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TAJIKISTAN: Prisoner of conscience still denied proper medical care

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

71-year-old prisoner of conscience Shamil Khakimov – whose health continues to decline - is now losing his eyesight. The regime refuses to provide needed medical care and release him. Prison Governor Jamoliddin Khushbakhtzoda insists that Khakimov's health is fine, and denies knowledge of the UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules): "What Rules are you talking about? I haven't heard of these Rules." At least 5 other prisoners of conscience are jailed for exercising freedom of religion or belief.

The health of 71-year-old prisoner of conscience Shamil Khakimov has continued to decline. The regime has repeatedly refused to – as requested by the UN Human Rights Committee - provide needed medical care and release him. This has caused fears that the anticipated May 2023 release date could be "a death sentence for him".

A court in the northern city of Khujand jailed prisoner of conscience Khakimov in September 2019 for seven years, six months for allegedly "inciting religious hatred", though the sentence was subsequently twice shortened. No evidence was produced that Jehovah's Witness Khakimov or his community had harmed anyone, and his real "crime" seems to be that the regime thinks he led Khujand's Jehovah's Witness community (see below).

In 2022 Khakimov has started to lose his eyesight. An ophthalmologist stated that "his right eye is inoperable and he is gradually losing sight in his left eye", Jehovah's Witnesses told Forum 18. Also, "open ulcers on his left leg have started to fester and exude pus again". A doctor who visited Khakimov in prison privately admitted that "his condition is severe". However, to regime officials the doctor felt under pressure to describe Khakimov's health as satisfactory (see below).

Khakimov, a retired widower, is in poor health and has throughout his time in jail been denied proper medical treatment. In September 2021 he was denied permission to attend the funeral of his only son (see below).

The newly-appointed governor of the prison, Colonel Jamoliddin Khushbakhtzoda, insisted to Forum 18 that prisoner of conscience Khakimov's health is fine. "He is given all medical care, whatever he needs." The United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules, A/C.3/70/L.3) state that medical decisions must be made by doctors. When Forum 18 asked why the regime does not implement the Mandela Rules, prison governor Colonel Khushbakhtzoda replied – just like his predecessor - "What Rules are you talking about? I haven't heard of these Rules" (see below).

The UN Human Rights Committee and the UN Committee against Torture have both called for Tajikistan to implement the Mandela Rules. Yet the previous prison governor Farukh Jalolov and a Supreme Court official both previously denied to Forum 18 that they knew of the Mandela Rules (see below).

Justice Ministry officials have refused to explain to Forum 18 why Khakimov has not been given medical treatment and released, and why the Mandela Rules are not implemented (see below).

The prison administration, Khujand Prosecutor's Office, Khujand City Court, and the Presidential Administration have rejected legal appeals to free prisoner of conscience Khakimov, often giving contradictory reasons. In September 2021 a request for his release was sent to the Presidential Administration. No reply has yet been received. On 25 January 2022, the prison administration refused to grant Khakimov early release, telling him that this was because he is a Jehovah's Witness. Multiple officials – who refused to give their names – refused to discuss the case with Forum 18 (see below).

At least five other known prisoners of conscience are jailed for exercising freedom of religion or belief. All of these other prisoners of conscience are Muslim. Human rights defenders, who wished to remain anonymous for fear of state reprisals, told Forum 18 that these five known prisoners of conscience remain jailed. However, most of their prison addresses are unknown. No information is publicly known about the other so-far unnamed prisoners of conscience jailed for exercising freedom of religion or belief (see below).

Colonel Rustam Balazoda, Deputy Head of the Justice Ministry's Chief Directorate for the Enforcement of Criminal Punishments on 13 July refused to answer questions about any of these prisoners of conscience (see below).

Khakimov: Seven years' jail even though "I am guilty of nothing"

On 10 September 2019, a court in the northern city of Khujand jailed Jehovah's Witness Shamil Rasulovich Khakimov (born 30 January 1951) for seven years, six months for allegedly "inciting religious hatred" (https://www.forum18.org/archive.php?article_id=2506). He was prosecuted for books, other literature, photos, videos, audios, computer files, and mobile phone data seized from him and other community members, which the Prosecutor's Office claimed contain "features of extremist activity". No evidence was produced that Khakimov or his community had harmed anyone.

"I am guilty of nothing," Khakimov told the court (https://www.forum18.org/archive.php?article_id=2506).

Khakimov's real "crime" seems to be that the regime thinks he led Khujand's Jehovah's Witness community.

The investigation into Khakimov revealed that in 2016, the Department for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals of Sugd Regional Administration commissioned a "state religious expert analysis" of the Tajik translation of the Bible (https://www.forum18.org/archive.php?article_id=2506) published by the Institute for Bible Translation (IBT) in Stockholm. (The IBT is not linked to Jehovah's Witnesses and its translations are used by a wide range of Christians.) The analysis – conducted by three local Imams – was carried out at the request of the National Security Committee (NSC) secret police and stated that the Bible should be banned.

Khakimov's sentence was reduced in summer 2020 (https://www.forum18.org/archive.php?article_id=2643) by two years, three months. In September 2021, his sentence was reduced by a further year (https://www.forum18.org/archive.php?article_id=2690) under amnesty. 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.

Khakimov: Repeated denials of medical care, banned from attending son's funeral

Khakimov, a retired widower, is in poor health. He underwent major leg surgery not long before his February 2019 arrest (https://www.forum18.org/archive.php?article_id=2506) and suffers from high blood pressure.

Prison authorities have repeatedly denied seriously ill prisoner of conscience Khakimov the specialised medical treatment he needs. In January 2021 fellow prisoners attacked him for having a bad leg "which smells like rotten meat" (https://www.forum18.org/archive.php?article_id=2643) and he has had coronavirus symptoms.

The 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 that medical decisions must be made by doctors, and the UN Human Rights Committee and the UN Committee against Torture have both called for Tajikistan to implement the Mandela Rules.

Yet the then-prison governor Farukh Jalolov told Forum 18 in March 2021 (https://www.forum18.org/archive.php?article_id=2643): "I do not know what the Mandela Rules are." A Supreme Court official similarly denied knowledge of the Mandela Rules.

Prisoner of conscience Khakimov was stopped from attending his only son's funeral (https://www.forum18.org/archive.php?article_id=2690) in September 2021, and had still not been hospitalised for the specialised medical treatment he needs. This is despite multiple reminders – the most recent on 13 September 2021 – from the UN Human Rights Committee that the regime's human rights obligations require this.

Khakimov: health continues to decline, proper health care still denied

Prisoner of conscience Khakimov's health has continued to decline. The regime's refusals to provide needed medical care and release him cause fears that the anticipated May 2023 release date could be "a death sentence for him".

In 2022, Khakimov has started to lose his eyesight. An ophthalmologist stated that "his right eye is inoperable and he is gradually losing sight in his left eye", Jehovah's Witnesses told Forum 18 on 13 July. Also, "open ulcers on his left leg have started to fester and exude pus again".

A doctor who has visited Khakimov in prison privately admitted that "his condition is severe". However, to regime officials the doctor felt under pressure to describe Khakimov's health as satisfactory. Jehovah's Witnesses are still to arrange a consultation for him with a "proper vascular surgeon." No surgeon has yet been willing to attempt to visit Khakimov in prison.

The newly-appointed governor of the prison, Colonel Jamoliddin Khushbakhtzoda, insists that prisoner of conscience Khakimov's health is fine. "He is given all medical care, whatever he needs," he told Forum 18 on 30 June.

"What Rules are you talking about? I haven't heard of these Rules"

The 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 that medical decisions must be made by doctors. The UN Human Rights Committee and the UN Committee against Torture have both called for Tajikistan to implement the Mandela Rules (https://www.forum18.org/archive.php?article_id=2643).

The UN Human Rights Committee on 19 March 2021 and in reminders dated 18 June 2021 and 13 September 2021, seen by Forum 18, also stated that Tajikistan should "ensure, without delay, that Mr. Khakimov receives adequate medical treatment (https://www.forum18.org/archive.php?article_id=2678) 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 [communication 3905/2021] is under consideration by the Committee or until further notice".

When Forum 18 asked on 30 June 2022 why the regime does not implement the Mandela Rules, prison governor Colonel Khushbakhtzoda replied – just like his predecessor (https://www.forum18.org/archive.php?article_id=2643) - "What Rules are you talking about? I haven't heard of these Rules."

Colonel Khushbakhtzoda then passed the phone to his assistant (who refused to give his name), who claimed that: "We respect all the rules and our law, and Khakimov is just fine." They then refused to talk more.

A Justice Ministry official (who refused to give her name) and Sayora Karimova of the Chief Directorate for the Enforcement of Criminal Punishments on 30 June both refused to explain to Forum 18 why Khakimov has not been given medical treatment and released, and why the Mandela Rules are not implemented.

Colonel Rustam Balazoda, Deputy Head of the Justice Ministry's Chief Directorate for the Enforcement of Criminal Punishments, refused to explain to Forum 18 on 13 July why Khakimov has not been given medical treatment and released, and why the Mandela Rules are not implemented.

Prisoner of conscience Khakimov's prison address is:

Tajikistan

Viloyati Sugd

735700 Shahri Khujand

Muassisai islohii YaS 3/5

Khakimov Shamil Rasulovich

Khakimov: Release appeals still rejected – recently as he is a Jehovah's Witness

The prison administration, Khujand Prosecutor's Office, Khujand City Court, and the Presidential Administration have rejected legal appeals to free prisoner of conscience Khakimov (https://www.forum18.org/archive.php?article_id=2690), often giving contradictory reasons. For example, 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 25 January 2022, the prison administration refused to grant Khakimov early release, telling him that this was because he is a Jehovah's Witnesses.

Prisoner governor Colonel Khushbakhtzoda and his assistant refused to discuss with Forum 18 the refusals to release prisoner of conscience Khakimov.

In September 2021 a new request for the release of prisoner of conscience Khakimov was sent to the Presidential Administration (https://www.forum18.org/archive.php?article_id=2690). No reply has yet been received. Multiple Presidential Administration officials – who refused to give their names – refused to discuss the case with Forum 18 in June and July 2022. An official of the Legal and Constitutional Issues Section claimed that it was a "wrong number" before putting the phone down.

At least 5 other known prisoners of conscience for exercising freedom of religion or belief

Emomali Rahmon's regime has been marked by multiple human rights violations, including jailing Muslim, Jehovah's Witness, and Protestant prisoners of conscience (https://www.forum18.org/archive.php?article_id=2625) for their exercise of freedom of religion and belief. Officials enjoy continued impunity for multiple instances of torture (https://www.forum18.org/archive.php?article_id=2582) of Muslims, Jehovah's Witnesses, and Protestants.

Among current prisoners of conscience, on 2 January 2020 35-year-old Muslim Sadridin Mulloyev was jailed for 12 years (https://www.forum18.org/archive.php?article_id=2535) to punish him for his earlier membership of the Muslim missionary movement Tabligh Jamaat. "With the help of our lawyer we will appeal against the Court decision," his father told Forum 18 after the jailing. "My son is innocent." Officials refused to discuss the case or why the trial was secret. His family have not requested a pardon as prisoner of conscience Mulloyev is not guilty of a crime (https://www.forum18.org/archive.php?article_id=2690). His prison address is:

Tajikistan

Viloyati Sugd

Shahri Khujand

8 mikroraion

Muassisai islohii YaS 3/3

Mulloyev Sadridin Hairiddinovich

On 12 February 2021 Imam Sirojiddin Abdurahmonov (widely known as Mullo Sirojiddin) was jailed for five years and six months (https://www.forum18.org/archive.php?article_id=2642), along with an unknown number of others. 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 regime had previously jailed Imam Abdurahmonov in 2010. In 2020 he posted online videos dealing with a wide variety of topics on how to live as a Muslim. Muslims and human rights defenders, who asked not to be named for fear of state reprisals, unanimously stated that the imam is a moderate preacher who did not criticise the regime and in some respects supported its policies.

One human rights defender suggested that "the main purpose of arresting Imam Abdurahmanov was to allow only state-appointed and approved imams to speak publicly (https://www.forum18.org/archive.php?article_id=2642). Most independent imams are now afraid to speak publicly. The regime is struggling for the hearts and minds of people."

On 4 June 2021 Imam Mahmadsodyk Sayidov, Abdugafor Rajabov, and Aslamkhon Karimov were jailed for five years for allegedly participating in a religious "extremist" organisation (https://www.forum18.org/archive.php?article_id=2678). This is thought to be a reference to the now-banned opposition Islamic Renaissance Party (IRP), local Muslims told Forum 18.

The 28-year-old Imam Sayidov was the state-appointed imam of the Nonvoyi Poyon [residential district] Mosque in Kulob, which the other two men attended. National Security Committee (NSC) secret police officers arrested Imam Sayidov immediately after he refused to preach a State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA) provided sermon and preached his own sermon instead.

The SCRA sermon used the 8 March International Woman's Day public holiday as an excuse to attack the families of IRP leaders and the exiled editor of media outlet isloh.net Muhammadiqboli Sadridin. Isloh publishes IRP material. The SCRA sermon also described 8 March as a "sacred holiday" and praised the regime. Imam Sayidov's own sermon asked why the SCRA described 8 March as a "sacred holiday" which Muslims must celebrate (https://www.forum18.org/archive.php?article_id=2678) while the regime bans the carrying out of Islamic rites and ceremonies (https://www.forum18.org/archive.php?article_id=2625).

At around the same time the regime intensified its campaign against women wearing the hijab (https://www.forum18.org/archive.php?article_id=2676) (Islamic headscarf). The police, the State Committee for Women and Family Affairs, and the Interior Ministry all refused to explain to Forum 18 why male police officers nationwide are not stopped from deliberately and publicly bullying and harassing women wearing hijab.

Human rights defenders, who wished to remain anonymous for fear of state reprisals, told Forum 18 on 12 July 2022 that these five known prisoners of conscience remain jailed. However, most of their prison addresses are unknown. No information is publicly known about the other so-far unnamed prisoners of conscience jailed for exercising freedom of religion or belief.

Colonel Rustam Balazoda, Deputy Head of the Justice Ministry's Chief Directorate for the Enforcement of Criminal Punishments on 13 July refused to answer questions about any of these prisoners of conscience. "We will not share such information with you," he

said before putting the phone down. (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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