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TAJIKISTAN: Officials insist unregistered activity "illegal"

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

Tajikistan continues to seriously restrict freedom of religion or belief, Forum 18 News Service has found. At least 236 Five-fold, 48 Central cathedral, and 12 Cathedral mosques, as well as over 12 non-Muslim religious organisations have not been re-registered under the Religion Law. Unregistered religious activity is illegal, against international human rights standards and the Constitution. In contrast to the relaxed attitude shown by the Head Department for Religious Affairs (HDRA) towards the unregistered Council of Ulems' activity, a diametrically opposed attitude has been shown towards the also unregistered Baptist Union. "It should stop its activity since all unregistered religious activity is considered illegal now according to the new Law," HDRA Deputy Head Saidbeg Mahmaddulloyev told Forum 18. The Jehovah's Witnesses are still banned, but Tajikistan's only synagogue is being allowed to operate despite not yet having applied for registration. Officials are imposing "unofficial" restrictions on registered groups, such as limitations on geographic activity and on Islamic preaching.

Tajikistan continues to seriously restrict freedom of religion or belief for all, Forum 18 News Service has found. Under the restrictive 2009 Religion Law all unregistered religious activity is illegal, despite this breaching the country's international human rights commitments and Constitution, and all previously registered religious organisations are being compelled to seek re-registration. Many places of worship and religious organisations of all faiths who have applied for re-registration have either been refused, or have not yet been able to re-register. The country's Baptist Union is unregistered and illegal, and the Jehovah's Witnesses continue to be banned.

The Religion Law imposed an arbitrary deadline of 1 January 2010 for re-registration. It also: imposes tight restrictions on the number of mosques, dependent on the number of residents of a geographic area; forces all imams to be appointed by the state; imposes state censorship of all religious literature; imposes a complicated and bureaucratic registration procedure, which offers officials opportunities to impose arbitrary bans; 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 3 April 2009 http://www.forum18.org/Archive.php?article_id=1279).

Officials conceded to Forum 18 that, less than a month before the deadline, they had been unable to re-register even half of the country's religious organisations who wanted to re-register. However, this did not stop them threatening to close down unregistered mosques and stop all other unregistered activity. Some religious communities complained that officials were using the cumbersome registration procedures to deny them registration. At least one unregistered organisation, a Baptist church in the capital Dushanbe, which refused to apply for state registration to conduct religious activity – a right which is fully recognised in international human rights law – has been closed down (see F18News 10 December 2009 http://www.forum18.org/Archive.php?article_id=1386).

Who has been able to re-register?

Precise figures for re-registration are difficult to both establish and verify. But the Head Department for Religious Affairs (HDRA) – which on 8 March 2010 was moved from being under the Culture Ministry to reporting direct to President Emomali Rahmon – claimed in December 2009 to have registered 1,500 out of 3,500 mosques. HDRA Deputy Head Saidbeg Mahmaddulloyev told Forum 18 on 9 April that the HDRA is continuing its normal work, but did not know whether there would be any staff changes.

The Religion Law divides mosques into three categories – the largest ones are designated Central cathedral mosques, medium sized ones as Cathedral mosques, and the smallest as Five-fold mosques. A Five-fold mosque is defined by the Law's Articles 9, 11 and 13 as a religious community that may be established in residential areas with a population of 100 to 1,000 people, or – in the case of Dushanbe – with a population of 1,000 to 5,000, and registered with the local executive authorities.

As of 15 April 2010, 236 Five-fold, 48 Central cathedral, and 12 Cathedral mosques, as well as over 12 non-Muslim religious organisations are thought by Forum 18 to have failed to be re-registered.

Mahmaddulloyev of the HDRA told Forum 18 that, of the 68 Central cathedral mosques only 20 were re-registered, as "the others were slack in submitting their documents in time." He declined to give details of how many religious organisations were re-registered, referring Forum 18 to HDRA leading specialist Nazira Dodkhudoyeva.

Dodkhudoeva on 9 April said that 72 out of 84 non-Muslim organisations officially registered before the 2009 Religion Law had been re-registered. "The other nine organisations were either late to submit their documents or did not ask for re-registration," she told Forum 18 on 14 April. "Those organisations are illegal now according to the new Law." She declined to comment what punishment would be given for unregistered activity.

Dodkhudoyeva also declined to comment on Muslim organisations, stating that Mahmadulloyev is responsible for work with the Muslims.

The government sponsored Avesta.tj news agency reported on 21 January 2010 that an official (whose name was not given) of the Culture Ministry stated that 247 out of 259 officially registered Cathedral mosques were re-registered, as well as 2,969 Five-fold mosques.

Comparing the figures given to Avesta with figures given to Forum 18 by the HDRA, the total number of currently officially admitted unregistered mosques is 236.

Rabbi Mikhail Abdurahmanov of Tajikistan's only synagogue told Forum 18 on 8 April that they have not applied to register yet, as they have not decided in whose name their new building should be registered. "Otherwise we carry on our activity in the new building without any problems," he said. Their former synagogue was bulldozed by the authorities without paying compensation – which was paid by President Rahmon's brother-in-law instead (see F18News 3 April 2009 http://www.forum18.org/Archive.php?article_id=1279).

Unregistered but allowed Council of Ulems

However, the HDRA and the state-favoured Council of Ulems (Islamic scholars), which replaced the former Muftiate or Spiritual Board of Muslims, differ on whether or not the Council is functioning. Mahmadulloyev of the HDRA stated that the Council "has not been re-registered because not enough Cathedral mosques or Islamic educational institutions have been re-registered," and so the Council "has stopped functioning until it's registered again."

But Maruf Rahimov, Deputy Head of the Council of Ulems, told Forum 18 on 14 April that "we have no problems with the Board and continue our work. The HDRA is registering more mosques so we can soon re-register."

Mahmadulloyev of the HDRA agreed with the latter point, stating to Forum 18 that under Article 9 point 2 of the Law "more than half of 68 Cathedral mosques or educational institutions must have official registration to entitle them to a national centre [i.e. the Council]. Until now we have only re-registered 20 Islamic organisations but I think we will re-register 20 more within this month. So there should be no worries that we will not re-register the Council." He continued that "we will register the Council after the [state-appointed] imams of the mosques elect the head of the Council in a congress to be held."

Unregistered but not allowed Baptists

The relaxed attitude displayed by the HDRA towards the unregistered Council of Ulems' activity and its future prospects for registration is not replicated in the HDRA attitude towards the also unregistered Baptist Union. "The Baptist Union was not re-registered before the deadline so they lost their previous legal status automatically," claimed Mahmadulloyev of the HDRA. "It should stop its activity since all unregistered religious activity is considered illegal now according to the new Law."

Baptist Union Chair Alexandr Werwai complained to Forum 18 on 3 December 2009 that the HDRA was illegally obstructing the Union's registration (see F18News 10 December 2009 http://www.forum18.org/Archive.php?article_id=1386). Objecting to Mahmadulloyev's latest comments, Werwai on 9 April told Forum 18 that the Union submitted its documents on 18 December, which was confirmed in a formal acknowledgement from the Culture Ministry which Forum 18 has seen.

Mahmadulloyev claimed to Forum 18 that "based on the Law we needed one month to process their documents, but we did not have enough time to process them." Werwai told Forum 18 that the HDRA only notified six Baptist churches of their re-registration on 14 December – the documents having been submitted to the HDRA in September.

"Why should we re-register another national centre?"

Continuing to defend HDRA's refusal to re-register the Baptist Union, Mahmadulloyev claimed that as the HDRA had re-registered the Association of Evangelical Christians-Baptists of Tajikistan headed by Igor Samiyev, "why should we re-register another National Centre for the Baptists?"

Mahmadulloyev argued that the new Religion Law allows only one national centre for each denomination. Asked to substantiate his claim he pointed to Article 9 part 2 of the Religion Law. This reads: "a national religious centre is established as a special form of religious association for the solution of issues of a common confession by more than half of the total number of religious

organisations belonging to the same confession."

"I understand that more than half of the Baptist churches have already established one national centre," Mahmadulloyev stated. "Logically, the number of the remaining Baptist churches is less than half of the total number. So, Alexandr Werwai and their registered churches are not entitled to establish another national Baptist centre."

When Forum 18 asked again whether the HDRA would re-register the Baptist Union, Mahmadulloyev said that "we will do what the Law says." He denied that this was discrimination.

Forum 18 understands that various Baptist churches wanting to work independently from each other established and officially registered in 1999 two different Associations – the Association of Evangelical Christians-Baptists of Tajikistan and the Baptist Union of Tajikistan. The Baptist Union includes six registered and 12 unregistered churches, as well as 5 small home groups.

Jehovah's Witnesses still banned

Yuri Toporov, the lawyer for the Jehovah's Witnesses told Forum 18 on 8 April that the Supreme Court on 17 February rejected their appeal to overturn the ban on the organisation. "The Community is preparing a new appeal to the Supreme Court, which they will soon make," he said.

The Supreme Court's Chancellery refused to comment on the case to Forum 18 on 8 April. Since being banned in October 2007 the Jehovah's Witnesses have faced raids and threats of prosecutions by the police and National Security Committee (NSC) secret police (see F18News 28 September 2009 http://www.forum18.org/Archive.php?article_id=1354).

Unregistered religious activity "illegal"

Mahmadulloyev of the HDRA stressed that all unregistered religious activity "is now illegal" according to the new Religion Law. "We will deal with those violating the Law accordingly," he stated. However, like his colleague Dodkhudoyeva, he declined to specify to Forum 18 what would happen to people engaged in unregistered activity.

Asked why people must have official registration to peacefully exercise their freedom of religion or belief, Mahmadulloyev stated that "in any civilized democratic country citizens must abide by the laws." When Forum 18 re-stated the question, asking whether he does not see a conflict between the Religion Law's claim that registration is compulsory for peaceful religious activity, and the Constitution and international human rights standards guarantees of the fundamental right of freedom of religion or belief for all, Mahmadulloyev calmly said: "I am not a lawyer".

Forum 18 asked what actions will be taken against unregistered groups, such as Dushanbe's banned Baptist church. Mahmadulloyev stated in reply that "I am not a lawyer, but I also have not heard any Baptist church being banned in Dushanbe."

Mahmadulloyev is a long-time employee of the HDRA and its predecessor agencies, and his HDRA colleagues have been well aware of the ban on the Baptists (see F18News 2 December 2009 http://www.forum18.org/Archive.php?article_id=1381).

"Unofficial" restrictions on registered religious activity

The Religion Law imposes many restrictions on even registered activity, but it does not geographically limit activity. However, the authorities are using the opportunities offered by the registration procedure to compel religious communities to impose "voluntary" limits on themselves via their charters.

Representatives of several religious organisations have complained to Forum 18 they could not get national status when they re-registered. They insist that they should be allowed to determine for themselves where they will function, but that they were forced to accept limitations imposed by the HDRA as the price of re-registration (see F18News 10 December 2009 http://www.forum18.org/Archive.php?article_id=1386).

Article 10 points 9 and 10 of the new Law define religious organisations' status as national, city and district level organisations, depending on the territory their activity covers as shown in their charters.

Religious communities have told Forum 18 of their fear that, if they are involved in religious activity outside the territory shown in their charters, the authorities might accuse them of violating the Law.

Another "unofficial" restriction is a ban on Islamic preaching apart from in Central cathedral mosques (see F18News 19 June 2009 http://www.forum18.org/Archive.php?article_id=1315). An Ismaili imam from the south-eastern Badakhshan region, who wanted to remain unnamed, told Forum 18 that there are "no problems with unregistered religious activity in there area." But preaching was only allowed in Central cathedral mosques in his region. "I do not know how it is in other regions in Tajikistan, but in our region imams can only preach in the Central Cathedral mosques although the Law does not say anything on this."

Unregistered religious groups fear punishments

Members of various unregistered Protestant churches have complained to Forum 18 that they fear that the authorities will soon resume making raids on them. "They are not raiding us yet, perhaps especially because they are busy with their own organisational issues," one Protestant told Forum 18 on 9 April. "But I am sure as soon as they resolve those issues they will start the raids."

"We have not been registered yet, and we continue our activity," a member of another Protestant church said, "but we live in constant fear that we will be punished for unregistered activity."

Jamaat Tabligh members convicted

Around 93 followers of the banned Jamaat Tabligh Islamic movement were detained in April 2009 (see F18News 15 May 2009 http://www.forum18.org/Archive.php?article_id=1297). 92 followers of Jamaat Tabligh have been punished with lengthy prison sentences and huge fines. 32 of these Muslims were on 18 May given prison terms of between three and six years, with fines of up to 25,000 Somonis (34,320 Norwegian Kroner, 4,330 Euros or 5,340 US Dollars) being imposed on the remaining four followers. Meanwhile, the NSC secret police has re-opened criminal cases against 17 members of the banned Jehovah's Witnesses (see F18News 19 May 2010 http://www.forum18.org/Archive.php?article_id=1446). (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 compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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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