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TAJIKISTAN: Thoughtcrime banned

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

Tajikistan continues to penalise people exercising their freedom of religion or belief for their ideas, not their actions, Forum 18 News Service notes. The Supreme Court has decided that Salafi Muslims are "extremist". Court Deputy Chair Makhmudjon Ashurov replied "I cannot tell" when asked by Forum 18 what the difference between this and the 2009 ban on Salafis is. Mavlon Mukhtarov, Deputy Head of the State Committee for Religious Affairs (SCRA), claimed to Forum 18 that Salafis are "extremist" because they "attend Tajik sunni mosques and pray differently, and they also argue with Mosque attendees about the teachings of Islam." Police in Vahdat have arrested and taken into custody two Muslim men after raids. Criminal cases have been opened against them for teaching school-aged children the Koran and Islam. The families are afraid to give details of the raids and arrests. The SCRA has warned in writing various Protestant churches that they must not allow children to be at meetings for worship, but threats to suspend the church's activity have yet to be carried out. Supreme Court Deputy Chair Ashurov did not answer when asked what Tajikistan intends to do to remove the contradiction between its international human rights obligations and the Religion and Parental Responsibility Laws.

Tajikistan continues to penalise people exercising their freedom of religion or belief for their ideas, not their actions, Forum 18 News Service has found. The Supreme Court on 8 December 2014 decided that the Salafi Muslim movement is "extremist". Court Chair Khabibullo Amirbekzoda was reported on 12 December by Asiplus as saying that even the "website of the movement is banned and blocked in Tajikistan". Amirbekzoda also stated that Salafi Muslims will now be prosecuted under Criminal Code Articles 307-1 ("Public calls for extremist activity"), 307-2 ("Organisation of an extremist association") and 307-3 ("Organisation of the activity of political parties, social or religious organisations, or other organisations, liquidated or banned by a court for extremist activity"). Punishments under these articles range between 5 and 12 years in jail.

Interestingly, Supreme Court Chair Amirbekzoda did not state that Article 307-4 ("Organisation of study groups of a religious extremist nature") would be used against Salafi Muslims. This Article was added in 2011 at the same time as the Parental Responsibility Law was passed, which imposes an almost complete ban on the exercise of freedom of religion or belief by people under 18 (see F18News 22 June 2011 http://www.forum18.org/archive.php?article_id=1583). Even though a Tajik official admitted to Forum 18 that adherents of the Salafi school of Islamic thought had committed no crimes, the movement was banned by the Supreme Court in February 2009 (see F18News 23 January 2009 http://www.forum18.org/Archive.php?article_id=1243).

Why the ban – and who is a Salafi?

Supreme Court Chair Amirbekzoda refused to give any legal grounds for deciding that Salafis are 'extremist'. "We do not discuss our decisions over the phone" he told Forum 18 on 19 January 2015. Asked why the Supreme Court banned the Salafi school of Islamic thought in 2009, Amirbekzoda also refused to give any reason for that decision.

Supreme Court Deputy Chair Makhmudjon Ashurov replied "I cannot tell" when asked what the difference between the 2009 ban on the Salafi Muslim school of thought and the 2014 designation of the movement as "extremist" is. He also refused to state how the authorities will identify a person as a Salafi Muslim.

Faredun Hodizoda, an independent legal expert in the capital Dushanbe, told Forum 18 on 15 January that under the 2009 ban Salafi Muslims could be punished for violation of the Religion Law. But under the latest Supreme Court decision they can be given more serious punishments, like lengthy prison terms. He added that the decision "can also mean that the National Security Committee (NSC) secret police investigators will lead investigations in Salafi cases, and the cases will be heard in closed trials."

Supreme Court Deputy Chair Ashurov refused to state what steps the authorities will take against the followers of such a diverse movement. "I need to look at the decision" he replied, then consulting with someone else in the office. He then asked Forum 18 to call back later. When Forum 18 called back, Ashurov refused to speak and asked that questions be sent in writing.

Being different = "extremism"

Mavlon Mukhtarov, Deputy Head of the State Committee for Religious Affairs (SCRA), claimed on 14 January to Forum 18 that the

authorities can identify Salafis because "they are dressed and pray in a certain way, and we know their teachings."

Mukhtarov stated that Salafis Muslims are "extremist" because they "attend Sunni mosques and pray differently, and they also argue with Mosque attendees about the teachings of Islam." He claimed that "traditional Muslim believers protested about this".

Asked whether this was "extremism", Mukhtarov claimed that Salafi Muslims have been arrested and accused of serious crimes in the northern Sughd Region. But he refused to give any names or details of these alleged cases. He also claimed that "no actions will be taken against Salafis unless they enter Sunni mosques or make any public disturbance."

The first court conviction of Salafis was in January 2010, when seven men were given jail terms of between six and seven years for allegedly praying differently from other Muslims (see below).

"Preparing the ground.."

Hikmatullo Saifullozoda of the Islamic Renaissance Party (IRP) – Central Asia's only legal Islamic party - on 15 January told Forum 18 that the authorities are "preparing the ground for arrests and punishments of those Muslims they do not like, those who do not agree with the State's version of Islam, who pray or worship differently, and any Muslim they find different, who may not even be a Salafi." He added that the authorities may also use this in future to "punish any political opposition or members of our Party."

The authorities, Saifullozoda stated, are "afraid that Salafi Muslims may want to participate in the political life of the country." He told Forum 18 that the Salafi movement "in contrast to the past when they were opposed to Muslim political engagement, would like to do so. And so the Supreme Court decision makes it possible for the authorities to counter any efforts by Salafi Muslims to politically engage, and to imprison them."

Arrested for teaching children

Police in Vahdat, 18 kilometres (11 miles) east of Dushanbe, have arrested and taken into custody two Muslim men after raids on their homes on 15 December 2014. Criminal cases have been opened against them for teaching school-aged children the Koran and Islam in their homes.

The Interior Ministry claimed on 16 December that 37-year old Komiljon Akhrorov and 40-year old Sayidmumin Rashidov "illegally" taught religion to children. Akhrorov was claimed to have taught five children of between 13 and 17 years old for six years, and Rashidov was claimed to have taught 12 children of between six and 15 years old for five years. Rashidov was also allegedly "cruel" to children. No further details of the cases or charges were given.

A Muslim in Vahdat who knows both families, and who wished to remain anonymous for fear of state reprisals, told Forum 18 on 15 January 2015 that the two are still in custody and the investigations go on. They said that the "families are afraid to complain about the arrests" but that the men's "only guilt was to teach the Koran to children of their relatives and friends." The families are also afraid to give details of the raid on their homes and the arrests.

Zumrad Soliyeva, Chief of the Interior Ministry's International Department, on 16 January claimed to Forum 18 that both men had been freed from custody. She also claimed that Code of Administrative Offences charges were being prepared against Akhrorov and charges under the Criminal Code's Article 117 Part 1 ("Causing physical or mental suffering by systematic assault or other forcible means") were being prepared against Rashidov for "beating children." She would not give more details of Akhrorov's case as she stated that the investigation is only in the preliminary stage.

The Muslim from Vahdat on 19 January told Forum 18 that the families "told me that their sons were freed from custody a couple of days ago but that they did not want me to see them". The Muslim commented that "I am not really sure if this is true".

Soliyeva of the Interior Ministry claimed to Forum 18 that police stopped one of the children that Rashidov taught on the street in Dushanbe. The child stated that they ran away from Vahdat because they were afraid. She said that a search was then initiated by the authorities as a result of which Rashidov was detained. Asked how it is possible that, according to the Interior Ministry, Akhrorov was detained the same day when no such complaints were made against him, Soliyeva did not answer.

Vahdat Police and the Interior Ministry in Dushanbe both between 15 and 16 January refused to comment on the cases. Mukhtarov of the SCRA on 14 January claimed to Forum 18 that he does not know about the cases but that "teaching religion to children under 18 is banned in Tajikistan by the law."

Alisher Abdurasulov, Deputy Chief of Vahdat Police, on 15 January claimed to Forum 18 he does "not know the details of the case," and asked Forum 18 to call back on 16 January. The Deputy Police Chief did not answer his phone on 16 January.

Nationwide campaigns against Islamic religious education

The authorities have run nationwide campaigns since 2009 to stop all Islamic religious education of any kind that does not have state permission. Only one madrassah (Islamic religious school) is allowed to operate in the entire country, all others having been closed (see eg. F18News 3 March 2014 http://www.forum18.org/archive.php?article_id=1933). The United Nations Human Rights Committee in August 2013 strongly criticised Tajikistan's restrictions on religious education and other restrictions on freedom of religion or belief (see F18News 4 December 2013 http://www.forum18.org/archive.php?article_id=1903).

Salafi, Jamaat Tabligh, Shia and Jehovah's Witness thoughtcrime

The first court conviction of Salafis was by Dushanbe's Sino District Criminal Court in January 2010. Imam Sirojiddin Abdurahmonov (known as Mullo Sirojiddin), a leader of the Salafi Muslim religious movement, and six other Salafi Muslims – his son Kiromiddin Abdurahmonov, Abdurakhmon Abdurahmonov, Mukhammadrajab Navruzov, Shakhobiddin Sayidov, Muzaffar Fayzulloyev and Ikromiddin Yusupov - were convicted of breaking Criminal Code Article 189 Part 2 ("Inciting national, racial, local or religious hatred or dissension, humiliation of national dignity, as well as propaganda of the superiority of citizens based on their religion, national, racial, or local origin, if committed in public or using the mass media"). They were punished with jail terms of between six and seven years.

Relatives of Mullo Sirojiddin denied that he was guilty of any crime. "The Court concluded that his way of praying was different from the one usually accepted in Tajikistan", one relative told Forum 18 on 18 May 2010. "The Court claimed that this was dangerous and divisive among the population of Tajikistan." He complained that nowhere in Tajikistan's laws is praying in a different way prohibited. Officials also implied that the only reason for the conviction of the seven Muslims was that they were Salafis (see F18News 19 May 2010 http://www.forum18.org/archive.php?article_id=1446).

Also in May 2010, 92 followers of the banned Jamaat Tabligh Muslim religious movement were given lengthy prison sentences and huge fines. One of the Muslims complained to Forum 18 that he "does not understand why we should be prosecuted for peacefully praying in mosques and propagating Islam." Asked what exactly the 36 Muslims had done to be punished, Judge Azizova said that it was established that they belonged to the banned Jamaat Tabligh movement (see F18News 19 May 2010 http://www.forum18.org/archive.php?article_id=1446).

In Vahdat on 9 December 2011 over 50 officials from the police, NSC secret police, Prosecutor's Office and the SCRA raided a high-profile mosque during Friday prayers. They accused the mosque leaders of marking a Shia Muslim commemoration, insisting that only Hanafi Sunni rituals should be observed. Two brothers from the prominent Turajonzoda family which ran the mosque were fined, while nine other mosque members were held for 10 days with no court hearing, mosque members complained to Forum 18. The SCRA also removed the mosque's imams and downgraded its status. Police imposed a cordon on Fridays during successive weeks' prayers. But Alisher Abdurasulov, Deputy Chief of Vahdat Police, denied to Forum 18 that anyone was detained without trial or that the village was cordoned off to prevent worshippers reaching the mosque (see F18News 6 February 2012 http://www.forum18.org/archive.php?article_id=1662).

Jehovah Witnesses have been banned since October 2007. Officials have claimed that the ban was imposed because Jehovah's Witnesses distribute "propagandistic books on their religion", have conscientious objections to military service, refuse blood transfusions, and are "a destructive cult" (see Forum 18's Tajikistan religious freedom survey http://www.forum18.org/archive.php?article_id=1553). Jehovah's Witnesses hope that the ban may be rescinded. A Jehovah's Witness, who wished to remain anonymous for fear of state reprisals, told Forum 18 on 19 January 2015 that "we unofficially meet in our private flats, and are happy that the state is not now actively interfering with us".

Protestant churches warned not to have children in meetings for worship

The SCRA has warned in writing various Protestant churches that "we will be punished unless we stop having children in our meetings for worship", a Protestant who wishes to remain unnamed for fear of state reprisals told Forum 18 on 9 January. These warnings continue the SCRA's long-standing efforts to implement the restrictive Religion and Parental Responsibility Laws against children, young people and their parents and guardians (see eg. F18News 7 October 2011 http://www.forum18.org/archive.php?article_id=1622).

As noted above, the government has mainly targeted Muslims but in the second half of 2014 this appears to have broadened to encompass Protestants specifically. Forum 18 has spoken to a variety of Muslim and non-Muslim communities (including non-Protestant Christians) and the SCRA's letters appear to have been sent only to Protestants.

One Protestant Pastor, who wishes to remain anonymous for fear of state reprisals, told Forum 18 on 20 January 2015 that they knew of various Protestant churches where SCRA officials attended meetings for worship. The officials then warned churches verbally and in writing that children should not attend meetings for worship.

Forum 18 has seen the text of one such written warning from June 2014, stating that unless the Church – which wishes to remain unnamed for fear of state reprisals - within one month stops the "violation" of having children in meetings for worship the Church's activity will be suspended for three months. The Church protested strongly over several months, pointing out that this is a severe

violation of the children's and the Church's rights as it is against the Constitution as well as international agreements including the Convention on the Rights of the Child signed by Tajikistan.

As the Church stated, among the international human rights standards violated by the Parental Responsibility Law and its implementation is the Convention on the Rights of the Child, which Tajikistan acceded to on 26 October 1993 (see F18News 21 July 2011 http://www.forum18.org/archive.php?article_id=1595).

SCRA backs down

After the Church strongly protested, the SCRA did not follow up its threat to suspend the Church's activity. Children still attend the Church's meetings for worship.

A well-informed observer suggested to Forum 18 on 21 January that they suspect the SCRA did not punish the Church due to its repeated use of arguments strongly based in international human rights law. This made the SCRA fear that the Church would both not easily capitulate to threats and would make detailed accounts of the authorities' actions public. The government therefore decided that the costs of repression outweighed the "benefits" they hoped to gain from it.

Why?

One Protestant Pastor, who wishes to remain anonymous for fear of state reprisals, told Forum 18 on 20 January 2015 that he thinks the reason for the SCRA targeting Protestants is that they "actively propagate their faith and the government does not like that and wants it to stop". He thought the warnings were not implemented "because the SCRA knows it is not right to demand that children cannot attend religious meetings".

Another Protestant Pastor, who wishes to remain anonymous for fear of state reprisals, told Forum 18 on 20 January that some Pastors raised the issue at a meeting organised by the SCRA in October 2014. The SCRA official chairing the meeting did not answer the questions and said it can be discussed at another meeting. He promised he would organise such a meeting, but no such meeting has yet been organised.

SCRA Deputy Head Mukhtarov claimed to Forum 18 on 20 January that "not only mosques and Protestant churches were warned that children cannot participate in religious meetings, but all religious communities of Tajikistan were warned". Told that all the non-Protestant communities Forum 18 has spoken to deny having been warned by the SCRA, Mukhtarov claimed that "the letter have not reached them yet".

Mukhtarov stated that "under the Religion and Parental Responsibility Laws children cannot be taught religion or be involved in religious activity. This is the law of Tajikistan." Asked what steps Tajikistan is taking to remove the contradictions between these laws and the country's international human rights obligations, he suddenly claimed "I do not hear your question clearly". He then asked Forum 18 to call back but did not answer his phone.

Discrimination backed by Supreme Court Deputy Chair

Supreme Court Deputy Chair Ashurov contradicted SCRA Deputy Head Mukhtarov, claiming - incorrectly - that under Tajikistan's laws "children cannot attend mosques but no-one can say that children cannot attend churches". Asked why children can attend churches but not mosques, and whether this is not discrimination, he stated: "You need to look at the Religion Law, and see what a religious organisation can or cannot do."

Asked why the SCRA warned Protestants not to have children in their meetings, he declined to answer and asked Forum 18 to send questions in writing. He also did not answer when asked what Tajikistan intends to do to remove the contradiction between its international human rights obligations and the Religion and Parental Responsibility Laws. (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=1553.

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.

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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY