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TAJIKISTAN: Pensioner faces up to 10 years' imprisonment

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

The criminal trial of 68-year-old Jehovah's Witness Shamil Khakimov in Khujand resumes on 19 August. He faces up to 10 years' imprisonment for "inciting religious hatred", charges he denies. Prosecutors claim materials confiscated from him and others contained "features of extremist activity". The investigation revealed a 2016 state "expert analysis" by three Imams claiming the distribution of a Tajik Bible translation causes "confrontation".

The criminal trial of 68-year-old Jehovah's Witness prisoner of conscience Shamil Khakimov is due to resume in the northern city of Khujand on 19 August. Khujand City Court held the first hearing on 5 August, but postponed the case to provide the defendant with an interpreter into Russian. Khakimov is facing 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.

Court officials refused to say how long they expect Khakimov's trial to last (see below).

Khakimov, a retired widower, is in poor health, Jehovah's Witnesses noted. He underwent major leg surgery not long before his arrest and suffers from high blood pressure. Despite this, he has been held in pre-trial detention for more than five months, since his 26 February arrest (see below).

Khakimov is being prosecuted for books, other literature, photos, videos, audios, computer files and mobile phone data seized from him and other community members. The Prosecutor's Office claims these materials contain "features of extremist activity", according to the indictment seen by Forum 18. Khakimov denies any wrongdoing (see below).

The investigation into Khakimov revealed that in 2016, the Department for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals of Sugd Regional Administration commissioned a "state religious expert analysis" of the Tajik translation of the Bible published by the Institute for Bible Translation (IBT) in Stockholm. (The IBT is not linked to Jehovah's Witnesses and its translations are used by a wide range of Christians.)

The analysis – conducted by three local Imams – was carried out at the request of the National Security Committee (NSC) secret police (see below).

The imams and the Department for Religious Affairs concluded: "The book does not correspond to our society of Hanafi Muslims, its propaganda and distribution among the Muslim people does not meet the goals of our society, and its distribution among Hanafi Muslims causes confrontation and schism, and leads to misunderstandings."

Imam Ibodullo Kalonzoda – one of the three Khujand Imams the state brought in to conduct the analysis - put the phone down when Forum 18 tried to ask him about it (see below).

Jehovah's Witnesses told Forum 18 of their "considerable concern" that the investigator included in Khakimov's case file the "expert analysis", "which concludes that the Bible incites religious hatred and should not be permitted for use in Tajikistan."

Jehovah's Witnesses described it as "deeply troubling" that the Tajik authorities would consider the Bible to incite religious hatred. "That expert study confirms that Shamil Khakimov is being prosecuted for his peaceful minority religious views as one of Jehovah's Witnesses" (see below).

A Baptist in the capital Dushanbe told Forum 18 that the IBT Tajik translation was among Christian literature seized from church members in 2017. Although officials promised to return the literature they have not done so (see below).

The Culture Ministry banned Jehovah's Witnesses throughout the country in October 2007 (http://www.forum18.org/archive.php?article_id=1553). The banning order stated: "The religious organisation of Jehovah's Witnesses carried out its activity in violation of Republic of Tajikistan legislation by distributing in public places and at the homes of citizens, i.e. among members and followers of other religions, propagandistic books on their religion, which has become a cause

of discontent on the part of the people".

The Supreme Court banned the Tabligh Jamaat Muslim missionary movement (in an unpublished 2006 decision) and Salafi Islam (in 2009) (http://www.forum18.org/archive.php?article_id=1243). Two Protestant communities were "temporarily" banned in 2007.

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

Khakimov: Interrogations, literature and passport seizures

Jehovah's Witness Shamil Rasulovich Khakimov (born 30 January 1951), a retired widower, began facing harassment in early 2019. On 28 January an officer of the police Department for the Struggle with Organised Crime, Nekruz Ibromkhimzoda, phoned him when he was at home and called him onto the street. However, no one was there.

The following day, the police Department for the Struggle with Organised Crime began summoning for questioning people Khakimov knows, both fellow Jehovah's Witnesses and others. Such interrogations continued until May, Jehovah's Witnesses told Forum 18.

On 1 February, police Department for the Struggle with Organised Crime officers summoned Khakimov. There, Lieutenant Colonel Sukhrob Rustamzoda led questioning over eight hours about how he became a Jehovah's Witness and the structure of the organisation. Officials did not allow him to seek legal assistance during the interrogation, Jehovah's Witnesses complained. Nor did officials allow him to seek a required change in his dressing on his leg following surgery.

Officials then took Khakimov home, where they seized his computer, tablet computer, religious literature and passport. Without his passport he was unable to access his pension funds which he needed to pay for necessary medical treatment.

On 3 February Khakimov filed a complaint with the Regional Prosecutor's Office about his treatment by the police Department for the Struggle with Organised Crime. However, the Prosecutor's Office ignored the complaint as well as a second complaint.

Sugd Regional Prosecutor's Office phones went unanswered each time Forum 18 called on 7 August.

Khakimov: Arrest, "inciting religious hatred" charges

Officials arrested Khakimov on 26 February. Khujand City Court approved his detention in pre-trial custody in Khujand's Investigation Prison for two months. (http://www.forum18.org/archive.php?article_id=2463) Three successive court hearings extended the detention each time for a further month (at least once without his lawyer even being informed (http://www.forum18.org/archive.php?article_id=2484)). Each time Khakimov challenged the City Court detention orders in the Regional Court, but without success.

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

Ya/S 9/2 Investigation Prison

Khujand

Sugd Region

Against international human rights standards, prisoner of conscience Khakimov has not been allowed to read his Bible in prison. (http://www.forum18.org/archive.php?article_id=2484)

Investigator Nosirkuja Dodokhonzoda of Sugd Regional Prosecutor's Office led the investigation. He commissioned a literary-political and psycho-linguistic "expert analysis" of books, other publications, photos, audio and video recordings and other information from the mobile phones and computers not only of Khakimov but other community members.

The "expert analysis", completed on 10 April, claimed that these materials "contained mass appeals and ideas, aimed at inciting religious, national and racial discord and at advocating superiority of citizens on the basis of religion, demeaning national honour and dignity, and advocacy of improvement for citizens due to their belonging to the religion and party". It claimed this contained "features of extremist activity".

The "expert analysis" based its conclusion on quotations from some of the seized materials, such as "The Kingdom will destroy the governments of this world", "What is God's Kingdom? The Kingdom of God is a heavenly government. It will replace all other governments, and will cause God's will to be done in heaven and on earth...", "Jehovah will change the world through the Kingdom

of the Messiah", and "No government has ever succeeded in eliminating violence, disease, or death. But there is good news. Shortly, God will replace all human governments with his own government. Its subjects will enjoy peace and good health".

Another part of the case relates to Khakimov's possession of a Tajik translation of the Bible published by the Institute for Bible Translation (IBT) in Stockholm. An "expert analysis" by three Imams – commissioned by the regional Department for Religious Affairs at the request of the National Security Committee (NSC) secret police in 2016 concluded that distribution of the translation in Tajikistan would cause conflict (see below).

Investigator Dodokhonzoda accused Khakimov of violating Criminal Code Article 189, Part 2, Point d ("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", when committed by a group). This carries a punishment of five to 10 years' imprisonment, with a possible additional ban on specified activity.

The indictment makes no claim and gives no evidence that Khakimov violated or called for the violation of others' human rights.

On 4 July, Investigator Dodokhonzoda completed his indictment, of which Forum 18 has seen the text. Khakimov rejected the charges and refused to sign the documents.

Khakimov: Jehovah's Witness pensioner on trial

The criminal trial of Khakimov under Criminal Code Article 189, Part 2, Point d began under Judge Nargis Nabizoda at Khujand City Court on 5 August, an official of the Court chancellery told Forum 18 on 6 August. The trial was adjourned until 19 August so that an interpreter from Tajik into Russian for Khakimov could be provided.

The official (who did not give her name) refused to give any other details of the trial, or say how long it is likely to last. "It will go on for some time," was all she would say. She also refused to put Forum 18 through to the Chief of the Chancellery or any other officials.

Asked about the case, the Chair of the Court Mavjuda Sharifzoda's Secretary (who did not give her name) said the Chair is on holiday. She refused to put Forum 18 through to any other officials of the Court.

Tajik Bible translation distribution "causes confrontation"

The investigation into Khakimov revealed that in 2016, the Department for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals of Sugd Regional Administration commissioned a "state religious expert analysis" of the Tajik translation of the Bible published by the Institute for Bible Translation (IBT) in Stockholm.

The IBT, now based in Moscow, is a non-profit organisation to translate and distribute Bibles in the non-Slavic languages of the region and functions with the blessing of Russian Orthodox Patriarch Kirill.

The "expert analysis" was conducted at the request of the National Security Committee (NSC) secret police of Sugd Region.

The Sugd Department for Religious Affairs assigned the "expert analysis" to three local imams, Haji Husayn Musozoda and Orifjon Bayzoyev (of Khujand's Sheikh Muslikhiddin central mosque) and Ibodullo Kalonzoda (of the city's Nuri Islom Mosque).

In the two-page decision dated 19 December 2016 (and seen by Forum 18), the imams and the Department for Religious Affairs recognise that the Bible is the main book for Christianity and that this Tajik translation had been approved in an "expert analysis" for the State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA) in Dushanbe on 13 March 2012.

However, the Imams and the Sugd Department for Religious Affairs conclude: "The book does not correspond to our society of Hanafi Muslims, its propaganda and distribution among the Muslim people does not meet the goals of our society, and its distribution among Hanafi Muslims causes confrontation and schism, and leads to misunderstandings."

The Imams gave no evidence that anyone had violated anyone else's human rights as a direct result of reading the IBT Tajik translation of the Bible.

The decision does not reveal where the NSC secret police or the Department for Religious Affairs in Sugd Region acquired the copy of the Tajik Bible translation which the imams examined.

Jehovah's Witnesses told Forum 18 of their "considerable concern" that the investigator included in Khakimov's case file the "expert analysis", "which concludes that the Bible incites religious hatred and should not be permitted for use in Tajikistan."

Jehovah's Witnesses described it as "deeply troubling" that the Tajik authorities would consider the Bible to incite religious hatred. "That expert study confirms that Shamil Khakimov is being prosecuted for his peaceful minority religious views as one of Jehovah's Witnesses."

A Protestant pastor, who asked not to be named for fear of state reprisals, told Forum 18 that "our Church in Dushanbe has not experienced such a problem so far with Tajik Bibles, and I have not heard of other Protestant Churches which faced such a problem."

However, the pastor was concerned both about the examination of the Bible and who it was assigned to. "Why should Imams give expert analysis of the Bibles? Even in Russia the authorities have decided not to question the books of the well-known world religions, such as the Koran and the Bible."

Bishop Pitirim (Konstantin Tvorogov) of the Russian Orthodox Synod of Dushanbe and Tajikistan told Forum 18 on 5 August that the Orthodox "Church or believers have no problems" to exercise their religious freedoms. "And our believers usually read the Bible in Russian."

"I know that Jehovah's Witnesses are banned in Tajikistan," the bishop added, "but it is strange that the experts would give such an opinion on the Christian Bible." He argued that "I do not think this will become a precedent or a law against the Bible, but the authorities are just using it in this case since the organisation is banned."

Imams "not competent to give their expert analysis of the Bible"

SCRA Deputy Chair Farrukhullo Olimzoda refused to talk to Forum 18 on 6 August and referred it to Khuseyn Shokirov, the official responsible for work with religious organisations and registration.

Shokirov confirmed that the SCRA had approved the IBT translation of the Bible into Tajik in 2012. "The Imams are not competent to give their expert analysis of the Bible," he insisted to Forum 18 on 6 August. Asked why then the Khujand Imams did so, he responded: "You need to talk to them."

Told that one of the main reasons that Jehovah's Witness Khakimov is currently being criminally prosecuted is because of that "expert analysis", Shokirov repeated his previous answer.

When Forum 18 asked on 5 August about the "expert analysis", Imam Ibodullo Kalonzoda put the phone down. Called back later, his daughter (who did not give her name) answered Kalonzoda's mobile phone. Asked why Imam Kalonzoda gave an "expert analysis" of the Bible, she said she will ask the question to him "when he is available".

Called back on 6 August, the daughter answered the phone again. "He is on an official trip, and left his phone at home," she claimed. When Forum 18 told her that it was told by Khujand's Religious Affairs Department on 5 August that Imam Kalonzoda has retired, she could not answer. Then she declined to talk further.

The official (who refused to give his name) who answered the phone of Mukhsin Mirkamolov, Head of Khujand Department for Religious Affairs, claimed to Forum 18 on 5 August that Mirkamolov is "busy and cannot answer your questions." Asked when Forum 18 can call back he muttered, "I don't know."

The official then asked Forum 18 why it is looking for Mirkamolov, and when Forum 18 asked why "Imam Kalonzoda and the other Imams made an expert opinion that the Tajik Bible cannot be given to Tajik Muslims since it can create confrontations and schism," he answered, "Comrade Forum 18, you can ask Imam Kalonzoda or Rakhmatzoda about it."

The official refused to give numbers for R. Rakhmatzoda, who chairs the Sugd Department for Religious Affairs' "Expert Analysis" Commission and signed the December 2016 Imams' analysis of the Tajik Bible.

Asked why Muslim clerics gave an "expert analysis" of a Christian Bible, the official replied, "Comrade Forum 18, you can ask the Sugd regional authorities."

Numbers of the Head of the Sugd Regional Administration as well as Sukhrob Rustamzoda, head of the Regional Religious Affairs Department, went unanswered on 5 August.

Bibles, religious books confiscated, not returned

The IBT Tajik translation of the Bible is among religious literature the authorities have seized in recent years.

In summer 2017 SCRA officials "confiscated from us some 300 books, including Tajik Bibles in the IBT translation, claiming that we may have extremist literature", Andrei Chumachenko of the Council of Churches Baptists in Dushanbe told Forum 18 on 5

August.

The officials also questioned the Baptists on why they carry out activity without the required state registration. The authorities did "not open a case against us, and left us alone. We have had our services unimpeded so far," Chumachenko said. "However, they did not return our books, though we asked them soon after the confiscation. They told us verbally that they will return the books to us, but have not done so until now."

Shokirov of the SCRA in Dushanbe on 6 August refused to discuss with Forum 18 the 2017 confiscation of books from the Baptists.

In December 2018 customs officers at Dushanbe Airport confiscated 5,000 calendars with New Testament verses that Dushanbe's state-registered Baptist Church was importing. The calendars were later destroyed and a fine equivalent to about four months' average wage imposed (http://www.forum18.org/archive.php?article_id=2455). One Customs official said that "after linguistic experts in the Culture Ministry .. found elements of propaganda of an alien faith, the calendars were confiscated". Officials refused to explain why the state might regard some faiths as "alien", or whether followers of "alien" faiths have greater or less freedom of religion and belief than followers of "non-alien" faiths. They also refused to explain why the calendars were confiscated and destroyed instead of being returned to sender. (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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