

4 June 2019

TAJIKISTAN: Detention extended, no Bible reading allowed

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

A Khujand court has extended Jehovah's Witness pensioner Shamil Khakimov's pre-trial detention for another month. His "crime", for which he was arrested in February, seems to be that he is thought to lead Khujand's Jehovah's Witness community. Against international human rights standards, he is not allowed to read his Bible.

A court in the northern city of Khujand has again extended the pre-trial detention of 68-year-old Jehovah's Witness prisoner of conscience Shamil Khakimov until 26 June. He was arrested in February and is being investigated on criminal charges of allegedly "inciting religious hatred", which carry a jail term of between five and ten years. But his real "crime" seems to be that the regime thinks he leads Khujand's Jehovah's Witness community.

Khakimov, a widower, suffers from high blood pressure and underwent major leg surgery not long before his February arrest.

The court can legally continue extending Khakimov's pre-trial detention for up to one year – to 26 February 2020 – and an April extension of the detention took place illegally without his lawyer being informed (see below).

Against international human rights standards, prisoner of conscience Khakimov is not being allowed to read his Bible (see below).

In 2016 seven imam-hatyps of state-controlled cathedral mosques in Sugd Region were jailed, apparently for being educated abroad and being devout Muslims, and their sentences are due to expire between March and August 2019. But the regime is refusing to say when they will be released (see below).

However, relatives of alleged Salafi Muslim Mukhtadi Abdulkodyrov, arrested in December 2018, said a Dushanbe court released him on parole in mid-March 2019 (see below).

Pre-trial detention again extended

Jehovah's Witness Shamil Rasulovich Khakimov (born 30 January 1951), a retired widower, arrested on 26 February and then put in pre-trial detention, has had his detention extended twice.

Khujand City Court in the northern Sugd Region extended his detention for one month on 23 April, and then for a further month on 24 May. His pre-trial detention will now last until 26 June, Jehovah's Witnesses who wish to remain anonymous told Forum 18 on 27 May.

They pointed out that the authorities can legally continue extending the pre-trial detention for up to one year – to 26 February 2020.

Judge Abruniso Mirasilzoda of Khujand City Court, who ordered the initial pre-trial detention (http://www.forum18.org/archive.php?article_id=2463), refused to explain the repeated extensions of the detention to Forum 18 on 29 May.

"Inciting religious hatred", no arrests or prosecution of torturers

Khakimov is being investigated for allegedly "inciting religious hatred", but his real "crime" appears to be that police think he leads Khujand's Jehovah's Witness community.

Prisoner of conscience Khakimov's arrest came after police found his phone number on the phones of two female Jehovah's Witnesses they arrested for sharing their beliefs on the street. Investigator Nekruz Ibrokhimzoda of the Sugd Regional Police Department for the Struggle with Organised Crime called Khakimov's number as well as other numbers on the phones, and then arrested Khakimov.

Prisoner of conscience Khakimov's arrest followed raids and interrogations, in some cases involving torture, against Jehovah's

Witnesses in Sugd Region and other religious communities nationwide (http://www.forum18.org/archive.php?article_id=2455).

Despite Tajikistan's binding international obligations under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (http://www.forum18.org/archive.php?article_id=2138), no arrests or prosecutions appear to have taken place against officials who tortured Jehovah's Witnesses.

Detention extended without lawyer, appeal refused

On 23 April Khujand City Court extended Khakimov's pre-trial detention until 26 May, but illegally his lawyer was not informed of the court hearing. The detention was extended at the request of Investigator Nosirkhuja Dodokhonzoda of Sugd Regional Prosecutor's Office, who is now leading the case.

Police had without explanation and illegally refused to allow a defence lawyer to be present during Khakimov's initial February interrogation (http://www.forum18.org/archive.php?article_id=2463).

On 29 April Sugd Regional Court rejected an appeal brought by Jehovah's Witnesses against the extension of Khakimov's pre-trial detention.

Madina Mukumzoda, head of Khujand City Court's Chancellery, refused on 29 May to discuss the case with Forum 18.

Prisoner of conscience Khakimov is being held under 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"). If tried and convicted he could be jailed for between five and 10 years, with an additional ban on specified activity.

Prisoner of conscience Khakimov is currently held in Khujand's Investigation Prison:

Ya/S 9/2 Investigation Prison

Khujand

Sugd Region

No Bible reading allowed

Khakimov's lawyer can visit him in prison. "His health is comparatively good, and he is being given medicines," Jehovah's Witnesses told Forum 18 on 4 June. "He can pray but he is not permitted to read his Bible."

The United Nations Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules - A/C.3/70/L.3) (http://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf) require governments to respect the freedom of religion and belief and other human rights of prisoners.

"So far as practicable, every prisoner shall be allowed to satisfy the needs of his or her religious life by attending the services provided in the prison and having in his or her possession the books of religious observance and instruction of his or her denomination", Rule 66 notes.

Prisoner of conscience Pastor Bakhrom Kholmatov, who led a Protestant Church in Khujand, was jailed for three years in July 2017 under Criminal Code Article 189, Part 1 for allegedly "singing extremist songs in church and so inciting 'religious hatred'" (http://www.forum18.org/archive.php?article_id=2298).

A Tajik Protestant who wishes to remain unnamed for fear of state reprisals told Forum 18 on 27 May that Pastor Kholmatov "was visited in prison recently, and is seemingly doing fine".

Will jailed Sugd Muslims be released?

In early March 2016, seven imam-hatyps of state-controlled cathedral mosques in Sugd Region were arrested on the initiative of the Regional Prosecutor's Office (http://www.forum18.org/archive.php?article_id=2180).

Sulaymon Boltuyev was Imam of the cathedral Mosque in Guliston (former Kayrakkum), Maksud Urunov Imam of the cathedral Mosque in Kanibadam, and Abdujamil Yusufi of the cathedral Mosque in Bobojon Gofurov District. The other arrested imams were: Abbos Abdurakhmanov, Imam Urunov's deputy at the Kanibadam Cathedral Mosque; Khuseyn Tukhtayev, another imam-hatyp from Kanibadam's Cathedral Mosque; Hamzaali Sultanov of Khujand's Takvo Mosque; and Makhdi Boltayev (an Uzbek citizen) of Isfara's Navgilem Mosque.

Bobojon Gofurov District Court sentenced all seven of the imams in June 2016 to between three years and three years and four months' imprisonment in strict regime labour camps.

The jailings appear to have been part of a State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA) campaign to identify and fire all foreign-educated imams. Many other Muslims, including imams, were jailed at the same time for similar reasons.

The seven imams' sentences are due to expire between March and August 2019, but officials are refusing to say whether they will be released.

An official who refused to give his name, but is an assistant to Lieutenant-General Mansurjon Umarov, Head of the Justice Ministry's Chief Directorate for the Enforcement of Criminal Punishments, told Forum 18 on 29 May 2019 that the seven imams were prosecuted under Criminal Code Article 307-3, Part 2, which punishes "participation in the activity of political parties, social or religious organisations, or other organisations, liquidated or banned by a court for extremist activity".

The official added that "those who are punished under such charges cannot be amnestied. They must serve their sentence till the end". However, he refused to say when the imams will be released, or if any have already been released.

Lieutenant-General Umarov's assistant asked Forum 18 to call back the next day, 30 May, but has not answered his phone then or subsequently.

2017 Sugd arrests, harsher jail sentences

The jailing of the seven imams seems to have been the beginning of a wave of jailings in Sugd. In September 2017 42-year old Imam Ilkhomidin Abdulloyev of the Chorrukh-Dorun Mosque in a suburb of Guliston and four members of the Mosque community, one of whom is named Kasymov, were arrested. In November 2017 all were jailed for five and half years (http://www.forum18.org/archive.php?article_id=2336).

Human rights defender Faiziniso Vakhidova told Forum 18 in December 2017 that Imam Abdulloyev is "not an extremist at all, but a very peaceful believer" and a disciple of Imam Boltuyev who was imprisoned earlier under similar "extremism" charges. "Imam Abdulloyev may have been arrested for that reason", human rights defender Vakhidova commented (http://www.forum18.org/archive.php?article_id=2336).

Also jailed in Sugd Region between August and December 2017 were other male Muslim prisoners of conscience, including a well-known heart surgeon (http://www.forum18.org/archive.php?article_id=2336). All were accused of being adherents of Salafi Islam, a movement banned since 2009 (http://www.forum18.org/archive.php?article_id=2138).

None of those jailed appears to have called for or committed any violation of the human rights of others, and officials refused to explain what exactly they had done wrong. But it appears that their "crime" was to be identified by regime officials as being devout Muslims. All received prison terms of at least five years (http://www.forum18.org/archive.php?article_id=2336).

Alleged Salafi released on parole with restrictions

About three months after his arrest, Dushanbe's Ismoili Somoni District Court handed alleged Salafi Muslim Mukhtadi Abdulkodyrov a term under probation. He was released on parole in mid-March, his relatives told Radio Free Europe (RFE) on 23 March. Tajikistan has banned Salafi Islam since 2009 as "extremist" (http://www.forum18.org/archive.php?article_id=2138).

Abdulkodyrov must not change his permanent place of residence, work, or education without notifying the authorities, the Court told RFE. If he does not follow these restrictions he can be taken back into custody.

The National Security Committee (NSC) secret police arrested Abdulkodyrov on 1 December 2018 after his return from working in Saudi Arabia, despite writing a letter of "repentance" at the request of officials before his return (http://www.forum18.org/archive.php?article_id=2438).

Prosecutors originally investigated Abdulkodyrov under Criminal Code Article 307, Part 2 ("organising the activity of an extremist organisation"). However, in January 2019 this was changed to a charge under Article 189, Part 1 ("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"). This carries a maximum jail term of five years.

An Ismoili Somoni District Court Chancellery official (who refused to give his name) on 29 May 2019 still refused to discuss Abdulkodyrov's punishment and referred Forum 18 to Court Chair Gayrat Sanginzoda. He did not answer his phone on either 29 or

30 May. Nor did Lieutenant-General Mansurjon Umarov, head of the Justice Ministry's Chief Directorate for the Enforcement of Criminal Punishments, on 30 May. (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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