawyer who wished to remain anonymous told Forum 18. One of the 36 Muslims complained to Forum 18 that he "does not understand why we should be prosecuted for peacefully praying in mosques and propagating Islam." Asked what exactly the 36 Muslims had done to be punished, Judge Azizova said that it was established that they belonged to the banned Jamaat Tabligh movement. Seven followers of the banned Salafi Muslim school of thought have also been given jail sentences. Meanwhile, the NSC secret police has re-opened criminal cases against 17 members of the banned Jehovah's Witnesses.

Tajikistan continues to prosecute and jail religious believers for their ideas, not their actions, Forum 18 News Service has found. 92 followers of the banned Jamaat Tabligh Muslim religious movement have been punished with lengthy prison sentences and huge fines, 36 of them yesterday (18 May), and seven followers of the banned Salafi Muslim school of thought have been given jail sentences. Meanwhile, the National Security Committee (NSC) secret police has re-opened criminal cases against 17 members of the banned Jehovah's Witnesses religious community.

Both court and other officials in all these cases have refused to explain what Jamaat Tabligh, Salafi followers or Jehovah's Witnesses have done, to merit either prosecution or severe punishment.

Saidbeg Mahmadulloyev, a senior official of the state Religious Affairs Committee refused to comment on the arrests and criminal investigations on 18 May. He told Forum 18 that the renamed Religious Affairs Committee – formerly the Head Department for Religious Affairs (HDRA) - has a new Chair and Deputy Chair, to whom he is subordinated. He was formerly Deputy Head of the HDRA, and the new Committee like the HDRA reports to President Emomali Rahmon. "The Chair and Deputy Chair will not give comments at the moment, since they are involved in organisational issues," Mahmadulloyev stated.

Tajikistan's Presidential Administration told Forum 18 on 19 May that Abdurahim Kholiqov and Mavlon Mukhtarov were on 11 May appointed by President Rahmon as the new Chair and Deputy Chair of the Committee. This retains the HDRA's responsibilities for giving legal status to and re-registering religious communities.

HDRA officials insisted that unregistered activity is "illegal" (see F18News 15 April 2010 http://www.forum18.org/Archive.php?article_id=1431).

Hikmatullo Saifullozoda of the Islamic Revival Party (IRP) said that both Jamaat Tabligh and the Salafi movements have been peaceful in Tajikistan. Local human rights defenders, who wish to remain anonymous, have also stated this to Forum 18. Saifullozoda told Forum 18 on 18 May that he believes the reason for the ban of these movements was that they did not "exactly follow the Islam prescribed by the Council of Ulems, which is submitted to the President." The state-favoured Council of Ulems (Islamic scholars) replaced the former Muftiate or Spiritual Board of Muslims. It has long been seen as an instrument of state control (see F18News 8 June 2006 http://www.forum18.org/Archive.php?article_id=796).

Jamaat Tabligh convictions

Around 93 Jamaat Tabligh followers were arrested in April 2009, although the authorities claimed that the figure "much smaller than 93" (see F18News 15 May 2009 http://www.forum18.org/Archive.php?article_id=1297).

All 92 of the Jamaat Tabligh followers were convicted under Criminal Code Article 307-3 ("Organising the activity of political parties, social or religious organisations, or other organisations, liquidated or banned by a court for extremist activity"). Part 1 specifies prison terms of between five and seven years for leaders of such organisations. Part 2 of the same Article specifies fines of between 1,000 and 2,000 times the 'minimum calculation index' - 25 Somonis before 1 July 2009 and from this date 35 Somonis - or prison terms of between three and five years for those participating in such organisations.

The 18 May convictions

36 Jamaat Tabligh followers were convicted yesterday (18 May) in the Khatlon Regional Court in the south-western city of Kurganteppa [Qurghonteppa]. Judge Ikrom Abdulkhafizov handed down prison terms of between three and six years to 32 followers, and fines of up to 25,000 Somonis (34,320 Norwegian Kroner, 4,330 Euros or 5,340 US Dollars) to four followers, a Tajik lawyer who wished to remain anonymous told Forum on 18 May.

The lawyer stated that the Court "did not find anything unlawful" in the actions of their defendants, except that they belonged to the banned Jamaat Tabligh movement. "The defendants totally denied that they had done anything unlawful," he said. "Some of the defendants said to the court that they were ready to pay fines, but that they should not be punished so harshly," he added. "However the court did not listen to their pleading, punishing most of them with prison terms."

Phones at the Regional Court went unanswered on 18 May. The trial of the 36 which began in December 2009 and continued until 3 May, On 14 May, Judge Muhabbat Azizova, Chair of the Khatlon Court, told Forum 18 that it is "not unusual for the panel to take a lengthy period of time in delivering the decision in such cases."

Why were the 36 Muslims arrested and prosecuted?

One of the 36 Muslims complained to Forum 18 on 14 May that he "does not understand why we should be prosecuted for peacefully praying in mosques and propagating Islam."

Asked what exactly the 36 Muslims had done to be punished, Judge Azizova said that it was established that they belonged to the banned Jamaat Tabligh movement.

For the details of the case Judge Azizova referred Forum 18 to Judge Abdulkhafizov. However, Judge Abdulkhafizov could not be reached between 12 and 18 May.

The 36 were accused under Criminal Code Article 307 ("Organising the activity of political parties, social or religious organisations, or other organisations, liquidated or banned by a court for extremist activity") by the Khatlon regional NSC secret police, in an indictment which Forum 18 has seen. It was signed on 14 October 2009 by N. Ahmedov, the Chief of the NSC Investigation Department, and endorsed on 4 November 2009 by A. Rahimov, Khatlon Regional Prosecutor.

17 people were accused under Article 307 Part 1, and they were named as: Igbolsho, Amirali and Murodali Davlatovs (brothers), Nosir Rakhimov, Doniyor Khashimov, Saynurdin Kalugshoyev, Churabek Saidzoda, Jamshed Boyakov, Mahkamjon Azizov, Umarjon Azizov, Nasrullo Khisomov, Talabsho Abdusamadov, Abdumanon Sattorov, Khudaydod Alnazarov, Churakhon Mirzoyev, Toirjon Samadov and Abduvali Murodov.

19 were accused under Part 2: Raufjon Sherov, Jaloliddin Nasrullayev, Abdukahor Sattorov, Rahmonazi Talibov, Ismoil Mahmudov, Mahmadjon Bakiyev, Faridun Boboyev, Suhrob Temirov, Nemat Sanginov, Habibullo Sharipov, Azizhudja Salimov, Ahmad Valiyev, Erkin Abduhalilov, Rustam Boymuhamedov, Bashir Saidov, Saidkomil Khalov, Muhibullo Rahmonov, Abdujabbor Izzatullayev and Mahmudali Kurbonov.

Was the ban on Jamaat Tabligh ever published?

The indictment claims that Tajikistan's Supreme Court banned Jamaat Tabligh on 30 March 2006. Tajik authorities have made this claim in the past, but other Tajik sources have told Forum 18 that – if the movement was banned in 2006 - the ban was not made public (see F18News 15 May 2009 http://www.forum18.org/Archive.php?article_id=1297).

The accused Jamaat Tabligh follower told Forum 18 that he and his co-believers were not aware of any ban of Jamaat Tabligh movement before the criminal case was opened against them in 2009. "Neither official newspapers nor television channels have published such information until now," he complained. "Why didn't they stop us before, and why open a criminal case three years after the alleged ban," he asked. "We freely attended mosques for prayers all that time."

The phones of the Regional Prosecution officials went unanswered between 12 and 14 May.

Judge Azizova could not tell Forum 18 where and when exactly the Supreme Court's decision to ban Jamaat Tabligh was published. "The movement was banned in 2006," she responded. "You need to look for it in the Supreme Court archives." Asked why followers of the movement were allowed to freely attend prayers and carry on their activity until April 2009, when they were arrested, Judge Azizova said: "Well the Judge leading the case would know those details. I guess it was later identified that these were the Jamaat Tabligh followers."

March 2010 convictions

The Supreme Court in early March convicted 56 Jamaat Tabligh followers, in a case which began in December 2009, under the Criminal Code's Article 307-3 ("Organising the activity of political parties, social or religious organisations, or other organisations, liquidated or banned by a court for extremist activity"). The case was conducted as a closed trial, and relatives were not allowed access. A Court Chancellery official, who would not give his name, confirmed details of the charges to Forum 18 on 9 April. However he refused to discuss the case further, and referred Forum 18 to the Supreme Court's administration. Administration officials refused to talk to Forum 18.

A local lawyer, who wished to remain anonymous, told Forum 18 on 19 May that 23 defendants were given prison terms of between three and six years, and the other 33 defendants were fined between 25,000 Somonis (34,320 Norwegian Kroner, 4,330 Euros or 5,340 US Dollars) and 50,000 Somonis (68,640 Norwegian Kroner, 8,660 Euros or 10,680 US Dollars).

Salafi convictions

The Sino District Criminal Court in the capital Dushanbe on 25 January convicted Imam Sirojiddin Abdurahmonov (known as Mullo Sirojiddin), a leader of the Salafi Muslim religious movement, and six other Salafi followers under Criminal Code Article 189 Part 2 ("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").

A Supreme Court official and Mahmadulloev of the Committee for Religious Affairs on 9 April confirmed that the Salafi followers were convicted, but would not give details of the sentences. Saifullozoda of the IRP stated on 18 May that Sirojiddin was punished with a 7 year prison term, and his six co-defendants with prison terms of up to 6 years.

Even though a Tajik official admitted to Forum 18 that adherents of the Salafi school of Islamic thought have committed no crimes, the movement was controversially banned in February 2009 (see F18News 23 January 2009 http://www.forum18.org/Archive.php?article_id=1243).

Relatives of Mullo Sirojiddin denied that he was guilty of any crime. "The court concluded that his way of praying was different from the one usually accepted in Tajikistan," one relative told Forum 18 on 18 May. "The Court claimed that this was dangerous and divisive among the population of Tajikistan." They pointed out that nowhere in Tajik law is praying in different ways prohibited.

"It was not written on their foreheads that they were Salafi"

Sino District Court officials refused to talk to Forum 18 on 18 May. "Please talk to the Chair [Fayzullo Rajabov]," Judge Rajabov's secretary (who would not give her name) responded when asked about the case. She asked Forum 18 to stay on the line while she would convey the question. "The Chair is busy now, call back later," she then said. Called back later the same day the phones went unanswered.

Mullo Sirojiddin together with the other six were arrested on the evening of 23 June 2009, while giving a sermon in a mosque in Zarafshon micro-District of Dushanbe.

Mahmadulloev of the state Religious Affairs Committee objected when Forum 18 asked why the group was allowed to freely worship, and later arrested by saying that the authorities did not know that these were the Salafi followers. "It was not written on their foreheads that they were Salafi," Mahmaduloyev exclaimed. "We only found out about it after the Salafi literature was found on them."

Criminal proceedings against Jehovah's Witnesses re-opened

Jehovah's Witnesses continue to face threats from the NSC secret police. The northern Sugd regional department of the NSC has sent letters – which Forum 18 has seen – to 17 local Jehovah's Witnesses, warning them that criminal cases against them have been re-opened for additional investigation. The letter, signed on 7 May by NSC Senior Lieutenant F. Kurbonov, does not give any reasons for the investigation.

The Jehovah's Witness community was banned in October 2007 but - like the Salafis and Jamaat Tabligh - no crimes have been proved against members of their community (see F18News 18 October 2007 http://www.forum18.org/Archive.php?article_id=1036).

In September 2009, prosecutors in Khujand in Sugd Region opened criminal cases against the 17 Jehovah's Witnesses, allegedly for inciting religious hatred (see F18News 28 September 2009 http://www.forum18.org/Archive.php?article_id=1354). The criminal cases were later put on hold, Jehovah's Witnesses told Forum 18 on 19 May, as they complained to the Prosecutor General of Tajikistan. Jehovah's Witnesses said that none of the 17 has been summoned for questioning yet.

Investigator Kurbonov (he did not give his first name) of the NSC secret police's Khujand Department confirmed that criminal

proceedings were opened against the Jehovah's Witnesses members. But he refused to comment on the case. "I have no rights to disclose any information to you," he responded. "They have two clever lawyers - ask them." (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>.

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