

9 March 2020

TAJIKISTAN: Fines, torture for hijab-wearing, fines for Bible translation

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

Around 20 Muslim women were detained in a Dushanbe street for wearing a hijab, with some being fined. One, Nilufar Rajabova, stated that she was also tortured at a police station. Elsewhere, Christians were given large fines for arranging a Bible translation into Tajik. Intrusive compulsory annual reports have been imposed on registered religious communities, and Administrative Code changes in January have significantly increased the fines for exercising freedom of religion or belief state permission.

Police with Dushanbe's Sino District Administration Women and Family Committee officials at about 11 am on the morning of 14 December 2019 detained at least 20 Muslim women for wearing the hijab. One of the women, Nilufar Rajabova, told Forum 18 that she was also tortured at a police station.

Four days later, on 18 December 2019, Rajabova was fined for allegedly insulting a Women and Family Committee official while she was "carrying out her official duties" detaining women wearing the hijab publicly. Rajabova described that hearing and a 22 January 2020 appeal hearing as a "comedy". At the appeal hearing, "Judge Khurshed Azizmatzoda just asked me two questions and then asked me to go out of the Courtroom and wait. Then they called me in after about 10 minutes and announced that the Court has no reasons to cancel the fine" (see below).

Other women detained with Rajabova are understood to have been fined for wearing a hijab. Muslims exercising freedom of religion and belief are targeted for particularly severe state restrictions, and beard and hijab-wearing continue to be enforced (see below).

At neither hearing were Rajabova's statements about being tortured investigated. After she complained to the Prosecutor General's Office, Jonon Boratzoda, Senior Investigator of Sino District Prosecutor's Office, "questioned us for three hours. He was consulting over the phone with someone before he asked each question." Boratzoda asked why the women were making "such noise" publicly about the case (see below).

Contrary to Tajikistan's obligations under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, no official suspected of being responsible for torture in Rajabova's case is known to have been arrested and put on trial for these crimes. Officials have not answered Forum 18's questions about why no arrests or criminal trials have happened (see below).

As well as targeting individuals exercising freedom of religion and belief, the regime also targets religious communities. Between August 2019 and January 2020, the State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA) fined leaders of four Protestant churches each between 7,000 and 11,000 Somonis. "These are huge fines, as an average monthly collection of offerings in some of these churches is around 500 Somonis," a local Protestant who wishes to remain anonymous for fear of state reprisals told Forum 18 (see below).

"They were fined for arranging a translation of the Bible into modern Tajik," the local Protestant said. The translation is needed as some Christians think that other translations use archaic words and some passages in those translations are unclear (see below).

The regime also continues to force Tajik non-Muslim communities to complete compulsory annual reports in Russian. One local Protestant told Forum 18 that "SCRA officials tell us that Christians and churches in Tajikistan are a 'foreign element'." The Protestant thought that forcing non-Muslim communities to make compulsory annual reports in Russian and not Tajik are a SCRA attempt to "prove" this claim (see below).

The regime carefully examines the completed forms, which are very detailed and particularly focus on finance. One local Protestant, who wishes to remain unnamed for fear of state reprisals, told Forum 18 that a church leader was not directly told that "officials will punish a church if it does not make any financial contribution to state programmes and projects. But the direct questions gave the church leader the strong impression that churches will be punished if they don't do this" (see below).

Corruption is reported to be widespread in Tajikistan, Transparency International's Corruption Perceptions Index 2019 ranking the country 153 out of 180 countries.

In January, Administrative Code amendments significantly increased the fines for several freedom of religion and belief-related "offences", including for without state permission exercising freedom of religion or belief by leading or taking part in worship meetings or other activity. Foreigners exercising freedom of religion or belief without state permission are also targeted (see below).

Fine and torture for hijab-wearing

Police with Dushanbe's Sino District Administration Women and Family Committee officials at about 11 am on 14 December 2019 detained at least 20 Muslim women for wearing the hijab. One of the women, Nilufar Rajabova, told Forum 18 on 3 March 2020 that she was stopped while returning home from a hospital visit for a tomography scan to investigate pain she has experienced caused by possible spinal column damage. She and other women were then taken to Sino Police Station "for a 'warning talk'".

Mosques and Muslims exercising freedom of religion and belief are targeted for particularly severe state restrictions, imposed through the state-controlled Council of Ulems [Islamic scholars] and other state agencies (http://www.forum18.org/archive.php?article_id=2138). These include restrictions introduced in 2017 on how Islamic festivals and the haj pilgrimage are marked (http://www.forum18.org/archive.php?article_id=2315). Beard and hijab-wearing bans continue to be enforced, including forcing one couple to divorce. Police have set up roadblocks to enforce the bans, which are also been enforced in schools and universities. Officials have refused to give Forum 18 a legal reason for the bans (http://www.forum18.org/archive.php?article_id=2421). On 11 January 2020, Radio Free Europe (RFE/RL) reported that international passports were being denied to men with beards.

Police in Sino Police Station refused to identify themselves when Rajabova asked for their names. Officers then confiscated her mobile phone and took her to see Deputy District Police Chief Lieutenant Colonel Mashrafi Islamzoda (Istami). Five other officers were already present, and Lt-Col Islamzoda called other officers in by phone "including two from the National Security Committee (NSC) secret police", Rajabova stated.

Severe threats, torture

In the presence of the approximately 15 male officers Lt-Col Islamzoda "began cursing me with unutterable swear words," Rajabova said. "He threatened that he will ask all the men in the room to in turn severely physically assault me. He also threatened that they will jail me for 15 days."

An NSC secret police officer, who would not give his name, told Rajabova "that women who insist on our Muslim way of life need to be eliminated".

"At times Islamzoda approached me and cursed me right in front of my face. He pushed me several times, and once hit me on my neck so hard that I fell down. While falling I heard a crack in my spine," Rajabova told Forum 18. She was being medically checked for possible spinal column damage just before being detained, and after Lt-Col Islamzoda hit her "I could not get up independently because I had pain and felt dizzy."

While this was going on, officials before 6 pm asked Rajabova's mother to come to Sino Police Station. Both women were then kept in the Police Station until about 9 pm. Before they were released, "officials also threatened my mother with severe physical assault, and cursed her," Rajabova told Forum 18. "I could not walk independently, so two police officers helped me to get into the taxi we called."

When Rajabova's mother asked the officials what right they have to treat women like this, "they told us that we are not women but provocateurs", Rajabova stated.

Major Amin Asrorov, duty officer at Sino Police Station, would not answer any questions when Forum 18 rang on 4 March 2020. Lt-Col Islamzoda did not answer his telephone when Forum 18 repeatedly called the same day.

Court hearings a "comedy"

Four days later, on 18 December 2019, at a hearing in Sino District Court, Rano Abdullayeva of Sino District Administration Women and Family Committee claimed Rajabova had insulted her while she was "carrying out her official duties" detaining women wearing the hijab publicly. Abdullayeva's allegations were supported by "Firuza Nurova who I had never seen before," Rajabova said.

Nargiz Sharifzoda, the head of the Women and Family Committee, did not answer her phone when Forum 18 called repeatedly on 4 March 2020.

"I could not even get up during the court hearing since I was still taking injections and pills for my spine and head," Rajabova told Forum 18. Judge Jamoliddin Ashurzod, after a hearing lasting 10 minutes in which he did not consider Rajabova's statements of being tortured, fined Rajabova 550 Somonis. The fine was imposed under Administrative Code Article 460 ("Petty hooliganism") for allegedly insulting a state official, according to the 18 December 2019 Court decision seen by Forum 18.

Sino District Court officials on 4 March 2020 refused to discuss the case and fine with Forum 18 on 4 March 2020.

Other women detained with Rajabova are understood to have been fined for wearing a hijab.

Rajabova described the 18 December 2019 hearing and 22 January 2020 appeal hearing in Dushanbe City Court as a "comedy". At the appeal hearing, "Judge Khurshed Azizmatzoda just asked me two questions and then asked me to go out of the Courtroom and wait. Then they called me in after about 10 minutes and announced that the Court has no reasons to cancel the fine."

Judge Azizmatzoda refused to answer when Forum 18 asked him why he had not acted on Rajabova's statements about being tortured. "I cannot comfortably talk to you over the phone. You need to come our office," he said on 4 March before refusing to talk more.

Also in Sino District Court, on 2 January Judge Mirzo Odinzoda jailed 35-year-old Muslim Sadridin Mulloyev for 12 years to punish him for his earlier membership of the Muslim missionary movement Tabligh Jamaat. He was jailed one year after his return to Tajikistan having been given an amnesty, and was also accused him of support for the activities of mercenaries. His family reject all the charges against him (http://www.forum18.org/archive.php?article_id=2535).

Impunity for torture

On 19 December 2019 Rajabova complained about her detention and torture to the General Prosecutor's Office. Jonon Boratzoda, Senior Investigator of Sino District Prosecutor's Office, "summoned me and my mother on 22 December," Rajabova said. "He did not tell us why he summoned us but questioned us for three hours. He was consulting over the phone with someone before he asked each question."

Boratzoda asked why the women were making "such noise" publicly about the case. Referring to critical comments on Facebook from others users, he said "we are taking note of all this". He then released the women without saying what will be done about their complaint.

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 in Rajabova's case is known to have been arrested and put on trial for these crimes.

Senior Investigator Baratzoda claimed to Forum 18 on 4 March that "we already answered her complaint." When Forum 18 asked whether officials suspected of torturing Rajabova had been arrested and would be put on criminal trial, Baratzoda replied: "I do not know. You need to talk to higher authorities. I am not competent to talk to you." He then refused to talk more.

There is a pattern of impunity for officials in similar cases, for example the torture of current prisoner of conscience Muslim Khayriddin Dostakov (http://www.forum18.org/archive.php?article_id=2538), Jehovah's Witnesses in February 2019 in Khujand and Konibodom (http://www.forum18.org/archive.php?article_id=2455), and of Sunmin Sunbogym Church members in the northern city of Konibodom in March 2017 after the Church was raided, forcibly closed, and members were fired from their jobs (http://www.forum18.org/archive.php?article_id=2276).

Interior Minister Ramazon Rakhimzoda told local media on 14 February 2020 that "neither the police nor other officials committed any violations when they detained Rajabova. Her father was imprisoned for terrorism, her brother escaped justice and is on the wanted list, and she was fined because of her insults to officials." An Interior Ministry official claimed that Rajabova had "voluntarily paid the fine", which she vehemently denied to Forum 18.

Family targeted

Rajabova's father Rakhmatullo Rajabov was a senior member of the Islamic Renaissance Party, which was banned in August 2015 (http://www.forum18.org/archive.php?article_id=2138). He was in September 2015 jailed for 28 years.

In 2018 Rajabova asked the government Agency for Social Insurance and Pensions (ASIP) for help with caring for her two school-age children who for medical reasons "cannot even go to bathroom independently without being carried by my mother and me". ASIP officials invited her for a meeting on 18 August 2018. "But when I went there they shouted at me that I am a member of a terrorist's family. NSC secret police officers then took me to their office, and warned me to be quiet and not to make a noise."

ASIP officials did not answer the phone when Forum 18 repeatedly called on 4 March 2020.

Targeting religious communities also, fined for Bible translation

As well as targeting individuals exercising freedom of religion and belief, the regime also targets religious communities. For example, Sunmin Sunbogym (Full Gospel) Protestant Church's two buildings in northern Tajikistan have both been confiscated, one of them with a 2018 excuse that a kindergarten would open there - but in 2020 there is no still sign of the kindergarten. Similarly, officials have turned Khujand's Nuri Islom Mosque into a cinema (http://www.forum18.org/archive.php?article_id=2545).

Sunmin Sunbogyn's Pastor Bakhrom Kholmatov was jailed for three years in July 2017 for allegedly "singing extremist songs in church and so inciting 'religious hatred'" (http://www.forum18.org/archive.php?article_id=2298).

Between August 2019 and January 2020, the State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA) fined leaders of four Protestant churches each between 7,000 and 11,000 Somonis. "These are huge fines, as an average monthly collection of offerings in some of these churches is around 500 Somonis," a local Protestant who wishes to remain anonymous for fear of state reprisals told Forum 18 on 12 February.

Another local human rights defender estimated to Forum 18 in February 2020 that the average monthly salary is about 1,500 Somonis.

"They were fined for arranging a translation of the Bible into modern Tajik," the local Protestant said. The translation is wanted as some Christians think that other translations use archaic words and some passages in those translations are unclear.

In autumn 2019 SCRA officials with police visited the Linguattech centre for translation of religious texts, to question the firm about its activities and finances. Linguattech was providing the Bible translation. Linguattech Director Kholmakhmad Rajabov told Forum 18 on 18 February 2020 that "we are fine, and we were not punished in any way. We continue our normal activity. We were just warned because we translate religious texts but had not notified the SCRA in advance as the Religion Law requires (http://www.forum18.org/archive.php?article_id=2138). We will take care that in future we do not do anything to violate the Law."

SCRA officials refused to discuss the large fines imposed on churches on 20 and 21 February, and also refused to reply when Forum 18 asked why the SCRA is not willing to discuss freedom of religion and belief issues.

"They want to make us weary and stop"

One Protestant told Forum 18 that "the authorities do not want Tajik churches, which is why they pressure them with fines and other punishments. They want to make us weary and stop." The Protestant added that "SCRA officials tell us that Christians and churches in Tajikistan are a 'foreign element'." The Protestant thought that forcing non-Muslim communities to make compulsory annual reports in Russian and not Tajik are a SCRA attempt to "prove" this claim.

In December 2018, customs officers at Dushanbe Airport confiscated 5,000 Christian calendars claiming that "linguistic experts in the Culture Ministry .. found elements of propaganda of an alien faith". Abdurakhmon Mavlanov of the SCRA did not answer when Forum 18 asked on 21 February 2019 why the state might regard some faiths as "alien", or whether followers of "alien" faiths have greater or less freedom of religion and belief than followers of "non-alien" faiths (http://www.forum18.org/archive.php?article_id=2455).

Compulsory annual reports

Compulsory annual reports, which particularly focus on community finances, were imposed following January 2018 changes to the Religion Law. An amendment to Article 19 requires all religious communities to provide the SCRA "on request with information on the sources of income, inventory of its property, expenditure of its resources, number of its employees, salaries paid, the sums of taxes paid and other necessary information". Even before these changes, the SCRA illegally demanded that religious communities had to complete a detailed SCRA questionnaire every year (http://www.forum18.org/archive.php?article_id=2455).

The regime imposed the January 2018 changes without consultation, and they break Tajikistan's legally-binding international human rights obligations (http://www.forum18.org/archive.php?article_id=2354).

Forum 18 has seen a blank copy of the 2019 version of the annual report form, which requires that non-Muslim communities must state in Russian:

- which [state controlled] newspapers and magazines the religious community subscribed to, including the total amount of money paid for the subscription;
- the amount of money given to charity, including the amount given to the needy young couples, to orphans, assistance to disabled persons and sick, help to poor families;

- the amount of money given to the state-controlled Public Fund for Charity;
- the amount given for help to those who suffered natural disasters;
- any other amounts given for other charity not specified in the form;
- how many orphans, disabled persons or individuals from poor families the religious community provided material assistance to;
- how many days of voluntary community work were done, including subbotnik (state-imposed forced "voluntary" community work on Saturday), and a full description of the works done;
- the amount of money spent on planting fruit-bearing trees, decorative trees, and flower beds;
- the total income of the religious community for the past year, with how much was spent and how much remains;
- how much was spent on salaries, repair of buildings, taxes, and utility bills;
- how many video cameras for surveillance were installed in the religious community's building, and how many are functioning;
- how many official letters the religious community received from state agencies, how many it has replied to already, and how many await replies;
- and a list of all international organisations the religious community cooperated with in the past year.

The regime carefully examines the completed forms. One local Protestant, who wishes to remain unnamed for fear of state reprisals, told Forum 18 on 4 March that a local administration summoned a church leader to their offices, and went through the completed 2019 form item by item. When "they answered yes, the official put a plus sign in front of each item on their list".

The church leader was not directly told that "officials will punish a church if it does not make any financial contribution to state programmes and projects. But the direct questions gave the church leader the strong impression that churches will be punished if they don't do this."

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Fines increased for exercising freedom of religion or belief

In January 2020, Administrative Code amendments significantly increased the fines for several freedom of religion and belief-related "offences", including for without state permission exercising freedom of religion or belief by leading or taking part in worship meetings or other activity. Foreigners exercising freedom of religion or belief without state permission are also targeted..

Parliament approved the amendments in December 2019 and President Emomali Rahmon signed them into law on 2 January 2020.

Administrative Code fines are levied in Financial Units. The 2020 state budget set the Financial Unit from 1 January 2020 at 58 Somonis. This means a fine of 100 Financial Units is 5,800 Somonis, equivalent to about four months' average wage for those in formal work, but a far higher burden for those without work or on pension.

Under Article 474-4, Part 1 ("Establishment by religious communities of international links, including international religious links with foreign organisations"), the fine was raised from between 30 and 40 to between 50 and 100 Financial Units.

Under Article 474-4, Part 2 ("Establishment by religious organisations of international links, including international religious links with foreign organisations without the agreement of the state organ for religious affairs"), the fine was raised from between 50 and 100 to between 200 and 300 Financial Units.

Under Article 477, Part 1 ("Leadership of the activity of social or religious associations and organisations not registered in accordance with the established procedure of the law"), the fine was raised from between 30 and 50 to between 100 and 200 Financial Units.

Under Article 477, Part 2 ("Participation in the activity of social or religious associations and organisations not registered in accordance with the established procedure of the law"), the fine was raised from between 3 and 7 to between 70 and 100 Financial Units.

Under Article 477, Part 3 ("Financing the activity of social or religious associations and organisations not registered in accordance with the established procedure of the law"), the fine was raised from between 10 and 20 to between 40 and 50 Financial Units for individuals; from between 40 and 50 to between 100 and 200 Financial Units for officials; and from between 200 and 300 to between 800 and 1,000 Financial Units for legal entities.

Under Article 478, Part 1 ("Undertaking religious activity by foreign religious organisations, their representations, branches, foreign citizens or individuals without citizenship in Tajikistan without registration"), the fine was raised from between 15 and 20 to between 50 and 100 Financial Units for foreign citizens and individuals without citizenship plus deportation from Tajikistan; from between 30 and 40 to between 300 and 500 Financial Units for leaders of foreign religious organisations, their representations and branches plus deportation from Tajikistan; and from between 200 and 300 to between 800 and 1,000 Financial Units for foreign religious organisations, their representations and branches.

Under Article 478, Part 2 ("Violation of the Religion Law by foreign religious organisations in carrying out their activity"), the fine was raised from between 20 and 30 to between 200 and 300 Financial Units for leaders of foreign religious organisations, their representations and branches plus deportation from Tajikistan; and from between 300 and 400 to between 1,000 and 1,500 Financial Units for legal entities.

Under Article 478, Part 3 ("Systematic carrying out by foreign religious organisations of activities contradicting their statutes, as well as failing within the established period to remove violations and inadequacies serving as a basis for the halting of their activity"), the fine was raised from between 40 and 50 to between 300 and 500 Financial Units for leaders of foreign religious organisations, their representations and branches; and from between 400 and 500 to between 2,000 and 3,000 Financial Units for foreign religious organisations, their representations and branches. (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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