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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

23 January 2020

TAJIKISTAN: 12-year jail term after secret trial

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

On 2 January a Dushanbe court jailed 35-year-old Muslim Sadriddin Mulloyev for 12 years to punish him for his earlier membership of the Muslim missionary movement Tabligh Jamaat. "With the help of our lawyer we will appeal against the Court decision," said his father. "My son is innocent." Officials refused to discuss the case or why the trial was secret.

Nearly a year after his return to Tajikistan in February 2019 and amnesty, a Dushanbe court on 2 January 2020 handed 35-year-old Muslim Sadriddin Mulloyev a 12-year strict regime jail term. Prosecutors accused him as a former member of the Tabligh Jamaat Muslim missionary movement, which Tajikistan's Supreme Court banned in 2006. They also accused him of support for the activities of mercenaries. His family reject all the charges against him.

The trial was shrouded in secrecy, with little information made public and officials refusing to answer questions. Officials prevented Mulloyev from having contact with his lawyer or his family (see below).

"With the help of our lawyer we will appeal against the Court decision," Hairiddin Mulloyev, Sadriddin Mulloyev's father, told Forum 18.

Forum 18 was unable to reach any official at Dushanbe City Court on 23 January to find out if any appeal has yet been lodged.

Hairiddin Mulloyev believes the charges were fabricated so that his son could be imprisoned. "My son is innocent," he insisted to Forum 18 from the town of Kulob on 15 January. "He is no mercenary, no recruiter, and no terrorist." He believes that his son was arrested "because of his past activity as a Tabligh Jamaat member".

Tabligh Jamaat is a Muslim missionary movement active in Central Asia which encourages other Muslims to greater piety. Sadriddin Mulloyev completed a five-year jail term in 2013 for membership of the group.

Mulloyev is from the town of Kulob in south-western Khatlon Region and is a son-in-law of Khaydar Sharifzoda, a well-known public figure and Imam-hatyp of Kulob. He is married with four children.

Faredun Hodizoda, an independent legal expert from Dushanbe told Forum 18 that he also does not believe that Mulloyev is a terrorist. "His father-in-law Mullo Khaydar is a well-known and respected Imam and the Imam-hatyp of Kulob's cathedral Mosque," he told Forum 18 on 16 January. "Their family are good people."

Prisoners freed, new arrests

Tajikistan imposes severe restrictions on the exercise of human rights including freedom of religion and belief. (http://www.forum18.org/archive.php?article_id=2138)

Mulloyev is a "victim of a new campaign of arrests of Muslims," an independent human rights defender, who asked to remain unnamed for fear of the state reprisals, told Forum 18 on 16 January. "The authorities recently amnestied hundreds of Muslim prisoners and there is free space in the prisons, so they decided to fill them up again."

Among Muslims amnestied in 2019 was Abdumalik Salomov, a heart surgeon accused of participating in the activity of the Salafi Muslim movement who was jailed with eight others in three cases in the northern Sugd Region in November 2017. (http://www.forum18.org/archive.php?article_id=2336)

"All Dr Salomov did was get together several times with his friends and have meals with them," human rights defenders, who asked not to be named for fear of state reprisals, told Forum 18. Also jailed under similar charges were two of his close friends, Ilhom Gafarov and Saydullo Mirzoyev, who were forced to sign false police statements. Gafarov received five and half years, and Mirzoyev five years.

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The Supreme Court banned Salafi thought in 2009, even though an official admitted to Forum 18 that adherents of the Salafi school of Islamic thought had committed no crimes. (http://www.forum18.org/archive.php?article_id=2138) Salomov was freed on 30 October 2019 and was allowed to resume his work as a doctor on 15 December 2019, Radio Free Europe reported.

In a closed hearing in prison, a judge in Khujand on 10 September 2019 jailed 68-year-old Jehovah's Witness Shamil Khakimov for seven years, six months in strict regime custody for "inciting religious hatred" (http://www.forum18.org/archive.php?article_id=2506). On release in August 2026, aged 74, Khakimov would be banned from religious activity until August 2029. "I am guilty of nothing," he told the court.

Protestant Pastor and prisoner of conscience Bakhrom Kholmatov was released on 17 December 2019 after serving all but three months of a three-year jail sentence (http://www.forum18.org/archive.php?article_id=2530) for allegedly "singing extremist songs in church and so inciting 'religious hatred". But congregations of his Church – forcibly closed in 2017 by the NSC secret police after raids and torture - remain closed.

Jehovah's Witness conscientious objector Jovidon Bobojonov has been held by the military since October 2019 despite offering to do alternative civilian service (http://www.forum18.org/archive.php?article_id=2533), even though the government claimed in March 2019 to the UN Human Rights Committee that an alternative service law is being prepared. He faces trial and possible jailing for what the Deputy Chief of the Armed Forces General Staff called "a major crime".

Other arrests continue. The authorities arrested at least 27 Muslims in early January 2020, Radio Free Europe and other media reported. The rights defender told Forum 18 that "some say that the number of those arrested is much higher."

Authorities promised amnesty "but instead put him in prison"

Sadriddin Hairiddinovich Mulloyev (born 1984) had previously been jailed from 2008 to 2013 on charges of membership of the banned Tabligh Jamaat Muslim missionary movement. After being freed, Mulloyev went to Turkey where he learnt that he was being sought again by Tajikistan on "extremism" charges.

Officers of various security agencies asked Mulloyev by phone to return to Tajikistan, promising him amnesty.

Mulloyev voluntarily returned to Tajikistan in February 2019 and reported to police, where he "repented" of having been a Tabligh Jamaat member and was granted amnesty. However in September 2019 he was arrested and held on serious criminal charges because of his earlier adherence to the Tabligh Jamaat movement. (http://www.forum18.org/archive.php?article_id=2530)

Hairiddin Mulloyev told Forum 18 that the "authorities persuaded Sadriddin to return to Tajikistan promising him amnesty but instead put him in prison. He is not guilty of any crime."

Criminal case

The Department for Investigating Crimes of Special Importance at the General Prosecutor's Office in Dushanbe prepared a criminal case against Mulloyev. Rajabali Sodiqzoda, the head of the Department for Investigating Crimes of Special Importance, refused to discuss Mulloyev's case, telling Forum 18 in December 2019 that he did not have the information to hand. (http://www.forum18.org/archive.php?article_id=2530)

Prosecutors accused Mulloyev of participating in extremist and terrorist activities. Charges against him were brought under Criminal Code Articles 187, Part 2 ("Participation in a criminal association"), Article 307-2, Part 3 ("Participation in creation of extremist association and in the activities of it; committing such actions repeatedly or using one's official position"), Article 307-3, Part 2 ("Participation in the activity of political parties, social or religious organisations, or other organisations, liquidated or banned by a court for extremist activity") and Article 401, Part 1 ("Recruitment, training, financing or other material support to mercenaries as well as their usage in armed conflicts or military actions"), Hairiddin Mulloyev told Forum 18 on 15 January.

The maximum punishment under the first three charges is imprisonment for a period up to 12 years, and under Criminal Code Article 401, Part 1 is imprisonment for a period between 12 and 20 years.

The Prosecutor appointed by the Department for Investigating Crimes of Special Importance asked the Court in late October 2019 in the next to last hearing to give Mulloyev an 18-year prison sentence. Under all except for the charges under Criminal Code Article 401, Part 1 is a provision for indicted persons, who have voluntarily cooperated with the authorities for preventing crimes and whose actions there are no elements of crime, to be freed from criminal responsibility.

On 2 January 2020, Judge Mirzo Odinazoda of Dushanbe's Sino District Court found Mulloyev guilty and handed down a 12-year strict regime prison sentence.

No answers

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Asked about Mulloyev's case the official (who did not give her name) of the General Prosecutor's Office on 22 January referred Forum 18 to Manuchehr Mahmudzoda, Head of its International Section. Reached the same day, Mahmudzoda refused to answer Forum 18's questions on the case. "I cannot discuss with you the issue over the phone." He then declined further to talk to Forum 18. "You need to send your questions in writing to the Foreign Ministry."

Phones at the reception of Chair of Sino Court, Judge Sukhrob Rushonzoda, went unanswered on 22 January. Court officials, including Rushonzoda's Secretary Tatyana (she did not give her last name), between 13 and 19 December also refused to discuss the case with Forum 18 or put it through to any of the officials who could do so.

Why the secrecy?

The authorities were silent about the prosecution and trial of Mulloyev. They did not allow him to see his lawyer or his family for more than two months between October 2019 and early January 2020, when the Court finally gave its verdict.

Rakhmonali Rajabov, Mulloyev's initial lawyer in the case, said that the last hearing he participated in was in late October 2019. On 31 October the defendant had been expecting to give his last address to the court, but the session was postponed. "After this date I could not contact my client," he told Forum 18 on 8 January, "and I was not given access by the authorities to talk to him in the detention prison."

Rajabov added that in early November, Mulloyev's relatives called and told him that they were not satisfied with his services and that they were looking for a different lawyer.

Despite the fact that the relatives began looking for a new lawyer, Rajabov tried unsuccessfully to contact Mulloyev in prison in mid-December 2019. "I requested the Court in mid-December to permit me to see Mulloyev but I was refused," he told Forum 18.

Saidrahim Jumayev, Investigator of the General Prosecutor's Office, however, claimed to Radio Free Europe in October 2019 that the "investigation of the case was done within legal boundaries" but declined to make further comments. (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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