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TAJIKISTAN: Secret Supreme Court hearing bans Jehovah's Witnesses

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

A 2021 secret Supreme Court ban on Jehovah's Witnesses as allegedly "extremist" was not revealed until over a year later. "The participation of the organisation was not necessary," a Supreme Court official told Forum 18. Despite a 2022 UN Human Rights Committee View that the reasons to ban Jehovah's Witnesses were not lawful, appeals were rejected by a military court and on 31 August 2023 by the Supreme Court. A Court official refused to explain why the Court refused to heed the UN Human Rights Committee finding.

At the instigation of the General Prosecutor, a secret Supreme Court hearing in Dushanbe on 29 March 2021 banned Jehovah's Witnesses for a second time, nearly 14 years after they were first banned in Tajikistan. No one informed the Jehovah's Witness community either before the 2021 hearing or afterwards. They found out about the hearing and renewed ban only when the regime replied to the United Nations Human Rights Committee on 14 April 2022. The Supreme Court has refused to make the banning decision available.

"According to a decision of the Supreme Court of the Republic of Tajikistan from 29 March 2021, Jehovah's Witnesses have been declared an extremist organisation and the activity of the organisation is banned throughout the country," the Permanent Mission of Tajikistan to the UN wrote to the Human Rights Committee over one year later on 14 April 2022 (see below).

This was a reply to a Human Rights Committee View adopted on 28 January 2022 that a Russian citizen resident in Tajikistan should not have been arrested by the National Security Committee (NSC) secret police, interrogated, fined and deported (see below).

On 28 August, Forum 18 asked the Supreme Court in writing for the text of the March 2021 decision. It received no response. Similarly, the Permanent Mission of Tajikistan to the UN failed to respond to the same request, sent on 7 September.

The Supreme Court's head of administration, Khursonmurod Mirzozoda, claimed to Forum 18 on 6 September: "As it concerns the national security interests of the republic, the process was done in a closed hearing. The participation of the organisation was not necessary" (see below).

Yusuf Ruzizoda, Deputy Head of the International Section of the Prosecutor General, also refused to explain why the Prosecutor General's Office used the illegal argument that Jehovah's Witnesses should be banned as a threat to national security, or what threat they allegedly posed (see below).

Mirzozoda of the Supreme Court refused to explain to Forum 18 why Jehovah's Witnesses were not informed of the Supreme Court hearing or verdict, and found out only over a year later via the UN Human Rights Committee. He also refused to explain why the Supreme Court has still not given the Jehovah's Witnesses a copy of the decision (see below).

A December 2020 International Commission of Jurists (ICJ) Mission Report, "Neither Check nor Balance: the Judiciary in Tajikistan", found a lack of judicial independence, criticised military courts ruling on cases involving civilians, found that access to verdicts is often barred, and among other findings found that in criminal trials "acquittals are vanishingly rare". The ICJ Report also found in courts "de facto power exercised either directly by the executive, or concentrated in the hands of a small number of high-level judicial office holders" (see below).

In October 2007 Tajikistan first banned the Jehovah's Witness community, as well as two Protestant communities. An appeal by Jehovah's Witnesses against the ban to Dushanbe Civil Court was, because of the NSC secret police, sent to the Military Tribunal of Dushanbe Garrison. The appeal was rejected on 29 September 2008, as have all subsequent registration attempts (see below).

The religious communities the regime allows to exist all face serious violations of their freedom of religion or belief (see below).

On 7 July 2022 the UN Human Rights Committee adopted a View that "none of the reasons put forward by the State party's

authorities and courts" for banning Jehovah's Witnesses and refusing them re-registration are lawful under Article 18 ("Freedom of thought, conscience and religion") of the International Covenant on Civil and Political Rights (ICCPR). Various regime officials refused in September and October 2022 to explain to Forum 18 what the regime would do (if anything) to implement the Human Rights Commission's decision (see below).

After the 2022 UN Human Rights Committee View that "none of the reasons put forward by the State party's authorities and courts" for banning Jehovah's Witnesses and refusing them re-registration are lawful under the regime's legally binding international human rights law obligations, Jehovah's Witnesses launched their latest legal appeal to be registered. This was rejected on 17 April 2023 by the Military Tribunal of Dushanbe Garrison, and on 31 August, the Supreme Court upheld the Military Tribunal's April decision (see below).

"During the 31 August hearing, the Court repeatedly referred to the initial [2007] reasons why the Culture Ministry liquidated the organisation," Jehovah's Witnesses told Forum 18. This happened despite the UN Human Rights Committee finding that "none of these reasons justify the decision to ban religious organisation." Instead, the Supreme Court "kept emphasising that if international acts or decisions contradict the legislation of Tajikistan, then the law of Tajikistan prevails" (see below).

Mirzozoda of the Supreme Court refused to explain to Forum 18 why the Supreme Court on 31 August refused to take account of the UN Human Rights Committee finding that the 2008 reasons referred to by the April 2023 Military Tribunal decision were not lawful in international law. He also refused to explain why the Supreme Court thinks that legally binding international obligations can be ignored by the regime (see below).

The Supreme Court banned the Muslim missionary movement Tabligh Jamaat on 30 March 2006. It banned the Salafi Muslim school of thought on 8 January 2009 and again on 8 December 2014. Central Asia's only legal religious-based political party, the Islamic Renaissance Party, is among other groups the regime has banned (https://www.forum18.org/archive.php?article_id=2625).

UN Committee condemns 2007 Culture Ministry ban on Jehovah's Witnesses

In October 2007 the Culture Ministry banned the Jehovah's Witness community and two Protestant communities (https://www.forum18.org/archive.php?article_id=2625). Military comments at the time indicated that Jehovah's Witnesses were banned because of their conscientious objection to military service.

Jehovah's Witnesses appealed against the ban to Dushanbe Civil Court. However, because of the National Security Committee (NSC) secret police, the appeal was sent to the Military Tribunal of Dushanbe Garrison. The appeal was rejected on 29 September 2008, as have all subsequent registration attempts.

On 25 November 2022 the United Nations (UN) Human Rights Committee published a View (CCPR/C/135/D/2483/2014 (https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f135%2fD%2f2483%2f2014&Lang=en)) adopted on 7 July that "none of the reasons put forward by the State party's authorities and courts" for banning Jehovah's Witnesses and refusing them re-registration are lawful under Article 18 ("Freedom of thought, conscience and religion") of the International Covenant on Civil and Political Rights (ICCPR).

Sodik Shonazarov, Senior Advisor of the Legal Policy Section of the Presidential Administration, refused on 7 October 2022 to explain to Forum 18 what the regime would do (if anything) to implement the Human Rights Committee's decision (https://www.forum18.org/archive.php?article_id=2785).

Multiple State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (https://www.forum18.org/archive.php?article_id=2625) (SCRA) officials, including Deputy Head Khuseyn Shokirov, all refused between 30 September and 3 October to discuss the Human Rights Committee's decision (https://www.forum18.org/archive.php?article_id=2785) with Forum 18.

Secret 2021 Supreme Court hearing bans Jehovah's Witnesses as "extremist"

However, a secret hearing was held at the Supreme Court in Dushanbe on 29 March 2021 which banned Jehovah's Witnesses again.

"According to a decision of the Supreme Court of the Republic of Tajikistan from 29 March 2021, Jehovah's Witnesses have been declared an extremist organisation and the activity of the organisation is banned throughout the country," the Permanent Mission of Tajikistan to the UN wrote to the Human Rights Committee over one year later on 14 April 2022.

This was a reply to a Human Rights Committee View in the case of Tierrri Amedzro, adopted on 28 January 2022 (CCPR/C/133/D/3258/2018 (https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f133%2fD%2f3258%2f2018)).

Amedzro is a Russian citizen who was resident in Tajikistan. The NSC secret police arrested him in Dushanbe in 2018 (https://www.forum18.org/archive.php?article_id=2455). He was then interrogated, fined, and deported. The Human Rights Committee found that this violated ICCPR Articles 9 ("Liberty and security of person") and 18 ("Freedom of thought, conscience and religion") (see below).

"The participation of the organisation was not necessary"?

The 29 March 2021 Supreme Court hearing took place without Jehovah's Witnesses being invited to take part or even being aware of it. They found out about the hearing and renewed ban only when the regime replied to the Human Rights Committee on 14 April 2022.

"As it concerns the national security interests of the republic, the process was done in a closed hearing. The participation of the organisation was not necessary," the Supreme Court's head of administration, Khursonmurod Mirzozoda, claimed to Forum 18 on 6 September 2023. "The decision was made based on the presentation of the General Prosecutor to the Supreme Court as the organisation poses a threat to the national security of the country."

Mirzozoda did not explain why this was claimed as a reason for the ban, despite the UN Human Rights Committee's General Comment 22 on ICCPR Article 18, which states that national security is not a permissible reason to limit freedom of religion or belief.

Yusuf Ruzizoda, Deputy Head of the International Section of the General Prosecutor's Office, also refused to explain why the General Prosecutor's Office used the illegal argument that Jehovah's Witnesses should be banned as a threat to national security, or what threat they allegedly posed. "I do not understand why you keep calling us and want to get answers. What now, I have to leave aside all my work and answer your questions," he told Forum 18 on 7 September before putting the phone down.

Mirzozoda of the Supreme Court refused to explain to Forum 18 why Jehovah's Witnesses were not informed of the Supreme Court hearing or verdict, and only found out about it over a year later via the UN Human Rights Committee. He also refused to explain why the Supreme Court has still not given Jehovah's Witnesses a copy of the verdict, claiming that only Supreme Court Chair Shermuhammad Shohiyon and his Deputy, Shavkat Lutfullozoda could answer this question.

Lutfullozoda's assistant, who refused to give his name, claimed to Forum 18 on 6 September: "All this information is a state secret. I can ask Mr. Lutfullozoda your questions and if he gives any answers, I will let you know." He asked Forum 18 to call back on 7 September, but neither he, nor Shohiyon, nor Lutfullozoda answered their phones that day.

A December 2020 International Commission of Jurists (ICJ) Mission Report, "Neither Check nor Balance: the Judiciary in Tajikistan" (https://www.icj.org/wp-content/uploads/2020/12/Neither-Check-nor-Balance_Tajikistan_MR_ENG.pdf), found a lack of judicial independence, criticised military courts ruling on cases involving civilians, found that access to verdicts is often barred, and among other findings found that in criminal trials "acquittals are vanishingly rare".

The ICJ Report also found in courts "de facto power exercised either directly by the executive, or concentrated in the hands of a small number of high-level judicial office holders".

Serious violations of everyone's freedom of religion or belief

In late May 2022 the head of the State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (https://www.forum18.org/archive.php?article_id=2625) (SCRA), Sulaymon Davlatzoda, told Protestant leaders (https://www.forum18.org/archive.php?article_id=2754): "We will no longer register any new churches. We will keep the figure of registered churches unchanged from now on." He did not explain why. Davlatzoda also "openly warned us that under-18-year-olds cannot have freedom of religion or belief and participate in church activity, and no religious camps are allowed for them".

Without state registration, all exercise of freedom of religion or belief is illegal and punishable. The regime punishes Muslims, Christians and Jehovah's Witnesses for all exercise of this freedom without state permission (https://www.forum18.org/archive.php?article_id=2625).

The religious communities the regime allows to exist face other serious violations of their freedom of religion or belief. The regime closed all Islamic bookshops in Dushanbe in August and September 2022, as well as some publishers of Islamic literature.

The regime has also continued demands that non-Muslim religious communities complete intrusive questionnaires (https://www.forum18.org/archive.php?article_id=2785). Some suggested family information is being collected "so that it will be easy to identify us and our family members if in future they decide to target us". "All mosques are under total state control," human rights defenders observed, "so the regime does not need to insist that mosques complete such questionnaires."

Muslims face particularly serious violations. Imam Mukhammad Mukharramov, who is now 50, was on 23 March 2023 jailed for

eight years (https://www.forum18.org/archive.php?article_id=2840) for privately teaching Islam to a group of 12 Muslim men throughout 2022. The 12 men – whose names are unknown and whose ages ranged between about 30 and 40 - were jailed for between 6 and 9 years.

Elsewhere, a man was fined 9 months' average wages for privately teaching Islam to his brother's wife, and a Muslim woman was fined 1 month's average wages for teaching the Koran to a neighbour's 8-year-old daughter.

The regime has particularly targeted Ismaili Muslims in Mountainous Badakhshan. In late 2022, officials banned them from meeting for prayers in their homes (https://www.forum18.org/archive.php?article_id=2811). On 3 August 2022, 8 days after the NSC secret police arrested Muzaffar Davlatmirov, a 59-year-old Ismaili religious leader, Badakhshan Regional Court jailed him for 5 years (https://www.forum18.org/archive.php?article_id=2782) for alleged "public calls for extremist activity".

"Davlatmirov is not an extremist, and did not call for 'extremist' activity," a local person who knows him told Forum 18. It is thought that he was jailed because of the respect local people have for him, and his criticism of the regime's religious policies and the regime's violent suppression of peaceful protests.

In April 2023, President Emomali Rahmon signed a Decree denying the families of those killed in alleged "anti-terrorism operations" the possibility of, among other things, burying their dead with the religious or other rites they would have chosen or even knowing where they are buried (https://www.forum18.org/archive.php?article_id=2837).

A human rights defender said this is to "publicly threaten that people who protest against the government will die and will not be buried as Muslims". Another human rights defender, journalist Anora Sarkorova, noted that "the authorities are enforcing the Decree violently".

2023 registration appeal rejected by military court and Supreme Court

After the 25 November 2022 UN Human Rights Committee View (CCPR/C/135/D/2483/2014 (https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f135%2fD%2f2483%2f2014&Lang=en)) that "none of the reasons put forward by the State party's authorities and courts" for banning Jehovah's Witnesses and refusing them re-registration are lawful (https://www.forum18.org/archive.php?article_id=2625) under the regime's legally binding international human rights law obligations, Jehovah's Witnesses launched their latest legal appeal to be registered.

On 17 April 2023, Judge Muhammadali Rustamzoda of the Military Tribunal of Dushanbe Garrison rejected the Jehovah's Witnesses' appeal to reconsider the Court's 2008 decision upholding the ban on the Jehovah's Witness community (https://www.forum18.org/archive.php?article_id=2625), according to the decision seen by Forum 18. On 31 August, the Supreme Court upheld the Military Tribunal's April decision.

"During the 31 August hearing, the Court repeatedly referred to the initial [2007] reasons why the Culture Ministry liquidated the organisation," Jehovah's Witnesses told Forum 18 on 31 August. This happened despite the UN Human Rights Committee finding that "none of these reasons justify the decision to ban religious organisation" and that the Supreme Court was asked by Jehovah's Witnesses "to give a legal assessment of the grounds for refusal given by the Military Court in its 17 April judgment".

Instead, the Supreme Court "kept emphasising that if international acts or decisions contradict the legislation of Tajikistan, then the law of Tajikistan prevails", Jehovah's Witnesses told Forum 18.

There have been multiple findings and reminders from the UN Human Rights Committee, the UN Committee against Torture, and the UN Working Group on Arbitrary Detention (https://www.forum18.org/archive.php?article_id=2690) that the regime violates its legally binding human rights obligations.

The regime also repeatedly violates the UN Standard Minimum Rules for the Treatment of Prisoners (https://www.forum18.org/archive.php?article_id=2690) (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.

"We are waiting to receive a copy of the Court verdict, and then we will evaluate whether we can appeal against the Supreme Court decision or what we can do," Jehovah's Witnesses added.

Mirzozoda of the Supreme Court refused to explain to Forum 18 why the Supreme Court on 31 August refused to take account of the UN Human Rights Committee finding that the 2007 reasons referred to by the April 2023 Military Tribunal decision were not lawful in international law. He also refused to explain why the Supreme Court thinks that the regime can ignore legally binding international obligations.

Abdurahman Begzoda of the State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (https://www.forum18.org/archive.php?article_id=2625) (SCRA) refused on 6 September to discuss the Supreme Court decision

with Forum 18. On 6 and 7 September neither SCRA spokesperson Avshin Mukim nor other SCRA officials answered their phones.

Arrest, fine, deportation of foreigner exercising freedom of religion or belief

Tierri Amedzro was one of a group of 18 Jehovah's Witnesses who met for worship in a home in Dushanbe (https://www.forum18.org/archive.php?article_id=2455) on the evening of 4 October 2018. The NSC secret police – who had already surrounded the home – raided the meeting and detained most of the men, women and children for questioning, apart from eight women. Amedzro (a Russian citizen) was one of those detained, and despite being legally resident in Tajikistan was threatened with deportation.

On 16 October 2018, Dushanbe's Firdavsi District Court fined Amedzro 4,000 Somonis (equivalent to about four months average wages) under Administrative Code Article 499, Part 1 ("Violation by foreign citizens of the procedure for being in Tajikistan"). Officials deported him on 30 October 2018.

On 20 September 2023, Shohsanam Nasriddinzoda of Firdavsi District Court Chancellery refused to explain to Forum 18 why a legally resident foreign citizen was fined and deported for exercising their freedom of religion and belief.

The NSC secret police headquarters in Dushanbe did not answer their phones when Forum 18 called on 19 and 20 September.

In a View adopted on 28 January 2022 (CCPR/C/133/D/3258/2018 (https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2F133%2FD%2F3258%2F2018)), the UN Human Rights Committee found that the regime had violated Article 18 ("Freedom of thought, conscience and religion") of the International Covenant on Civil and Political Rights (ICCPR).

The Human Rights Committee ruled that the regime should not prevent Amedzro's return to Tajikistan if he wishes to do so, repay the fine, and "provide him with adequate compensation for the moral damages suffered as a result of his detention, arrest, conviction and deportation, as well as compensation for the legal expenses and fees incurred in the domestic courts and the proceedings before the [Human Rights] Committee. The State party is also under an obligation to take all steps necessary to prevent similar violations from occurring in the future." (END)

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

For background information, 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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