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TAJIKISTAN: Latest religious property eviction, Religion Law enters force

By Mushfig Bayram, Forum 18

In Tajikistan's latest attack on religious property, the Protestant Grace Sunmin Church in the capital Dushanbe has been given 10 days to leave their church building. Claiming they do not want to "disturb" the church over Easter, the authorities subsequently extended the eviction deadline to the end of April. Church members strongly dispute the authorities' claim that they do not own their own church, as well as the "ridiculous amount offered" as compensation. Mosques, churches and the country's only synagogue have previously been demolished. The highly restrictive new Religion Law has now come into force, despite strong protests from local human rights defenders, religious communities, and international bodies including the UN Special Rapporteur on Freedom of Religion or Belief and the OSCE. Among other restrictions in the Law, the number of mosques is restricted, all imams must be appointed by the state, state censorship is imposed on all religious literature; and children's religious activity and education are restricted. State officials have described protests as "baseless" and those who share the concerns of international organisations as supporting "alien ideas." Also coming into force is the new Code of Administrative Offences, with increased penalties for religious activity.

Grace Sunmin Protestant Church in Tajikistan's capital Dushanbe has lost its battle to retain ownership of its worship building it bought legally at auction in 1997. On 1 April, the church received a letter from the court ordering them to vacate their building within 10 days, church members told Forum 18 News Service from the city on 2 April. Alihon Nuraliev, the Bailiff who notified the church, played down their concerns over the abrupt departure, insisting the church has been given more time to prepare to move out and will be allowed to mark Easter this month in the building. Judges who took the decision to strip the church of its property rights have defended their decision, claiming that "changed circumstances" allow them to over-ride the law.

Grace Sunmin Church bought its building, a former unfinished construction originally intended to become a school, in 1997. The church received its certificate of ownership of the building in July 1998. It then began work to complete construction (the building had no roof) and interior renovation works. The church moved into the building only in 2000, the year after their previous place of worship was devastated in a bomb attack that killed nine people. Since 2002 the authorities have been challenging the church's ownership of its building (see F18News 20 January 2009 http://www.forum18.org/Archive.php?article_id=1242).

Judge Karim Hakimov, the Chair of Dushanbe City's Economic Court, confirmed that the court on 14 March 2009 cancelled the court's 2004 decision to dismiss a challenge to the church's property brought by the City Prosecutor's Office. Judge Hakimov told Forum 18 on 3 April from Dushanbe that they could go back to their previous decision and cancel it "in view of the changed circumstances." Asked what circumstances had changed, he said Tajikistan's High Economic Court had made a decision to annul the original decision of Dushanbe City Mayor's Office and sales contracts.

Asked whether the church would get any compensation, Hakimov said he believed Grace Sunmin Church already received the original sum they had paid to buy the building. He said they could bring a claim to his court for additional compensation for the investments they made in the building and any extensions.

Judge Vaisiddin Fatkhuddinov of the High Economic Court, said the court declined Grace Sunmin's complaint to have the Court's Panel of Judges review its final decision from 2 December 2008, a copy of which Forum 18 has seen, upholding the Court's earlier decision. "We did not see any reasons for the review," he insisted to Forum 18 on 3 April. "The court procedure was not in breach of regulations when it made the last decision."

Judge Fatkhuddinov said the church would only be compensated for the original sum paid to purchase the building. Asked about the additional investments made by Grace Sunmin, he said, "The church may go a civil court with a new claim to be compensated for." Asked whether the Dushanbe City Mayor's office that sold the building to Grace Sunmin would be made responsible, Fatkhuddinov responded: "It is totally different issue, and the church may raise the issue with the Prosecution bodies."

Grace Sunmin members told Forum 18 they have not asked for compensation of the original sum paid to purchase their building. They said the authorities have translated the original 1997 price of approximately 18 million Tajik Roubles into 18,000 new Tajik

Somonis (31,000 Norwegian Kroner, 3,500 Euros, or 4,700 US Dollars). When the Rouble was replaced with the Somoni in 2000, the official rate was 1 Somoni = 1,000 Roubles.

"We do not want this ridiculous amount at today's values, compared to the substantial amount we invested in the property at 1997 values," they complained to Forum 18.

Bailiff Nuraliev said the church is in discussion with Dushanbe Hukumat's (Executive Authority) Capital Construction Board, and the Board has now extended the eviction deadline until the end of April, he told Forum 18 on 3 April from Dushanbe. He said the authorities do not want to "disturb" them while they celebrate Easter. "The authorities do not want to offend the church, and so the Capital Construction Board will continue negotiations with Grace Sunmin leadership after Easter."

Church members complained to Forum 18 that the Capital Construction Board did not give them more time to prepare. "The Board gave us an ultimatum that either the church asks the Board in writing that we have no further complaints in the case, and will vacate the building by the end of April, if we want to peacefully celebrate Easter in the same building, or we should start dismantling all the extensions made to the building, and return it to the original shape."

Grace Sunmin members are due to meet the Capital Construction Board on 6 April. Kurbon, Deputy Chief of Dushanbe Hukumat's Capital Construction Board (he did not give his last name), said that depending on the outcome of the meeting "we may give an additional 30 or 40 days for them to dismantle the extensions they have made to the building."

He insisted that property rights over the building belonged to his Board now. "If they want to further dispute for their rights they may sue those who sold the building to the church," he said. "We are just builders. We have been tasked to build schools and kindergartens for children. We are waiting for the church to vacate the building so we can refurbish or rebuild it."

Controversial Religion Law comes into force

The final order for Grace Sunmin church to vacate its building came as the highly restrictive new Religion Law entered into force on its official publication in the official newspaper Jumhuriyat on 1 April.

The Law was approved by both houses of Parliament in early March and signed by President Emomali Rahmon on 25 March, despite protests by local human rights defenders and religious communities, as well as international bodies, including the Organisation for Security and Co-operation in Europe and the UN Special Rapporteur on Freedom of Religion or Belief (see F18News 26 March 2009 http://www.forum18.org/Archive.php?article_id=1274).

The controversial Law imposes tight restrictions on the number of mosques that can be opened depending on the number of residents of any location; gives the state the responsibility to appoint all imams; imposes state censorship on all religious literature; imposes a complicated and bureaucratic registration procedure; bans state officials from being among the founders of a religious community; requires state approval to invite foreigners for religious visits or to travel abroad for religious events; and restricts children's religious activity and education (see F18News 26 March 2009 http://www.forum18.org/Archive.php?article_id=1274).

State claims concerns are "baseless"

On 30 March, the Culture Ministry, the Presidential Administration, the presidential Islamic Studies Centre and the Journalists' Union organised a roundtable meeting in Dushanbe to discuss the new Law, ahead of its entry into force.

At the meeting, officials rejected all criticisms of the controversial Law, the BBC Tajik Service reported the same day. Saidmurod Fattoev, advisor to President Rahmon on social affairs, described international concerns as "baseless" and called criticism by such agencies as the US Commission on International Religious Freedom as a "sort of intervention in the lawmaking affairs of Tajikistan". He claimed that the new Law respects different religions and denominations and promotes tolerance towards them.

Culture Minister Mirzoshokhrukh Asrori claimed that some independent publications within Tajikistan "have misinformed the public" about provisions of the Law. He denied that hundreds of mosques would be closed because of the limits on the numbers of mosques allowed in each residential district. He claimed that only newly-founded mosques will be registered and existing mosques will not be formally registered

Speaking to Forum 18 the day after the President signed the Law, Mavlon Mukhtarov, the Deputy Culture Minister who oversees religious affairs in the government, denied that the Law imposes any restrictions on religious activity. Asked why the new Law imposes limitations on where and how many mosques may be opened, imposes state censorship of religious literature, and enforces state restrictions and control on religious education, Mukhtarov denied to Forum 18 that these restrict religious activity (see F18News 26 March 2009 http://www.forum18.org/Archive.php?article_id=1274).

At the government's roundtable, Muradulo Davlatov, head of President Rahmon's Centre for Islamic Studies, accused independent publications which share the concerns of international organisations about the Law as supporting "alien ideas". Davlatov formerly

headed the government's Religious Affairs Committee.

Journalists from independent media pointed out that they had covered both the government's claims about the new Law and concerns by religious communities, human rights defenders and the international community, while government-owned media had not reported any criticisms and had presented the new Law as "flawless". Adolat Mirzo, editor of the independent "Millat" publication, complained that officials refused to discuss the Law with journalists, despite repeated requests.

Increased punishments in new Administrative Code

Also coming into force on 1 April on the same day as the new Religion Law was the new Code of Administrative Offences. Adopted by the lower house of Parliament on 26 November 2008 and by the upper house on 18 December 2008, it replaces the much-revised 1991 Code. The new Code widens the range of religious activity subject to punishment and sharply increases the penalties for "offences" which had already been established in the previous Code.

Article 474, "violation of the law on religious organisations", prescribes fines for "carrying out religious activity without state registration or re-registration of the organisation", "violation of the procedure established in law for organising and holding religious events", "teaching religious knowledge without permission", or "carrying out prayers, religious rites, rituals or ceremonies in places not established [for this]". For first offences, individuals face fines of 7 to 10 state Financial Indicators, religious leaders 20 to 30 state Financial Indicators and registered religious organisations 100 to 200 state Financial Indicators. Since July 2008, one Financial Indicator has been 25 Somonis (43 Norwegian Kroner, 5 Euros or 6 US Dollars).

Article 477 prescribes fines for "leadership or participation in the activity of social or religious organisations not registered in accordance with the established procedure of the law of Tajikistan, or financing of them".

Article 478 punishes "violation of the law on religious organisations by foreign religious organisations, foreign individuals and individuals without citizenship". Foreigners who break the law face not only fines but deportation.

Tightening religious activity controls, bulldozing of places of worship

The last few years have seen increasing official controls on religious activity. Jehovah's Witnesses still cannot officially meet for worship in Tajikistan, following an October 2007 ban on their activity. Two Protestant communities in Dushanbe also faced "temporary" bans. Abundant Life Christian Centre closed down in the wake of the ban, while the other - Ehyo Church - was officially able to resume its activity in late 2008 (see F18News 20 January 2009 http://www.forum18.org/Archive.php?article_id=1242). On 9 February 2009 a ban on the Salafi school of Islamic thought imposed by the Supreme Court came into effect (see F18News 23 January 2009 http://www.forum18.org/Archive.php?article_id=1243).

Religious communities face little security over their places of worship. As well as Dushanbe's Grace Sunmin church, many mosques or Muslim prayer halls, the country's only synagogue and Protestant churches have been closed, bulldozed or threatened with confiscation. The Jewish community received no compensation for its synagogue bulldozed in Dushanbe in June 2008. Although the state did not compensate the Jewish community for demolishing the synagogue, a private businessman (and a brother-in-law of President Rahmon) provided the Jewish community with an alternative building in March 2009 (see F18News 26 March 2009 http://www.forum18.org/Archive.php?article_id=1274). (END)

More coverage of freedom of thought, conscience and belief in Tajikistan is at <http://www.forum18.org/Archive.php?query=&religion=all&country=31>.

For more background see Forum 18's Tajikistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=190.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806, and of religious intolerance in Central Asia is at http://www.forum18.org/Archive.php?article_id=815.

A printer-friendly map of Tajikistan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=tajiki>.

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