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TAJIKISTAN: Arrest not pardon follows "repentance"

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

Secret police arrested Mukhtadi Abdulkodyrov for being a Salafi Muslim, two days after his return to Tajikistan from Saudi Arabia. He had written a letter of "repentance". Police opened a criminal case against Jehovah's Witness Mujibahon Isanova for complaining about a teacher's bullying of her eight-year-old son.

Despite writing a letter seeking "repentance" at the request of officials, 36-year-old Mukhtadi Abdulkodyrov was arrested by National Security Committee (NSC) secret police officers on 1 December. He had returned to Tajikistan two days earlier after working for four years in Saudi Arabia to support his wife and five children. He faces up to eight years in prison in a criminal case to punish him for allegedly being a Salafi Muslim.

"I want to let you know that for 36 years of my life I have never committed a crime," Abdulkodyrov had written to the Interior Minister before his return. He had been expecting a pardon for voluntarily renouncing any connection with Salafi Islam, which Tajikistan's Supreme Court banned in 2009. "Mukhtadi did what the authorities asked him to do, but he was arrested instead," a family friend complained (see below).

A General Prosecutor's Office official and an official of the Interior Ministry's Department for the Struggle against Organised Crime refused to tell Forum 18 why Abdulkodyrov had been arrested (see below).

The Belarusian authorities rejected an extradition request from Tajikistan and released former professional footballer Parviz Tursunov on 28 November. They required that he return to Ukraine, from where he had entered Belarus. Tajikistan had been seeking his extradition to punish him for being a Salafi Muslim (see below).

Konibodom Police in the northern Sugd Region has opened a criminal case against Mujibahon Isanova, a local Jehovah's Witness. They did not explain what crime she is alleged to have committed, but the case follows her complaints against bullying by school staff of her eight-year-old son. In front of the class they called the boy "a 'terrorist', 'traitor', and an 'enemy of the State'" (see below).

Jailed prisoner of conscience Protestant Pastor Bakhrom Kholmatov has decided not to appeal further against his conviction and jailing. "Bakhrom doesn't believe that the authorities will change their decision," a fellow Protestant told Forum 18. After Forum 18 asked why Yavan Prison administration would not give Kholmatov the many letters sent to him from around the world, an official of the Justice Ministry's Chief Directorate for the Enforcement of Criminal Punishments said it was "not right". He called the prison the next day and then claimed to Forum 18 that letters would be given to Pastor Kholmatov (see below).

Jehovah's Witness former prisoner of conscience Daniil Islamov, jailed for refusing military service on grounds of conscience, is preparing a complaint about his arrest and imprisonment to the United Nations (UN) Human Rights Committee (see below).

Arrested for being a Salafi Muslim

On 1 December, two days after his return to Tajikistan, the National Security Committee (NSC) secret police arrested 36 year-old Mukhtadi Abdulkodyrov for allegedly being a Salafi Muslim. He was "arrested after he returned to Tajikistan from Saudi Arabia, where he lived for four years", independent Tajik news agency akhbor.com reported on 16 December.

Abdulkodyrov is a nephew of the current Head of the state-sponsored Muslim Board, Saidmukarram Abdukodyrzoda.

Tajikistan's Supreme Court banned Salafi Islam in January 2009. On 8 December 2014 the Supreme Court ruled that Salafi Muslims are "extremist". (http://www.forum18.org/archive.php?article_id=2138)

Abdulkodyrov was put on the wanted list after being charged under Criminal Code Article 307-3, Part 2. This punishes: "Participation in the activity of political parties, public or religious organisations as well as any organisation, in relation to which, in view of their extremist activity, a court decision on their liquidation or ban has entered into force, as well as rendering assistance to their activity with use of mass media, internet or other means, is punishable with deprivation of liberty of between five and eight

years."

Article 307-3 has an attached Note: "A person, who voluntarily ceases their participation in such activity, shall be freed from criminal responsibility, if there are no elements of crime in their actions."

Tajikistan's Interior Ministry contacted Abdulkodyrov through social media while he was abroad, and "promised him that if he writes a letter [to Tajikistan's authorities] asking for forgiveness and returns, he will be pardoned with the help of the Ministry", akhbor.com noted.

However, despite a letter of 3 November offering "repentance", on 1 December Abdulkodyrov was invited to the prosecutor's office (no prosecutor was specified) where he was "detained by officers of the National Security Committee secret police without being explained the reasons".

Arrest not pardon follows repentance

In his 3 November repentance letter to Interior Minister Colonel General Ramazon Rakhimzoda (published on the internet and seen by Forum 18), Abdulkodyrov noted that since 2014 he - a father of five children - had worked abroad to support his family.

Abdulkodyrov wrote that the General Prosecutor opened a case against him under Criminal Code Article 307-3, Part 2 and that he was put on the wanted list. "I want to let you know that for 36 years of my life I have never committed a crime. Therefore with respect I ask you to help in the application of a pardon for me indicated in the Note to Article 307-3, taking into account my voluntary ceasing of participation in the extremist organisation."

Abdulkodyrov added: "From 3 November on, I contacted state agencies through social media and I want to return to my dear motherland Tajikistan. I sincerely repent for committing acts which are banned by Law and are deemed as a crime."

Abdulkodyrov was "deceived that he would not be arrested and be given amnesty since the Criminal Code Article provides for it", complained a friend of the family, who for fear of state reprisals spoke anonymously to akhbor.com. "Mukhtadi did what the authorities asked him to do, but he was arrested instead."

The Article indeed provides a pardon for those who voluntarily cease their participation in the activity of "extremist" religious organisations banned in Tajikistan, provided that their actions did not contain elements of crime.

"We are sure that the leadership of the country, who offer such amnesty, may not be aware that state agencies arrest people who return and put them behind bars," the family friend said.

Why was Abdulkodyrov arrested?

Asked on 18 December why Abdulkodyrov was arrested, a General Prosecutor's Office official (who did not give her name) referred Forum 18 to Manuchehr Makhmudzoda, Head of the International Relations Department.

Asked why the authorities arrested Abdulkodyrov despite promises that he would be pardoned if he returned, Makhmudzoda replied: "I do not know the details of the case." When Forum 18 asked which authority it should talk to on the issue, he referred it to the Foreign Ministry. "You need to write them a letter, and if they allow us we will talk to you."

Asked how Tajikistan authorities can assure or guarantee that Salafi Muslims or others who have not committed crimes but are adherents of religious movements banned in Tajikistan can return to the country without fear of arrest, Makhmudzoda repeated his previous response.

Interior Ministry officials (who did not give their names) referred Forum 18 on 18 December to Colonel Shodi Hafizzoda, Head of the Ministry's Department for the Struggle against Organised Crime. Asked why Abdulkodyrov was arrested, Hafizzoda responded: "Why should I give you any information on this?" He then asked Forum 18 to send further questions to the Ministry in writing.

Belarus rejects Tajikistan's extradition request for Salafi Muslim

After nearly nine weeks in detention, the Belarusian authorities rejected an extradition request from Tajikistan and released Parviz Tursunov on 28 November. They required that he return to Ukraine, from where he had entered Belarus.

Tajikistan had placed former footballer Tursunov, disqualified from playing professionally in 2011 for refusing to shave off his beard, on the wanted list for being a Salafi Muslim. In February 2018 prosecutors opened a case against him under Criminal Code Article 307-1 ("Public calls for extremist activity"). The maximum punishment for this is five years' jail.

Belarusian border guards arrested Tursunov on 18 September at the request of the Tajik authorities after he and his family had

entered Belarus from Ukraine. They were trying to reach Poland to apply for asylum.
(http://www.forum18.org/archive.php?article_id=2421)

Tursunov said that he was "satisfied" with his release. "I cannot return to Tajikistan because Salafiyya [school of Muslim thought] is banned in Tajikistan, and the authorities are seeking to arrest me and put me in prison," he explained to Forum 18 from Ukraine on 17 December.

Tursunov pointed to the arrest of Abdulkodyrov. "Abdulkodyrov was promised that he would be pardoned but instead was put in custody."

Criminal case against mother who complained over teacher's bullying of son

Meanwhile Konibodom Police in the northern Sugd Region has opened a criminal case against Mujibahon Isanova, a local Jehovah's Witness. They did not explain what crime she is alleged to have committed. On 11 December police presented her a written summons for questioning (seen by Forum 18). She did not go to the police.

Trouble began for Isanova and her eight year-old son in mid-November. On 20 November Lolakhon Turakulova, her son's class teacher, called the boy "a 'terrorist', 'traitor', and an 'enemy of the State' in front of the entire class" for not singing Tajikistan's national anthem and not wearing the school tie with the state symbols, Isanova complained to Forum 18. The school principal and the director of studies supported the teacher in her actions. Isanova complained about this bullying of her son.

Jailed Pastor will not further appeal against his sentence

Jailed prisoner of conscience Protestant Pastor Bakhrom Khasanovich Kholmatov (born 20 July 1975) has decided not to appeal further against his conviction and jailing. Family and friends "asked him to appeal against his sentence, but he told his family that he will not do so because he already appealed once with no success," a Tajik Protestant Christian from outside the country, who wished to remain unnamed for fear of state reprisals, told Forum 18 on 14 December.

"Bakhrom doesn't believe that the authorities will change their decision," the Protestant added. "He intends to serve the rest of his term without appealing further."

Pastor Kholmatov, who led Sunmin Sunbogym (Full Gospel) Protestant Church in the northern city of Khujand, was jailed for three years in July 2017 for allegedly "singing extremist songs in church and so inciting 'religious hatred'".
(http://www.forum18.org/archive.php?article_id=2298)

Kholmatov is still being held in Yavan Prison in the south-western Khatlon Region. Gulnora Kholmatova, the Pastor's wife, visited him there in November. "She said that Bakhrom is feeling well both physically and morally," the Protestant told Forum 18. Between Kholmatova's visit to the prison in early August with their two sons and the visit in April, the prison authorities did "not allow any visits for four months."

"He is aware that letters of encouragement to him from Christians from all over the world keep arriving, but the [prison authorities] do not give him letters," Kholmatova told Voice of the Martyrs, which supports Christians around the world suffering for their faith, in December.

Asked why the prison authorities will not give Kholmatov letters sent to him in prison, Colonel Ilkhomjon Makhmudzoda, Deputy Head of the Justice Ministry's Chief Directorate for the Enforcement of Criminal Punishments (which oversees prisons), told Forum 18 on 17 December that "If they do not give him the letters, it is not right. We will investigate this matter, call me back tomorrow."

On 18 December Makhmudzoda said that he had called Yavan Prison, and the prison head invited Kholmatov to his office. "We had a three-way conversation between me, the Head and Kholmatov," he told Forum 18. "The Head said that he is a good guy, has exemplary behaviour, and there are no problems with him in the prison. We agreed that if any problems arise, I asked Kholmatov to contact us."

When Forum 18 insisted, asking whether letters will be now given to Kholmatov, Makhmudzoda replied: "Yes, of course."

Kholmatov's address in Yavan Prison is:

Tajikistan

Yavan

Ispravitelno-Trudovaya Koloniya, yas. 3/6

6th otryad

Kholmatovu Bakhromu Khasanovichu

"No problems" for Kholmatov in prison?

After his wife's visit in April, the prison authorities "banned visits or even phone conversations with Kholmatov," Voice of the Martyrs reported in August. During the August visit "when Gulnora asked him about his prison conditions – she had many questions on this – he only repeated to her that she can find the answers in the [New Testament] book of Acts 20:24. He also thanked everybody for help to his family in this difficult time and the many letters sent to him and his family."

Pastor Kholmatov appears to have been alluding to Apostle Paul's standing firm in the face of challenges to his life. The New Testament passage reads: "I consider my life worth nothing to me; my only aim is to finish the race and complete the task the Lord Jesus has given me - the task of testifying to the good news of God's grace."

The Protestant lamented to Forum 18 that Gulnara became ill because of her husband's imprisonment. "She got exhausted because of the stress, and has developed hypertension," the Protestant said.

Pressure on Pastor Kholmatov's family?

The mother and other relatives of Pastor Kholmatov complained that he should not have become a Christian, let alone a pastor, Voice of the Martyrs reported. "He should have remained Muslim, and then he would not end up in prison, the relatives said."

It is not clear whether the relatives expressed this to Pastor Kholmatov and his immediate family because they had been pressured by the authorities.

Former jailed conscientious objector to appeal to UN

Jehovah's Witness former prisoner of conscience Daniil Islamov, who served a prison term for refusing military service on grounds of conscience, is in the process of filing a complaint about his arrest and imprisonment with the United Nations (UN) Human Rights Committee. "We hope to have it completed and filed in early January 2019," Jehovah's Witnesses told Forum 18 on 14 December.

Islamov was freed from Yavan prison on 13 April after serving in full a six-month sentence handed down in October 2017 for refusing to perform compulsory military service under Criminal Code Article 376, Part 1. However, by the time of his release Islamov had been held for nearly a year, after being detained in a military unit from April 2017. The Tajik authorities ignored a call by the UN Working Group on Arbitrary Detention just a week before his verdict was handed down that he should be freed "immediately". (http://www.forum18.org/archive.php?article_id=2357)

"Daniil Islamov is not upset with the government, but he is ready to continue to stand firm in his decision as a conscience objector to military service," Jehovah's Witnesses told Forum 18. (END)

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

For more background, see Forum 18's Tajikistan religious freedom survey (http://www.forum18.org/archive.php?article_id=2138)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (http://www.forum18.org/archive.php?article_id=1351)

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