

7 January 2021

TAJIKISTAN: Three and a half years' jail for "illegal" conscientious objection

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Despite his offer to perform alternative civilian service, Khujand Military Court today (7 January) jailed Rustamjon Norov for three and a half years, the longest known sentence. The court claimed the 22-year-old Jehovah's Witness conscientious objector falsified his medical history to evade compulsory military service, charges he denies. While held in a military unit in October 2020, he was threatened with torture if he did not put on a military uniform.

Khujand Military Court in northern Tajikistan today (7 January) jailed Rustamjon Norov, a 22-year-old Jehovah's Witness conscientious objector to military service, for three and a half years. Prosecutors accused prisoner of conscience Norov of falsifying his medical history to evade compulsory military service, charges he denies. He had offered to perform alternative civilian service, but against Tajikistan's international human rights obligations the regime does not offer this.

Norov's sentence is the longest known sentence Tajikistan has handed down to a conscientious objector. The family should receive the written verdict within five days, and will then lodge an appeal. Any appeal would be heard by the Military Collegium of the Supreme Court in the capital Dushanbe (see below).

While being held in a military unit in Khujand in October 2020, prisoner of conscience Norov was threatened with physical torture if he did not put on a military uniform. However, although he refused to wear a uniform, he was not physically tortured then, or later in Khujand Investigation Prison where he is currently held (see below).

On 1 November 2020 another jailed conscientious objector, fellow Jehovah's Witness Jovidon Bobojonov, was freed after serving nine months of a two-year prison term. He had been in army detention from October 2019, during which time he was tortured with beatings, pressure with a military boot on his head, and kneeling on his neck, as soldiers tried to pressure him to take the military oath and put on military uniform. In defiance of the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, no suspect torturer has been arrested and put on criminal trial for torture (see below).

Military officials took Norov's Bible from him and officials at the Investigation Prison have refused to allow him to have one either. Nor have they allowed him visits from family or fellow-believers, citing the coronavirus pandemic (see below).

Military service of two years is compulsory for almost all able-bodied young men between the ages of 16 and 27. In defiance of its international human rights obligations, and repeated requests from the UN Human Rights Committee and 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 (see below).

Jailed for three and a half years, conscientious objection "illegal"

Rustamjon Batyrovich Norov (born 27 October 1998), a Jehovah's Witness conscientious objector to military service, was jailed today (7 January) for three and a half years in a general regime labour camp. Judge Bakhtiyor Bobojonzoda of Khujand Military Court found him guilty 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.

Prosecutors from Sugd Military Prosecutor's Office accused prisoner of conscience Norov of falsifying his medical history to evade military service, charges he denies. He had offered to perform alternative civilian service. Forum 18 was unable to reach Sugd Military Prosecutor's Office on 7 January.

The Court "deemed illegal all of my son's arguments that he cannot take up arms for his religious beliefs and that he is ready to serve a civilian alternative service", Fariza Norova, Norov's mother, told Forum 18 on 7 January. Judge Bobojonzoda "only accepted the arguments of the police and the military".

Forum 18 was unable to reach Judge Bobojonzoda or any other Khujand Military Court officials on 7 January.

Norova noted that the family should receive a written copy of the verdict within five days, "and after we receive the verdict we will file an appeal". Any appeal would be heard by the Military Collegium of the Supreme Court in Dushanbe.

Increasing sentences

In 2007 Jehovah's Witnesses were banned, partly because of their conscientious objection to military service (https://www.forum18.org/archive.php?article_id=2625). Three conscientious objectors have been prosecuted and jailed since 2007, all Jehovah's Witnesses who offered to do alternative civilian service, and the jail terms imposed have been increasing:

- In April 2017 Daniil Islamov was forcibly conscripted and detained (https://www.forum18.org/archive.php?article_id=2312), and in October 2017 sentenced to six months' imprisonment (https://www.forum18.org/archive.php?article_id=2327). In total he was held for one year in detention and labour camp;

- In October 2019 Jovidon Bobojonov was forcibly conscripted and detained (https://www.forum18.org/archive.php?article_id=2533), and in April 2020 sentenced to two years' imprisonment (https://www.forum18.org/archive.php?article_id=2559). In November 2020 he was amnestied (https://www.forum18.org/archive.php?article_id=2615) after being held for one year and one month in detention and labour camp;

- In September 2020 Rustamjon Norov was forcibly conscripted and detained (https://www.forum18.org/archive.php?article_id=2615), and in January 2021 sentenced to three years, six months' imprisonment.

Torture threat

While Norov was in a military base in Khujand in October 2020, military personnel threatened him with physical torture if he did not put on a military uniform, Norova told Forum 18. However, although he refused to wear a uniform he was not physically tortured then, or later in Khujand Investigation Prison where he is currently held.

Norov's mother Fariza added that "at the military unit his Bible was confiscated from him and he was not provided one while at the unit".

While conscientious objector and former prisoner of conscience Jovidon Bobojonov was forcibly held in a military unit between October 2019 and January 2020, military personnel tortured Bobojonov with beatings, pressure with a military boot on his head, and kneeling on his neck (https://www.forum18.org/archive.php?article_id=2559), as soldiers tried to pressure him to take the military oath and put on military uniform. No one has been punished for this torture (see below).

Forceful examination, alternative civilian service application, arrest, detention

Rustamjon Norov comes from a Dushanbe Jehovah's Witness family. In 2013, officials forcibly took him and his younger brother Ravshan from school to a Military Conscription Office (https://www.forum18.org/archive.php?article_id=2615) for a medical examination. Rustamjon Norov was 15 years old at the time, below the minimum conscription age of 16.

In 2016 and 2017, Norov voluntarily reported to the local Military Conscription Office (https://www.forum18.org/archive.php?article_id=2615), explained his conscientious reasons why he could not serve in the armed forces, and requested alternative civilian service. Until 2020 Norov was not summoned for compulsory military service.

On 24 September 2020, Dushanbe's Sino District Conscription Office summoned Norov, where officers questioned him for three hours and declared him fit to perform military service (https://www.forum18.org/archive.php?article_id=2615). The officers then tried to force him to undergo a medical examination.

On 1 October Sino District Prosecutor's Office summoned Norov, who went with his father (https://www.forum18.org/archive.php?article_id=2615). The prosecutor assigned a district police officer who then took him "by force under a false pretext" back to Sino District Conscription Office. When they arrived, Norov's father was denied entry. Norov was held in custody of Dushanbe city Conscription Office for two days. He had not been formally charged or tried for a crime. While in custody, officers prevented him from consulting his lawyer. On 3 October, officials sent Norov to various military units in Khujand in the northern Sugd Region. On 6 October, he was allowed to call his family and receive visits from his lawyer.

On 17 October, the investigator of Sugd Military Prosecutor's Office, Sh. Nematzoda, ordered Norov's detention (https://www.forum18.org/archive.php?article_id=2615). Prosecutors accused him of falsifying his medical history to evade military service, which he denied. They brought charges against him under Criminal Code Article 376, Part 2 ("Refusal to perform military service duties with the purpose of evading it completely").

On 19 October, Judge Shakhrior Iskandarzoda of Khujand Military Court ordered Norov held in pre-trial detention for a period of investigation (https://www.forum18.org/archive.php?article_id=2615). Norov appealed against this on 21 October. However, on 28 October the Military Collegium of the Supreme Court in Dushanbe upheld the lower court decision.

Officials have refused to comment on the case. For example, when Forum 18 asked Khaydar Kadyrov, Chief of the Supreme Court's international section, why there is no alternative to compulsory military service and why conscientious objectors are punished, he replied on 5 November 2020: "I cannot comment on these questions because they are political, our section is not competent to answer such questions." (https://www.forum18.org/archive.php?article_id=2615)

No Bible, no visits in prison

Norov continues to be held in Khujand Investigation Prison. He has not been allowed to have a Bible, his mother complained to Forum 18.

"No one - neither we the family, nor friends or fellow believers - were allowed to visit Rustamjon in the prison with the excuse of lockdown [because of the coronavirus pandemic]," Norova also complained.

Norov is being held in Investigation Prison, whose address is:

Ya/T 9/2 Investigation Prison

Khujand

Sugd Region

Tajikistan

Still no arrest or trial of officials who tortured conscientious objector

On 1 November 2020, Jovidon Jamolovich Bobojonov (born 10 March 2000) was released from prison after serving 9 months of his two-year jail sentence (https://www.forum18.org/archive.php?article_id=2615).

While he was forcibly held in a military unit between October 2019 and January 2020, military personnel tortured Bobojonov with beatings, pressure with a military boot on his head, and kneeling on his neck (https://www.forum18.org/archive.php?article_id=2559), as soldiers tried to pressure him to take the military oath and put on military uniform.

Jamol Bobojonov told Forum 18 after his son's release that the family wrote complaints about the torture to the Presidential Administration and the General Prosecutor's Office, calling for those who physically assaulted Jovidon Bobojonov while in the military unit to be punished, "but we received no response" (https://www.forum18.org/archive.php?article_id=2615).

Officials told the family verbally on 25 January 2020 that prisoner of conscience Bobojonov's injuries were the result of "a fall". Dushanbe Military Prosecutor's Office claimed to have investigated the torture, but refused to initiate a criminal case against any of those suspected of torturing Bobojonov. No one has been arrested or prosecuted for torture.

Bobojonov's family say that they have still received no reply to their formal complaints about torture. "As far as we know no one was punished for it," they told Forum 18 on 7 January 2021.

Shodigul Moyonshoyeva, the official responsible for handling complaints at the General Prosecutor's Office in Dushanbe, on 5 November 2020 refused to say (https://www.forum18.org/archive.php?article_id=2615) when, in line with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (https://www.forum18.org/archive.php?article_id=2625), the suspect military torturers would be arrested and put on criminal trial for torture. "Call me back in several days," she told Forum 18 on 5 November 2020.

On 7 January 2021 the male official who answered Moyonshoyeva's telephone refused to state why the suspect torturers have not been arrested and put on criminal trial for torture. The official refused to give his name, and also refused to put Forum 18 through to Moyonshoyeva.

In defiance of international human rights obligations, there is a long standing pattern of impunity for torturers (https://www.forum18.org/archive.php?article_id=2625). Among those tortured have been Muslim women wearing the hijab, and Protestants meeting for worship.

Compulsory military service

Military service of two years is compulsory for almost all able-bodied young men between the ages of 16 and 27.

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 (https://www.quino.org/sites/default/files/resources/QUNO%20Conscientious%20Objection%20-%20International%20Standards_Revised%202021_FINAL.pdf).

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 (https://www.forum18.org/archive.php?article_id=2625).

Those unable to serve in the armed forces on grounds of conscience face being jailed (https://www.forum18.org/archive.php?article_id=2625).

Jehovah's Witness Daniil Islamov was forcibly conscripted in April 2017 (https://www.forum18.org/archive.php?article_id=2312), despite health problems preventing him doing military service even if he wanted to do it. He was then charged under Criminal Code Article 376, Part 1 ("Evasion by an enlisted serviceman of fulfilment of military service obligations by way of inflicting on oneself injury (self-mutilation) or evasion by simulation of sickness or by other deception"). In October 2017 Qurghonteppa Military Court, in Khatlon Region, sentenced him to six months' jail.

Still no alternative service law

In defiance of its international human rights obligations, and despite repeated requests from the UN Human Rights Committee, as well as 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.

- UN Working Group on Arbitrary Detention

On 5 October 2017 the UN Working Group on Arbitrary Detention publicly stated that Tajikistan should release prisoner of conscience Islamov "immediately". The regime ignored this (https://www.forum18.org/archive.php?article_id=2455).

The UN Working Group's Opinion (A/HRC/WGAD/2017/43 (https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session79/A_HRC_WGAD_2017_43_EN.pdf)) found that Tajikistan had contravened the International Covenant on Civil and Political Rights, and also noted that "The right to conscientious objection is well established in international law and derives from article 18 of the Covenant. The Government of Tajikistan has already been made fully aware of this by the Human Rights Committee, which has specifically recommended that Tajikistan provide for alternatives to military service in such cases".

The UN Working Group also stated that among the follow up actions were that within six months of the date of transmission of the October 2017 Opinion the government should inform the Working Group "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".

No such reply had been received by the Working Group by the six months deadline (https://www.forum18.org/archive.php?article_id=2533).

- UN Human Rights Committee

In its 22 July 2004 Concluding Observations on Tajikistan's record under the International Covenant on Civil and Political Rights (CCPR/CO/84/TJK (<https://www.undocs.org/en/CCPR/CO/84/TJK>)), the UN Human Rights Committee stated: "The State party should take all necessary measures to recognize the right of conscientious objectors to be exempted from military service."

This was repeated in the Human Rights Committee's 23 April 2013 Concluding Observations (CCPR/C/TJK/CO/2 (<https://www.undocs.org/en/CCPR/C/TJK/CO/2>)), which "reiterates its previous concern" about "the State party's lack of recognition of the right to conscientious objection to compulsory military service, and at the absence of alternatives to military service".

The Human Rights Committee's concern was again repeated in its Concluding Observations (CCPR/C/TJK/CO/3

(<https://www.undocs.org/CCPR/C/TJK/CO/3>), adopted on 18 July 2019: "The State party should step up its efforts to adopt the legislation necessary to recognize the right to conscientious objection to military service without discrimination as to the nature of the beliefs (religious or non-religious beliefs grounded in conscience) justifying the objection, and to ensure that alternative service is not punitive or discriminatory in nature or duration by comparison with military service."

Conscientious objection "a major crime", regime misleads UN Human Right Committee

Conscientious objector Bobojonov allegedly "committed a major crime by refusing to serve in the Armed Forces", Major-General Musa Odinzoda, Deputy Chief of the Armed Forces General Staff, claimed in October 2019 (https://www.forum18.org/archive.php?article_id=2533).

Officials, including from the Presidential Administration, have refused to explain to Forum 18 why Tajikistan is so swift to arrest and prosecute conscientious objectors such as Bobojonov, and so slow to act on repeated UN Human Rights Committee recommendations (https://www.forum18.org/archive.php?article_id=2559) in 2004, 2013, and 2019.

On 29 March 2019, Tajikistan claimed to the UN Human Rights Committee (https://www.forum18.org/archive.php?article_id=2533) 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" (https://www.forum18.org/archive.php?article_id=2533).

An assistant to Deputy Imomali Nasriddinzoda, Head of Parliament's Law and Human Rights Committee, claimed that Parliament "may consider" passing an alternative service law "after the next election" (https://www.forum18.org/archive.php?article_id=2559) on 1 March 2020.

The elections, which were marked by "systemic infringements on fundamental political rights and freedoms" (<https://www.osce.org/files/f/documents/9/9/453243.pdf>), took place and Deputy Nasriddinzoda was again Head of the Law and Human Rights Committee. When in June 2020 Forum 18 stated that it wanted to discuss an alternative service law, an assistant who refused to give her name responded that "we have been instructed not to give any comments to international organisations" and put the phone down.

Deputy Nasriddinzoda subsequently answered his phone in June 2020, but put it down as soon as Forum 18 introduced itself.

Sodik Shonazarov, Senior Advisor of the Legal Policy Section of the Presidential Administration, in April 2020 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 (https://www.forum18.org/archive.php?article_id=2559) in 2004, 2013, and 2019.

In June 2020 Shonazarov claimed that he knew nothing about an alternative service law (https://www.forum18.org/archive.php?article_id=2582). (END)

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

For more background, see Forum 18's Tajikistan religious freedom survey (https://www.forum18.org/archive.php?article_id=2625)

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

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