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TAJIKISTAN: Impunity for torturers continues

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

Impunity for multiple instances of torture of Muslims, Jehovah's Witnesses, and Protestants continues. Conscientious objector and prisoner of conscience Jovidon Bobojonov was tortured by soldiers kneeling on his neck. Officials refuse to tell Forum 18 why suspect torturers have not been arrested and put on criminal trial for torture, as international human rights law requires. Tajikistan's assurances to the UN Human Rights Committee of introducing civilian alternative service remain unfulfilled.

Despite multiple complaints, the officials who are suspected of torturing Nilufar Rajabova in December 2019 have still not been arrested or put on criminal trial for torture as Tajikistan's international human rights obligations require.

Dushanbe's Sino District Deputy Police Chief Lieutenant Colonel Mashrafi Islamzoda hit her repeatedly, causing Rajabova to fall down and be unable to walk, she told Forum 18. Officials also threatened to severely physically assault her mother in front of her. Officials from the General Prosecutor's Office and Dushanbe City Prosecutor's Office have refused to tell Forum 18 why the suspect torturers have not been arrested and put on criminal trial for torture (see below).

Rajabova was arrested for wearing a hijab, and human rights defenders have told Forum 18 that police continued in both Dushanbe and Vahdat to hunt for women in hijabs until the coronavirus lockdown (see below).

The soldiers who tortured conscientious objector and prisoner of conscience Jovidon Bobojonov – including by kneeling on his neck – have also not been arrested and prosecuted for torture. Soldiers also kneeled on his neck. When he tried to resist, they beat him in the kidneys. The more he resisted, the more pressure to his neck was applied by soldiers' knees (see below).

The torture was carried out after Bobojonov refused to wear a military uniform. Dushanbe City Military Prosecutor's Office has refused to take any action, claiming that "other soldiers from the unit did not confirm the testimony of Bobojonov" and that a medical report did not confirm the injuries. The Military Prosecutor of Dushanbe garrison, Shukhrat Makhmadyorzoda, and Senior Investigator Mekhrubon Ibrohimzoda of Dushanbe's Military Prosecutor's Office, both refused to tell Forum 18 why the suspect torturers have not been arrested and put on criminal trial for torture (see below).

Jehovah's Witnesses will appeal to the United Nations (UN) Human Rights Committee, they told Forum 18 (see below).

There is a pattern of impunity for officials in torture cases, including over the torture of current prisoner of conscience Muslim Khayriddin Dostakov (http://www.forum18.org/archive.php?article_id=2538), Jehovah's Witnesses in February 2019 in Khujand and Konibodom (http://www.forum18.org/archive.php?article_id=2455), and of Sunmin Sunbogym Church members in the northern city of Konibodom in March 2017 after the Church was raided, forcibly closed, and members were fired from their jobs (http://www.forum18.org/archive.php?article_id=2276).

It appears that the known prisoners of conscience jailed for exercising freedom of religion and belief are often not being treated in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules). Colonel Ilkhomjon Makhmudzoda, Deputy Head of the Chief Directorate of Enforcement of Criminal Punishments, refused to tell Forum 18 whether prisoners are allowed to read religious books, pray, or be visited by clergy of their choice (see below).

Impunity for Muslim woman's torturers

Nilufar Rajabova was one of around 20 women detained in the capital Dushanbe in December 2019 for wearing a hijab. Later that day she was tortured.

Sino District Deputy Police Chief Lieutenant Colonel Mashrafi Islamzoda "approached me and cursed me right in front of my face. He pushed me several times, and once hit me on my neck so hard that I fell down. While falling I heard a crack in my spine," Rajabova told Forum 18. She was being medically checked for possible spinal column damage just before being detained, and after Lt-Col Islamzoda hit her "I could not get up independently because I had pain and felt dizzy." (http://www.forum18.org/archive.php?article_id=2553)

Rajabova's mother was called to Sino Police Station, and "officials also threatened my mother with severe physical assault, and cursed her," Rajabova said. "I could not walk independently, so two police officers helped me to get into the taxi we called." When Rajabova's mother asked the officials what right they have to treat women like this, "they told us that we are not women but provocateurs" (http://www.forum18.org/archive.php?article_id=2553).

Rajabova has repeatedly made official complaints about the torture she and her mother experienced, most recently on 14 April 2020 to Sino District Prosecutor's Office. "Despite my continued complaints, no officials have been punished for my torture to this day," she told Forum 18 on 17 June.

Tajikistan is obliged under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to both arrest and put on criminal trial for torture any official suspected of being responsible for this (http://www.forum18.org/archive.php?article_id=2138).

Senior Investigator Jonon Barotzoda of Sino District Prosecutor's Office, who had earlier asked Rajabova why the women were making "such noise", claimed to Forum 18 in March that "we already answered her complaint." When Forum 18 asked whether officials suspected of torturing Rajabova had been arrested and would be put on criminal trial, Barotzoda replied: "I do not know. You need to talk to higher authorities. I am not competent to talk to you." He then refused to talk more (http://www.forum18.org/archive.php?article_id=2553).

Yokub Ismatov of the General Prosecutor's Office, who is responsible for complaints from citizens, told Forum 18 on 17 June that the complaint was on 30 January referred to Dushanbe City Prosecutor's Office. He refused to say why the suspect torturers have not been arrested and put on criminal trial for torture, asking Forum 18 to call back in 10 minutes. Subsequent calls on 17 and 18 June were not answered.

Firdavs Nasriddinzoda, the Assistant to Dushanbe City Prosecutor Umed Karimzoda, refused on 17 June after consulting with Karimzoda to say why the suspect torturers have not been arrested and put on criminal trial for torture. City Prosecutor's Office officials who refused to give their names on 18 June also refused to answer this question.

Rajabova was fined 550 Somonis under Administrative Code Article 460 ("Petty hooliganism") for allegedly insulting a state official (http://www.forum18.org/archive.php?article_id=2553). After two appeals, Judge Takhmina Valizoda of Dushanbe City Court upheld the fine on 4 April. The Judge did not answer her telephone when Forum 18 called on 19 June. On 1 July she did answer her phone but claimed to hear Forum 18 until she was questioned about why Rajabova was fined and why officials suspected of torture were not arrested and put on criminal trial. She then claimed not to hear Forum 18 and put the phone down. She did not answer subsequent calls that day.

Rajabova is preparing to appeal to the Supreme Court about being both fined and tortured, she told Forum 18.

Impunity for conscientious objector's torturers

While conscientious objector Jovidon Jamolovich Bobojonov (born 10 March 2000) was being forcibly held in Military Unit No. 45075, officials attempted to force him to wear military uniform and take the military oath of allegiance. In accordance with Bobojonov's conscientious objection as a Jehovah's Witness to military service he refused to do this (http://www.forum18.org/archive.php?article_id=2559).

On one occasion when Bobojonov refused to put on the military uniform, six soldiers attacked him, Jehovah's Witnesses told Forum 18. The soldiers twisted his arms behind his back, forced him to the ground, and Bobojonov's head was pressed with an army boot to the floor (http://www.forum18.org/archive.php?article_id=2559).

Soldiers also knelt on his neck. When he tried to resist, they beat him in the kidneys. The men tried to take off his trousers and put on military uniform trousers. The more he resisted, the more pressure to his neck was applied by soldiers' knees. Bobojonov then woke up, and found that he was bound with ropes, Jehovah's Witnesses added. He was seated on a chair but could not keep his balance, so someone held him in the chair so that he would not fall off.

Torture continued after Bobojonov's transfer to Military Unit No. 13003. "Soldier Kalandarov (first name not known) physically assaulted Jovidon while he was kept at the military unit and soldier Khasanov witnessed it," Jehovah's Witnesses told Forum 18 on 25 June.

On 5 February Bobojonov's parents complained to the Armed Forces General Staff and Dushanbe City Military Prosecutor's Office, demanding that the authorities take action against their son's torturers.

Military Prosecutor's Office investigators refused to open a criminal case because they allegedly could not corroborate the testimony of Bobojonov. "Other soldiers from the unit did not confirm Bobojonov's testimony, the investigation report claimed," Jehovah's

Witnesses stated. "Also a medical report from the unit from 31 January claimed that there were no marks of a beating on his body."

The Military Prosecutor of Dushanbe garrison, Shukhrat Makhmadyorzoda, on 25 June refused to tell Forum 18 why the suspect torturers have not been arrested and put on criminal trial for torture. "I cannot talk to you now. I need to look at the case materials," he replied. He then asked Forum 18 to call back later and put the phone down. Subsequent calls on 25 and 26 June went unanswered.

Senior Investigator Mekhrubon Ibrohimzoda of Dushanbe's Military Prosecutor's Office, who investigated Bobojonov for conscientious objection (http://www.forum18.org/archive.php?article_id=2559), on 25 June also refused to tell Forum 18 why the suspect torturers have not been arrested and put on criminal trial for torture. Even though the phone number called was his, Ibrohimzoda claimed to Forum 18 on 25 June that "you have reached the wrong number". He did not answer subsequent calls on 25 or 26 June.

Conscientious objector's jailing upheld

On 2 April, Dushanbe's Military Court jailed the 20-year-old Bobojonov for two years in a general regime labour camp for refusing compulsory military service on grounds of conscience (http://www.forum18.org/archive.php?article_id=2559).

Bobojonov appealed against his conviction, but on 21 May Judges Matin Bobozoda, Tojiddin Usmonzoda, and Nabi Alizoda of the Supreme Court's Board overseeing military cases rejected the appeal. Saidali Rakhmanzoda, Chair of the Board, refused on 17 June through an assistant (who refused to give their name) to explain why conscientious objectors are jailed and not allowed to do civilian alternative service.

Bobojonov had a fever in the detention prison in Dushanbe but recovered and on 6 June was transferred to a labour camp in Yavan. His address is:

Tajikistan

735310 Viloyati Xatlon

Shahri Yavan

kuchai Shamsov

Muassisai Islohii YaS 3/6

Bobojonov Jovidon Jamolovich

On 10 June Bobojonov told relatives by phone from the Yavan labour camp that he would be quarantined until 23 June. He last saw his friends at his trial in March. He last saw his parents when the verdict was announced at the end of his trial on 2 April. Only his lawyer was able to visit him while he was in the detention prison in Dushanbe.

Jehovah's Witnesses will appeal on behalf of Bobojonov to the UN Human Rights Committee, they told Forum 18 on 29 May.

Still no alternative service law

Conscientious objector Bobojonov allegedly "committed a major crime by refusing to serve in the Armed Forces", Major-General Musa Odinzoda, Deputy Chief of the Armed Forces General Staff claimed (http://www.forum18.org/archive.php?article_id=2533).

Officials, including from the Presidential Administration, have refused to explain to Forum 18 why Tajikistan is so swift to arrest and prosecute conscientious objectors such as Bobojonov, and so slow to act on repeated UN Human Rights Committee recommendations in 2004, 2013, and 2019 (http://www.forum18.org/archive.php?article_id=2559).

On 29 March 2019 Tajikistan claimed to the UN Human Rights Committee that an alternative service law was being prepared. Yet in January 2020 Subhiddin Bakhriddinzoda of the President's National Centre for Law told Forum 18 that "there is no draft law on alternative civilian service ready to present to Parliament" (http://www.forum18.org/archive.php?article_id=2533).

An assistant to Deputy Imomali Nasriddinzoda, Head of Parliament's Law and Human Rights Committee, claimed that Parliament "may consider" passing an alternative service law "after the next election" on 1 March (http://www.forum18.org/archive.php?article_id=2559).

The elections, which were marked by "systemic infringements on fundamental political rights and freedoms" (<http://www.osce.org/files/f/documents/9/9/453243.pdf>), took place and Deputy Nasriddinzoda is again Head of the Law and Human Rights Committee. When Forum 18 on 23 June stated that it wanted to discuss an alternative service law, an assistant who refused to

give her name responded that "we have been instructed not to give any comments to international organisations" and put the phone down.

Deputy Nasriddinzoda subsequently answered his phone on 23 June, but put it down as soon as Forum 18 introduced itself.

Sodik Shonazarov, Senior Advisor of the Legal Policy Section of the Presidential Administration, also refused to discuss an alternative service law. "I do not know anything about it. You had better call the Parliament," he told Forum 18 on 23 June. Told that Deputy Nasriddinzoda and his office refused to discuss an alternative service law, Shonazarov responded: "Write to the Foreign Ministry and they will refer the letter to us".

Anti-hijab actions continue

Rajabova, independent human rights defender Sherzod Mahmadjonov, and others who did not wish to give their names for fear of state reprisals, all confirmed that police continued in both Dushanbe and Vahdat to hunt for women in hijabs until the coronavirus lockdown. Some hunts continued after the lockdown into April, Mahmadjonov told Forum 18 on 24 June.

However, no source stated that men wearing beards had been stopped.

Mosques and Muslims exercising freedom of religion and belief are targeted for particularly severe state restrictions, imposed through the state-controlled Council of Ulems [Islamic scholars] and other state agencies (http://www.forum18.org/archive.php?article_id=2138). These include restrictions introduced in 2017 on how Islamic festivals and the haj pilgrimage are marked (http://www.forum18.org/archive.php?article_id=2315).

Beard and hijab-wearing bans have included forcing one couple to divorce. Police have set up roadblocks to enforce the bans, which have also been enforced in schools and universities. Officials have refused to give Forum 18 a legal reason for the bans (http://www.forum18.org/archive.php?article_id=2421).

Major Akbar Rakhmoni of the Interior Ministry's Department for the Struggle with Organised Crime, which oversees anti-hijab and beard actions, refused to tell Forum 18 why police still carried out anti-hijab actions. "I cannot talk to you about this over the phone," he claimed on 23 June.

Prisoners not treated in line with UN Mandela Rules

Colonel Ilkhomjon Makhmudzoda, Deputy Head of the Chief Directorate of Enforcement of Criminal Punishments, refused to say whether prisoners are allowed in accordance with the UN 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)) to read religious books, pray, or be visited by clergy of their choice. "I cannot answer you over the phone," he claimed to Forum 18 on 18 June.

Muslim prisoner of conscience Sadriddin Hairiddinovich Mulloyev (born 1984) is serving a 12-year strict regime jail term handed down by Dushanbe's Sino District Court in January 2020 (http://www.forum18.org/archive.php?article_id=2535).

Prison authorities have not allowed Mulloyev to contact his family by phone or receive visits since late February. The authorities claim that this – including denial of phone contact - is due to the quarantine regime, relatives told Forum 18.

Dushanbe City Court upheld Mulloyev's sentence in an appeal case on 12 February, the Court's Deputy Chair Judge Asomuddin Bobokhonzoda told Forum 18 on 30 June. On 1 July Bobokhonzoda put his phones down as soon as Forum 18 introduced itself. The family were not told of the date or place of the hearing, and were told of the decision by the National Security Committee (NSC) secret police.

Prisoner of conscience Mulloyev's prison address is:

Tajikistan

Viloyati Sugd

Shahri Khujand

8 mikroraion

Muassisai islohii YaS 3/3

Mulloyev Sadriddin Hairiddinovich

The treatment of 69-year-old prisoner of conscience Shamil Rasulovich Khakimov (born 30 January 1951), jailed for seven years six months in August 2019 (http://www.forum18.org/archive.php?article_id=2506), also does not appear to be in line with the Mandela Rules.

Prison authorities have not allowed Khakimov to receive visits, including from his son, since before the coronavirus lockdown. In December 2019 Khakimov's Bible was taken away from him, but it was returned on 20 April 2020 on condition that he "reads it in solitude with no one around".

Prisoner of conscience Khakimov's prison address is:

Tajikistan

Viloyati Sugd

735700 Shahri Khujand

Muassisai islohii YaS 3/5

Khakimov Shamil Rasulovich

While conscientious objector Bobojonov was in detention in Dushanbe he was not allowed to have his personal Bible or a Bible supplied by the authorities, Jehovah's Witnesses told Forum 18. The detention prison had no Bible in the library. It is not known whether he has been given a Bible in Yavan Labour Camp, or whether other aspects of his prison conditions conform to the Mandela Rules.

Bobojonov's parents have been trying to get a Bible approved for them to pass on to Jovidon. They have been seeking permission for the Tajik translation of the Bible produced by the Bible Society of Tajikistan under licence from the Moscow-based Institute for Bible Translation. For any religious book to be accepted for a prisoner, the State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA) needs to write a letter to say the book is authorised for use in the country. Bobojonov's parents sent their request for this letter to the SCRA on 18 March, Jehovah's Witnesses told Forum 18. They have had no response.

It is unclear, relatives told Forum 18, whether Muslim prisoner of conscience Daler Abdumannonovich Sharipov (born 1 January 1988) has access to a Koran or has been allowed to pray. However, he told relatives on 13 June that he is "doing well".

Sharipov, a journalist, was jailed for one year in April (http://www.forum18.org/archive.php?article_id=2568), and his family hope he will soon be amnestied. He has been transferred from the NSC secret police investigation prison he was held in to the same labour camp conscientious objector and prisoner of conscience Jovidon Bobojonov (jailed for two years in April after being tortured (http://www.forum18.org/archive.php?article_id=2559)) is being held in.

Prisoner of conscience Sharipov's prison address is:

Tajikistan

735310 Viloyati Xatlon

Shahri Yavan

kuchai Shamsov

Muassisai Islohii YaS 3/6

Sharipov Daler Abdumannonovich

(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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