

8 October 2021

TAJIKISTAN: Prisoner of conscience barred from attending only son's funeral

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

Prisoner of conscience Shamil Khakimov was stopped from attending his only son's funeral in September, and has not been hospitalised for the specialised medical treatment he needs. This is despite multiple reminders – the most recent on 13 September – from the UN Human Rights Committee that the regime's human rights obligations require this. Freedom of religion and belief and other human rights of prisoners of all faiths continues to be violated.

Prisoner of conscience Shamil Khakimov is suffering from "severe emotional distress", Jehovah's Witnesses stated on 6 October as his only son died in September – and the regime stopped him from attending the funeral. Both Strict Regime Prison YaS 3/5 Governor Farukh Jalolov and another prison official refused on 8 October to explain to Forum 18 why they refused to allow Khakimov to attend his only son's funeral.

Prisoner of conscience Khakimov's son and his lawyer were the only people allowed to visit him. Like other prisoners, he has been denied other visitors (see below).

Tajikistan has also repeatedly not hospitalised seriously ill prisoner of conscience Khakimov for the specialised medical treatment he needs. This is despite multiple reminders – the most recent on 13 September – from the United Nations (UN) Human Rights Committee that the regime's human rights obligations require this (see below).

"Nothing has changed," Jehovah's Witnesses noted, pointing out that even after transfer to the prison's so-called medical unit, Khakimov "he does not receive professional medical help there, and he continues to bandage his legs on his own. In fact a new open ulcer developed on his foot" (see below).

The regime has repeatedly failed to protect prisoners health, including denying treatment to those with Covid-19 symptoms. Human Rights Watch in 2021, the UN Human Rights Committee in August 2019, and the UN Committee against Torture in June 2018 have all condemned the serious health risks the regime subjects prisoners to (see below).

The regime repeatedly violates the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules – A/C.3/70/L.3) throughout its prison system, various officials having claimed to Forum 18 that they do not know what they are (see below).

People of all faiths have told Forum 18 that clergy and co-believer visits to prisoners have long been banned. Prisoner of conscience Khakimov is only allowed to read his Bible when he is alone, and Muslim male prisoners are not allowed to do namaz prayers or read the Koran. "The lives of prisoners in general worsen year by year and month by month," one Muslim told Forum 18. "They are insulted and tortured, and their freedom of religion and belief is the last thing the regime cares about" (see below).

Petitions for release from prisoner of conscience Khakimov are still being illegally blocked, and the office of the regime's "Human Rights Ombudsperson" (to which a copy of a petition to President Rahmon was sent) has refused to discuss the multiple violations of prisoners' human rights, or to indicate whether the "Human Rights Ombudsperson" is doing anything to defend human rights (see below).

After three years since he was jailed in January 2020, the family of Muslim prisoner of conscience Sadriddin Mulloyev has been allowed to visit him. The family said that Mulloyev is well, and a pardon has not been requested as he is not guilty of a crime to be pardoned from (see below).

Jailed conscientious objector to military service Rustamjon Norov was freed under presidential pardon on 21 September. His family had requested this, and told Forum 18: "Rustamjon is fine and is healthy." Despite claims in 2019 to the UN Human Rights Committee that a draft alternative service law is being prepared, there is no sign that a law in line with international human rights obligations has been drafted or will be passed (see below).

"I am guilty of nothing"

On 10 September 2019, Jehovah's Witness Shamil Rasulovich Khakimov (born 30 January 1951) was jailed for seven years, six months (https://www.forum18.org/archive.php?article_id=2506) for allegedly "inciting religious hatred". "I am guilty of nothing," he told the court.

Khakimov's sentence was reduced in summer 2020 by two years, three months (https://www.forum18.org/archive.php?article_id=2643). On 9 September 2021, his sentence was reduced by a further year under amnesty, Jehovah's Witnesses told Forum 18. Now due for release on 16 May 2023, aged 72, Khakimov would be banned from exercising his freedom of religion and belief until May 2026.

Prisoner of conscience stopped from attending funeral of his only son

Prisoner of conscience Khakimov is suffering from "severe emotional distress", Jehovah's Witnesses stated on 6 October as his only son died in September – and the regime stopped him from attending the funeral. Khakimov's son and his lawyer were the only people allowed to visit him in Strict Regime Prison YaS 3/5 (https://www.forum18.org/archive.php?article_id=2643).

The United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules – A/C.3/70/L.3 (https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf)) state in Rule 70: "the prisoner should be authorized to go, either under escort or alone, to the bedside of a near relative or significant other who is critically ill, or to attend the funeral of a near relative or significant other".

Both Strict Regime Prison YaS 3/5 Governor Farukh Jalolov and Adam (who refused to give his last name), Chief of the Special Unit (which he refused to describe) on 8 October refused to say why they refused to allow Khakimov to attend his only son's funeral.

Specialised medical treatment in hospital repeatedly denied

Prison authorities have repeatedly denied seriously ill prisoner of conscience Khakimov the specialised medical treatment he needs (https://www.forum18.org/archive.php?article_id=2643). The 70-year-old has a bad leg "which smells like rotten meat" and has had coronavirus symptoms.

Rule 27 of the Mandela Rules states: "All prisons shall ensure prompt access to medical attention in urgent cases. Prisoners who require specialised treatment or surgery shall be transferred to specialised institutions or to civil hospitals." The Rules also state: "Clinical decisions may only be taken by the responsible health-care professionals and may not be overruled or ignored by non-medical prison staff."

"He does not receive professional medical help"

Although Khakimov's coronavirus symptoms had improved, his leg has not improved, and he has not been hospitalised for the specialised medical treatment he needs, Jehovah's Witnesses told Forum 18 on 9 March 2021. On 6 October Jehovah's Witnesses told Forum 18 that "Unfortunately, nothing has changed, except the fact that in March Khakimov was transferred to the medical unit of the prison."

They also noted that even in the so-called medical unit, "he does not receive professional medical help there, and he continues to bandage his legs on his own. In fact a new open ulcer developed on his foot."

Neither Khakimov, nor his family, nor his lawyer have received medical reports on his condition, even though the Mandela Rules state: "all prisoners should be granted access to their [medical] files upon request. A prisoner may appoint a third party to access his or her medical file."

Both the UN Human Rights Committee and the UN Committee against Torture have called for Tajikistan to implement the Mandela Rules (https://www.forum18.org/archive.php?article_id=2643). Yet Prison Governor Farukh Jalolov told Forum 18 on 9 March 2021: "I do not know what the Mandela Rules are." A Supreme Court official similarly denied knowledge of the Mandela Rules.

Prison Governor Jalolov also told Forum 18 that prisoner of conscience Khakimov was not hospitalised when he had coronavirus symptoms as: "He just had a cold and that is all. The rest is lies" (https://www.forum18.org/archive.php?article_id=2643).

UN Human Rights Committee repeatedly ignored

The UN Human Rights Committee on 19 March, with reminders on 18 June (https://www.forum18.org/archive.php?article_id=2678) and 13 September, instructed Tajikistan that it must under its human rights obligations: "ensure, without delay, that Mr. Khakimov receives adequate medical treatment at a specialised medical institution in

accordance with his health care requirements, and that an alternative to imprisonment is secured for Mr. Khakimov, while his case is under consideration by the Committee or until further notice."

Jehovah's Witnesses told Forum 18 on 6 October that Tajikistan "has failed to take any steps to follow the request dated 19 March of the UN Human Rights Committee for interim measures – to transfer Khakimov to a civil hospital outside of prison and free him from imprisonment."

Lieutenant-General Mansurjon Umarov, Head of the Justice Ministry's Chief Directorate for the Enforcement of Criminal Punishments, and his departmental deputy heads Colonel Rustam Balazoda and Colonel Ilkhomjon Makhmudzoda, refused on 7 October to discuss the repeated denial of Human Rights Committee requests with Forum 18.

Long-standing prison visit bans

Prisoner of conscience Khakimov's son and his lawyer were the only people allowed to visit him in Strict Regime Prison YaS 3/5 (https://www.forum18.org/archive.php?article_id=2643). Visits by his co-believers have been banned, including since Khakimov's son died in September.

Muslims told Forum 18 on 6 October that Muslim prisoners are – whatever the reason for their jailing - denied visits by imams, friends, or relatives outside the immediate family. They asked to remain anonymous for fear of state reprisals.

Various members of a variety of non-Muslim religious communities told Forum 18 in October that they also face bans on clergy visits, one noting that the ban had been enforced "for at least 10 years". All asked that they and their communities remain anonymous for fear of state reprisals, one commenting that they unfortunately cannot discuss human rights issues.

Rule 65 of the Mandela Rules states in part that qualified co-believers who are not prisoners: "shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his or her religion at proper times. Access to a qualified representative of any religion shall not be refused to any prisoner."

Only allowed to read Bible alone, Muslim men banned from praying and Koran reading

Jehovah's Witnesses told Forum 18 that prisoner of conscience Khakimov has a Bible, but is only allowed to read it when no one is around (https://www.forum18.org/archive.php?article_id=2643). He is also banned from speaking to others about his faith, but is allowed to receive letters from other Jehovah's Witnesses worldwide

"Muslim men are now not allowed to do namaz prayers or read the Koran (https://www.forum18.org/archive.php?article_id=2643)," a Muslim stated on 6 October.

"The lives of prisoners in general worsen (<https://www.hrw.org/world-report/2021/country-chapters/tajikistan>) year by year and month by month," one Muslim told Forum 18. "They are insulted and tortured, and their freedom of religion and belief is the last thing the regime cares about."

Petitions for release still being blocked

In December 2020 and January 2021, Strict Regime Prison YaS 3/5's administration, Khujand Prosecutor's Office, and Khujand City Court rejected legal appeals to free prisoner of conscience Khakimov, giving contradictory reasons (https://www.forum18.org/archive.php?article_id=2643). The Supreme Court and Sugd Regional Court both rejected the appeal claiming an unspecified "technical mistake" in the appeal. Illegally, neither court provided a copy of its decision.

On 29 March 2021 prisoner of conscience Khakimov gave the prison authorities an appeal for a pardon to be sent to President Emomali Rahmon. Five months later, at the end of August, prison authorities told Khakimov that they had not sent his appeal to the President as he "did not admit his guilt."

Jehovah's Witnesses note that the law does not require such an admission – which Khakimov has not made (https://www.forum18.org/archive.php?article_id=2506) - in a petition for a pardon.

Prison Governor Jalolov refused on 5 August to explain to Forum 18 why prisoner of conscience Khakimov was not released from prison as the UN Human Rights Committee had then twice requested. Jalolov also claimed: "We hope that he can be amnestied soon (https://www.forum18.org/archive.php?article_id=2678) during the golden amnesty [30 years of independence on 9 September] soon."

Jalolov did not state that he was obstructing attempts to secure the amnesty hope he claimed to have.

Prisoner of conscience Khakimov asked his lawyer to send a new petition to President Rahmon, which the lawyer did in early

September. A copy of was also sent to the Human Rights Ombudsperson.

Prison governor Jalolov on 7 October did not answer his phone. Adam (who refused to give his last name), Chief of the Special Unit (which he refused to explain) on 7 October refused to say why the prison authorities withheld Khakimov's petition, and refused to discuss the case.

An official (who refused to give his name) of the Presidential Administration's human rights section claimed to Forum 18 on 7 October that: "It is not possible for prison authorities to withhold petitions from convicts." They also insisted that: "the lawyer is not competent to send petitions on behalf of a convict." They then put the phone down.

On 12 February Imam Sirojiddin Abdurahmonov (widely known as Mullo Sirojiddin) was jailed for five years and six months, along with an unknown number of others (https://www.forum18.org/archive.php?article_id=2678). The arrests followed a November 2020 National Security Committee (NSC) secret police raid on Imam Abdurahmonov's Dushanbe flat when he was teaching a small group about Islam. The NSC also confiscated the Imam's religious books and computer. It was hoped that prisoner of conscience Abdurahmonov would be freed under the 9 September prisoner amnesty, but this has not happened.

Does "Human Rights Ombudsperson" protect human rights?

Zafar Salikov, Assistant to Human Rights Ombudsperson Umed Bobozoda (who is appointed by the President), on 7 October claimed to Forum 18 that Bobozoda is "on holiday." Salikov refused to discuss the multiple violations of prisoners' human rights, or to indicate whether the "Human Rights Ombudsperson" is doing anything to defend human rights.

Salikov then asked Forum 18 to call back in 20 minutes, claiming that "I will convey your question to [Ombudperson] Mr. Bobozoda." When called back, Salikov referred Forum 18 to Mukim Ashurov, the Ombudsperson's Official responsible for the protection of civil and political rights.

Ashurov told Forum 18 that they had received Khakimov's petition through his lawyer on 14 September, and referred it to the Presidential Commission for pardoning on 16 September. He refused to discuss freedom of religion and belief in prisons, or whether the Ombudsperson's Office is doing anything to protect human rights. "Only the Ombudsperson can decide those issues or speak to you about them," Ashurov claimed.

Prisoner of conscience Khakimov's prison address is:

Tajikistan

Viloyati Sugd

735700 Shahri Khujand

Muassisai islohii YaS 3/5

Khakimov Shamil Rasulovich

Prisoner of conscience's family after three years allowed to visit him

On 2 January 2020 the then 35-year-old Muslim Sadriddin Mulloyev was jailed for 12 years (https://www.forum18.org/archive.php?article_id=2535) for his earlier membership of the Muslim missionary movement Tabligh Jamaat. He had returned to Tajikistan in February 2019 and was amnestied before his secret trial. Officials refused to answer questions, and prevented prisoner of conscience Mulloyev from having contact with his lawyer or his family.

Prisoner of conscience Mulloyev's family told Forum 18 on 30 September that "after three years of no visits to the prison, his wife finally on 9 September could visit him in the prison." They stated that "in the beginning of his term we were not allowed to visit him. Then the pandemic began, and we again were not allowed. The authorities told us that according to pandemic rules we could not visit."

The regime has repeatedly failed to protect prisoners health, including denying treatment to those with Covid-19 symptoms. Human Rights Watch in 2021, the UN Human Rights Committee in August 2019, and the UN Committee against Torture in June 2018 (https://www.forum18.org/archive.php?article_id=2643) have all condemned the serious health risks the regime subjects prisoners to.

Prisoner of conscience Mulloyev's family stated that towards the beginning of his time in jail he was placed in a disciplinary cell for having made a phone call to them.

The family said that Mulloyev is well, and a pardon has not been requested as he is not guilty of a crime to be pardoned from.

Prisoner of conscience Mulloyev's prison address is:

Tajikistan

Viloyati Sugd

Shahri Khujand

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Muassisai islohii YaS 3/3

Mulloyev Sadriddin Hairiddinovich

Conscientious objector to military service released

Despite his offer to perform alternative civilian service, conscientious objector to military service Rustamjon Norov was on 7 January 2021 jailed for three and a half years (https://www.forum18.org/archive.php?article_id=2629). This was the longest known sentence yet for conscientious objection. 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 physical torture if he did not put on a military uniform.

Prisoner of conscience Norov was freed under presidential pardon on 21 September. His family had requested this, and told Forum 18: "Rustamjon is fine and is healthy. We are happy that he is free and with us, and thank everybody who wrote letters to him and supported him while he was in prison."

Conscientious objection "a major crime", promises to Human Rights Committee broken

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 recommendations from the UN Human Rights Committee and UN Working Group on Arbitrary Detention (https://www.forum18.org/archive.php?article_id=2629), the regime has not introduced a possibility for a genuinely civilian alternative service to military conscription.

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

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 that an alternative service law was being prepared (https://www.forum18.org/archive.php?article_id=2533). 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).

No such draft laws establishing a genuinely alternative civilian service have yet been introduced (https://www.forum18.org/archive.php?article_id=2629). (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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