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TAJIKISTAN: Criminal cases against human rights defenders, relatives threatened

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

Exiled human rights defenders Anora Sarkorova and her husband Rustamjon Joniyev face criminal charges, and have been placed on Russia's Federal Wanted List. Officials have threatened relatives with arrests. Both have written about the regime's multiple serious violations of human rights, including freedom of religion or belief, committed against Ismaili Muslims in Mountainous Badakhshan Region. "This will not break us, and we will continue reporting on human rights violations," Sarkorova told Forum 18. In Khujand police raided a Protestant Church and are questioning its members and leaders.

The regime has opened criminal cases against exiled human rights defenders and journalists Anora Sarkorova and her husband Rustamjon Joniyev, Sarkorova told Forum 18. Both have extensively covered the regime's multiple serious violations of human rights, including freedom of religion or belief, committed against Ismaili Muslims in Mountainous Badakhshan Region since the regime's harsh repression of popular protests from May 2022 onwards.

Sarkorova told Forum 18 on 19 February 2024 that officials summoned her mother and her husband Joniyev's father on multiple occasions between June 2022 and February 2024. Officials specified that the two human rights defenders should "stop writing about the persecution of the families of the banned Islamic Renaissance Party, and human rights including freedom of religion or belief in Mountainous Badakhshan region" (see below).

Officials also asked intrusive, detailed questions about human rights defenders and journalists Sarkorova's and Joniyev's and their children's daily life in exile (see below).

For example, Sarkorova stated that on 27 June 2022 several armed police officers took her elderly mother to Dushanbe's Sino District Police Station. Even though her mother was ill with Covid and a high fever, Investigator Khakim Shafiyev kept her standing up for five hours in the corridor in front of an interview room. She was not allowed to drink anything or to sit down, even though the young police officer guarding her was sitting down on a sofa in the corridor (see below).

Investigator Shafiyev refused to explain to Forum 18 why he and other officials treated Sarkorova's elderly mother in this way, which could amount to torture under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (see below).

Human rights defender Sarkorova also told Forum 18 that the Interior Ministry told her husband Joniyev's elderly father that the regime "will at any cost bring them back to Tajikistan, but they want the return to be voluntary". If this does not happen, officials threatened that relatives in Tajikistan would be arrested (see below).

Officials are bringing charges under Criminal Code Article 307-3, Part 2 ("Participation in the activity of political parties, social or religious organisations, or other organisations, liquidated or banned by a court for extremist activity") and Criminal Code Article 307-1 ("Public calls for extremist activity"), Part 2 ("committed using the mass media or the internet") against human rights defenders Sarkorova and Joniyev (see below).

Interior Ministry and police officials have refused to explain to Forum 18 why they have brought the charges (see below).

Russia has also placed human rights defenders Sarkorova and Joniyev on its Federal Wanted List, placing them at risk of immediate arrest and deportation to Tajikistan if they are caught in Russia, arrive in Russia or are caught in states that are friendly to Russia (such as Belarus, Kazakhstan, Tajikistan or Uzbekistan) (see below).

Human rights defender Sarkorova told Forum 18 that neither she nor her husband are planning to travel to any of these countries, but that "it is sad for both of us to see the dictatorships in Russia and Tajikistan". She added that "this will not break us, and we will continue reporting on human rights violations in Tajikistan."

In early February 2024, police raided a Protestant church in Khujand in the northern Sugd Region, and are questioning its leaders and members. "The police have not told the Church what exact charges they may bring against the Church or the members. Meanwhile they are being questioned about every detail of the Church," local Protestants who asked to remain anonymous for fear of state reprisals told Forum 18 (see below).

Local human rights defenders, who also asked to remain anonymous for fear of state reprisals, told Forum 18 that the Church met for worship in a private home without regime permission. Meetings for worship in private homes are banned, against Tajikistan's legally-binding international human rights obligations.

Doston Dilovarzoda, who is responsible for freedom of religion or belief issues in Sugd Regional Administration, denied to Forum 18 that police raided a Khujand church and are questioning its members and leaders. When Forum 18 asking whether criminal charges were being brought he replied: "No, it will be only an administrative punishment." He then refused to discuss the case further (see below).

Criminal cases opened against exiled human rights defenders

The regime has opened criminal cases against exiled human rights defenders and journalists Anora Sarkorova and her husband Rustamjon Joniyev, Sarkorova told Forum 18 on 19 February. Both have extensively covered the regime's multiple serious violations of human rights, including freedom of religion or belief, committed against Ismaili Muslims in Mountainous Badakhshan Region (https://www.forum18.org/archive.php?article_id=2880) since the regime's harsh repression of popular protests from May 2022 onwards.

Family members pressured

Human rights defender Sarkorova told Forum 18 that officials summoned her mother and her husband Joniyev's father on multiple occasions between June 2022 and February 2024. The relatives were summoned to police stations in the northern Rasht District near Dushanbe, Dushanbe's Sino District Police Station, and the Interior Ministry's Department for the Struggle against Organised Crime.

Officials repeatedly told both relatives that human rights defenders Sarkorova and Joniyev would face criminal charges unless they stop criticising the regime. Officials specified that the two human rights defenders should "stop writing about the persecution of the families of the banned Islamic Renaissance Party (https://www.forum18.org/archive.php?article_id=2880), and human rights including freedom of religion or belief in Mountainous Badakhshan region (https://www.forum18.org/archive.php?article_id=2880)".

(The regime is also seeking for criminal prosecution Muhiddin Kabiri, the exiled head of the Islamic Renaissance Party. This was the only legal religious-based political party in Central Asia until the regime banned it (https://www.forum18.org/archive.php?article_id=2625). Kabiri also appears on Russia's Federal Wanted List as of early February 2024.)

Officials also asked intrusive, detailed questions about human rights defenders and journalists Sarkorova's and Joniyev's and their children's daily life in exile.

For example, Sarkorova stated that on 27 June 2022 several armed police officers took her elderly mother to Sino District Police Station. Even though her mother was ill with Covid and a high fever, Investigator Khakim Shafiyev kept her standing up for five hours in the corridor in front of an interview room. She was not allowed to drink anything or to sit down, even though the young police officer guarding her was sitting down on a sofa in the corridor.

(Temperatures in Dushanbe that day ranged up to 40 degrees Celsius (<https://weatherspark.com/h/d/106691/2022/6/27/Historical-Weather-on-Monday-June-27-2022-in-Dushanbe-Tajikistan#Figures-Temperature>), 104 degrees Fahrenheit.)

Investigator Shafiyev on 21 February 2024 refused to explain to Forum 18 why he and other officials treated Sarkorova's elderly mother in this way, which could amount to torture under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. "I will not talk to you," Investigator Shafiyev replied before putting the phone down.

There is a long-standing record of impunity for officials suspected of torture (https://www.forum18.org/archive.php?article_id=2880), who should under the Convention against Torture be arrested and put on criminal trial for torture.

Officials' harassment of relatives is not an isolated case. Another exiled journalist, who asked to remain anonymous for fear of state reprisals, told Forum 18 on 20 February that "our relatives in Tajikistan are also being pressured to make us stop writing about Tajikistan".

A human rights defender, who asked to remain anonymous for fear of state reprisals, told Forum 18 that "the Government wants to stop news coming out of Mountainous Badakhshan Region, as well as to scare all other Tajik sources of news abroad".

Human rights defender Sarkorova also told Forum 18 that the Interior Ministry told her husband Joniyev's elderly father that the regime "will at any cost bring them back to Tajikistan, but they want the return to be voluntary". If this does not happen, officials threatened that relatives in Tajikistan would be arrested.

The Interior Ministry told the relatives that if Sarkorova and Joniyev return to Tajikistan and ask Emomali Rahmon for a pardon, they will be amnestied. (Rahmon has ruled the country since 1992, and has never been elected as President in a free and fair election (<https://www.osce.org/odihr/elections/tajikistan>).)

The regime has used promises of amnesty to entrap exiles. Nearly a year after 35-year-old Muslim Sadridin Mulloyev's return to Tajikistan in February 2019 and amnesty, he was on 2 January 2020 given a 12-year strict regime jail term (https://www.forum18.org/archive.php?article_id=2535). Prosecutors accused him as a former member of the Tabligh Jamaat Muslim missionary movement, which Tajikistan's Supreme Court banned in 2006. They also accused him of support for the activities of mercenaries. His family reject all the charges against him.

Officers of various regime agencies asked Mulloyev by phone to return to Tajikistan, promising him amnesty. He voluntarily returned to Tajikistan in February 2019 and reported to police, where he "repented" of having been a Tabligh Jamaat member and was granted amnesty. However in September 2019 he was arrested and held in pre-trial detention (http://www.forum18.org/archive.php?article_id=2530).

Criminal prosecution for covering religious freedom of Ismailis among other charges

On 23 March 2023, Investigator Shafiyev of Dushanbe's Sino District Police summoned Sarkorova's mother again. He told her that charges under Criminal Code Article 307-3, Part 2 ("Participation in the activity of political parties, social or religious organisations, or other organisations, liquidated or banned by a court for extremist activity") were being brought against human rights defender Joniyev. The possible punishments are jail terms of between 5 and 8 years.

Investigator Shafiyev refused to explain to Forum 18 why the charges are being brought. "Why are you calling me, call the Interior Ministry," he replied before putting the phone down.

Criminal Code Article 307-3, Part 2 was used to jail Imam Sirojiddin Abdurahmonov (widely known as Mullo Sirojiddin) for five years and six months in February 2021 (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.

Human rights defenders Sarkorova and Joniyev were also threatened with two other criminal charges.

On 1 February 2024, Dilovar Mamadlatif, Head of the Interior Ministry's Department for the Struggle against Organised Crime's "religious extremism" section, summoned human rights defender Sarkorova's mother. He stated that Sarkorova was also now being charged under Criminal Code Article 307-1 ("Public calls for extremist activity"), Part 2 ("committed using the mass media or the internet"). The possible punishments are jail terms of between 5 and 10 years.

Mamadlatif refused to explain why criminal prosecutions are being brought. "I do not know of any Sarkorova or any such criminal case," he claimed to Forum 18 on 19 February. When Forum 18 noted that he had more than once summoned Sarkorova's mother for questioning and told her about the prosecutions, he claimed: "I do not know what you are talking about, and please do not call back." He then put the phone down.

Other Interior Ministry Department for the Struggle against Organised Crime officials (who refused to give their names) refused the same day to discuss the cases with Forum 18. One official asked Forum 18 to wait on the line, but after a short consultation with another official put the phone down.

The State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (https://www.forum18.org/archive.php?article_id=2880) (SCRA) did not answer any of Forum 18's calls between 19 and 20 February.

The regime has used Criminal Code Article 307-1 ("Public calls for extremist activity"), Part 2 ("committed using the mass media or the internet") to target a variety of Muslims. These include a 59-year-old Ismaili Muslim religious leader in Mountainous Badakhshan Region, Muzaffar Davlatmirov, jailed for five years in August 2022 (https://www.forum18.org/archive.php?article_id=2782). Human rights defender Sarkorova covered this and related cases extensively.

Interpol Red Notices sought for Sarkorova and Joniyev?

Human rights defenders Sarkorova told Forum 18 that she does not know if Tajikistan has asked Interpol to distribute Red Notices for her and her husband to try to have other countries arrest and transfer them to Tajikistan.

Interpol's Rules on the Processing of Data govern the publication and circulation of Red Notices. The Rules state at Article 2 ("Aims") that cooperation such as Red Notices should be "with due respect for the basic rights of the persons who are the subject of the cooperation, in accordance with Article 2 of the Organization's [Interpol's] Constitution and the Universal Declaration of Human Rights to which the said Article refers".

Forum 18 asked Shahriyor Nazriev, head of the Interior Ministry's National Central Bureau (NCB) for Interpol in Dushanbe if the regime has asked Interpol to distribute Red Notices for Sarkorova and Joniyev. "I am not aware of it," he told Forum 18 on 23 February. "I will look into and you can call me back tomorrow."

Forum 18 asked Interpol in the French city of Lyon before the beginning of the working day of 22 February:

- whether Tajikistan's authorities have asked Interpol to distribute Red Notices related to Sarkorova and Joniyev;
- and, if so, what was Interpol's response.

Forum 18 had received no response by the middle of the working day in Lyon of 23 February.

Human rights defenders Sarkorova and Joniyev on Russian wanted list

As of the beginning of February 2024, Russia's Interior Ministry included human rights defenders Sarkorova and Joniyev in its Federal Wanted List of at least 42 individuals facing criminal charges (https://www.forum18.org/archive.php?article_id=2892) to punish them for exercising freedom of religion or belief or for reporting on violations of this right.

Fourteen of these individuals had been included on Russia's list even though they were sought by the regimes of Belarus, Kazakhstan, Tajikistan or Uzbekistan.

If any of these individuals wanted in Russia are caught in Russia, arrive in Russia or are caught in states that are friendly to Russia (such as Belarus, Kazakhstan, Tajikistan or Uzbekistan), they risk immediate arrest. If any are wanted by Belarus, Kazakhstan, Tajikistan or Uzbekistan and are found in Russia, they risk arrest and immediate deportation to that country (https://www.forum18.org/archive.php?article_id=2892).

Human rights defender Sarkorova told Forum 18 that neither she nor her husband are planning to travel to any of these countries, but that "it is sad for both us to see the dictatorships in Russia and Tajikistan". She added that "this will not break us, and we will continue reporting on human rights violations in Tajikistan".

Tajik human rights defenders, who asked to remain anonymous for fear of state reprisals, told Forum 18 that the cooperation between Russia and Tajikistan was "from 2012 on a policy of imprisoning, extraditing from abroad and killing of human rights defenders, journalists and other civil society activists," one such human rights defender told Forum 18 on 20 February.

The human rights defender pointed to the transnational repression cases of Amriddin Alovatshoev and others, which Human Rights Watch (<https://www.hrw.org/report/2024/02/22/we-will-find-you/global-look-how-governments-repress-nationals-abroad>), the Norwegian Helsinki Committee (<https://www.nhc.no/en/transnational-repression-in-tajikistan-authorities-cut-off-electricity-for-activists-relatives>), and other human rights defenders have documented. "Most of these political prisoners or prisoners of conscience lose their health or die in Tajik prisons," the human rights defender added.

Police raid Khujand Protestant church, question members

In early February 2024, police raided a Protestant church in Khujand in the northern Sugd Region, and are questioning its leaders and members. "The police have not told the Church what exact charges they may bring against the Church or the members," local Protestants who asked to remain anonymous for fear of state reprisals told Forum 18 on 19 February. "Meanwhile they are being questioned about every detail of the Church."

Local human rights defenders, who also asked to remain anonymous for fear of state reprisals, told Forum 18 that the Church met for worship in a private home without regime permission. Meetings for worship in homes are banned (https://www.forum18.org/archive.php?article_id=2880), against Tajikistan's legally-binding international human rights obligations.

The human rights defenders were not certain whether officials are bringing Administrative or Criminal Code charges against the Protestants. Church members do not want to discuss their situation publicly for fear of state reprisals.

Doston Dilovarzoda, who is responsible for freedom of religion or belief issues in Sugd Regional Administration, denied to Forum 18 on 20 February that police had raided a Khujand church and are questioning its members and leaders. When Forum 18 asking whether criminal charges were being brought he replied: "No, it will be only an administrative punishment." He then refused to discuss the case further.

Ahad Abdullozoda, Deputy Head of Sugd Regional Police Department for the Struggle against Organised Crime, is responsible for freedom of religion or belief cases. He refused to discuss the raid and questioning of church members and leaders. "We have an internal regulation that we cannot talk to the media, and unfortunately we cannot tell you the details of our activity," he told Forum 18 on 21 February.

Officials have long subjected Muslims, Protestants, Jehovah's Witnesses, and members of other religious communities to raids, closures of places of worship, and the jailing of prisoners of conscience for exercising freedom of religion or belief. These have taken place nationwide, including in Khujand (https://www.forum18.org/archive.php?article_id=2545).

Among Protestants, in July 2017, after raids on churches, a Khujand court jailed local Pastor Bakhrom Kholmatov for three years (https://forum18.org/archive.php?article_id=2298) for allegedly "singing extremist songs in church and so inciting 'religious hatred'." The regime threatened family members, friends, and church members with reprisals if they revealed any details of the case, trial, or jailing.

"Not much has changed since 2017"

"Not much has changed since 2017," local Protestants who wished to remain anonymous for fear of state reprisals told Forum 18 in February 2024.

"Of course when they raid, they film everybody and gather all kinds of personal details on Church members and their families," a local Protestant who wished to remain anonymous for fear of state reprisals told Forum 18 in 2023.

Officials also continually 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." (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=2880)

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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