

5 November 2020

TAJIKISTAN: Conscientious objector freed, but another jailed

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Rustamjon Norov, a 22-year-old Jehovah's Witness from Dushanbe, is in Khujand Investigation Prison facing prosecution for refusing compulsory military service on grounds of conscience. He faces two to five years' imprisonment if convicted. He denies accusations of falsifying his medical history to evade military service. On 1 November, conscientious objector Jovidon Bobojonov was freed under presidential prisoner amnesty after serving nine months of his two-year jail term.

Rustamjon Norov, a 22-year-old Jehovah's Witness from the capital Dushanbe, is being held in the northern city of Khujand awaiting trial to punish him for refusing military service on grounds of conscience. No trial date has yet been set. Prosecutors accuse him of falsifying his medical history to evade military service, charges he denies. He had offered to perform an alternative civilian service, but Tajikistan does not offer this. He faces two to five years' imprisonment if convicted.

The Assistant to Saidali Rakhmanzoda Chair of the Supreme Court's Military Collegium, refused to comment on its rejection of Norov's appeal against pre-trial detention. He also refused to put Forum 18 through on 5 November to the Chair or the Judges who made the decision. He referred it to the international section of the Supreme Court (see below).

Asked why Tajikistan still has no alternative to compulsory military service and why the authorities continue punishing conscientious objectors, Khaydar Kadyrov, Chief of the Supreme Court's international section, replied: "I cannot comment on these questions because they are political. Our section is not competent to answer such questions" (see below).

The prosecution of Norov comes as another jailed conscientious objector, fellow Jehovah's Witness Jovidon Bobojonov, was freed on 1 November under a presidential prisoner amnesty. He had served nine months of a two-year prison term. His sentence was deemed to run from January 2020, even though he had been in army detention from October 2019, during which time he was tortured. That torture remains unpunished (see below).

Shodigul Moyonshoyeva, the responsible official for complaints from citizens at the General Prosecutor's Office in Dushanbe, declined to say why complaints about Bobojonov's torture were not investigated and why the responsible military officials have not been put on trial. "Sorry we are in the midst of disinfection works because of the pandemic," she told Forum 18 (see below).

Military service of two years is compulsory for almost all able-bodied young men between the ages of 16 and 27 (see below).

Jehovah's Witnesses are conscientious objectors to military service and their beliefs do not allow them to undertake any kind of activity supporting any country's military. But they are willing to undertake an alternative, totally civilian form of service, as is the right of all conscientious objectors to military service under international human rights law (<http://www.quno.org/sites/default/files/resources/QUNO%202015%20RB%20Conscientious%20Objection%20FINAL.pdf>).

In defiance of its international human rights obligations, and despite repeated requests from the United Nations (UN) Human Rights Committee and UN Working Group on Arbitrary Detention, Tajikistan has not introduced a possibility for a genuinely civilian alternative service to the military conscription imposed on young men (see below).

Application for alternative civilian service

Rustamjon Batyrovich Norov (born 27 October 1998) grew up in a Jehovah's Witness family in the capital Dushanbe. He earns his living renovating apartments and restoring old furniture.

In 2013, local authorities forcibly took Norov and his younger brother, Ravshan, from school to the Military Conscription Office for a medical examination. Rustamjon Norov was only 15 years old at the time - well below the conscription age.

In 2016, Norov voluntarily reported to the local Military Conscription Office. He explained his conscientious reasons why he could not serve in the armed forces and requested alternative civilian service. The following year, he repeated the process. The deputy commander of the Military Conscription Office "respected Norov and was impressed by his explanation", Jehovah's Witnesses told

Forum 18. For the next three years, Norov was not summoned for compulsory military service.

Summoned, detained, facing trial

On 24 September 2020, Dushanbe's Sino District Conscription Office summoned Norov, where officers questioned him for three hours and declared him fit to perform military service. The officers then tried to force him to undergo a medical examination. Norov's father Batyr witnessed the incident and requested that the officers forward his son's case to the Prosecutor's Office.

On 1 October, Sino District Prosecutor's Office summoned Norov, who went with his father. The prosecutor assigned a district police officer who then took him "by force under a false pretext" back to Sino District Conscription Office. When they arrived, Norov's father was denied entry. Norov was then held in the custody of Dushanbe city Conscription Office for two days. He had not been formally charged or tried for a crime. While in custody, officers prevented him from consulting his lawyer.

On 3 October, officials sent Norov to various military units in Khujand in the northern Sugd Region. On 6 October, he was allowed to call his family and receive visits from his lawyer.

On 17 October, the investigator of Sugd Military Prosecutor's Office, Sh. Nematzoda, detained Norov. He is accused of falsifying his medical history to evade military service, which he denies. He is facing charges under Criminal Code Article 376, Part 2 ("Refusal to perform military service duties with the purpose of evading it completely"). The punishment for this is a prison term of between two and five years.

Forum 18 was unable to reach Sugd Military Prosecutor's Office on 5 November.

On 19 October, Judge Shakhrior Iskandarzoda of Khujand Military Court ordered Norov held in pre-trial detention for a period of investigation, Jehovah's Witnesses told Forum 18. Norov appealed against this on 21 October. However, on 28 October the Military Collegium of the Supreme Court in Dushanbe upheld the lower court decision.

Forum 18 was unable to reach Khujand Military Court on 5 November.

Samariddin Saidalizoda, Assistant to Saidali Rakhmanzoda Chair of the Supreme Court's Military Collegium, refused to comment on the rejection of Norov's appeal against pre-trial detention. He also refused to put Forum 18 through on 5 November to the Chair or the Judges who made the decision. He referred it to the international section of the Supreme Court. He further declined to talk to Forum 18.

Asked the same day why Tajikistan still has no alternative to compulsory military service and why the authorities continue punishing conscientious objectors, Khaydar Kadyrov, Chief of the Supreme Court's international section, replied: "I cannot comment on these questions because they are political. Our section is not competent to answer such questions." He further declined to talk to Forum 18.

No date has yet been set for Norov's trial to begin.

Jehovah's Witnesses say Norov has been encouraged by associating with older fellow believers who faced imprisonment because of their faith. "I clearly understand the potential consequences of my neutral stand," Norov declared. "If I am sent to prison, I consider it an honour to sanctify Jehovah's name in a 'new territory'."

Norov is being held in Investigation Prison, whose address is:

Ya/T 9/2 Investigation Prison

Khujand

Sugd Region

Tajikistan

Conscientious objector freed under amnesty

On 1 November, Jovidon Jamolovich Bobojonov (born 10 March 2000) was released from prison after serving nine months of his two-year jail sentence, his father told Forum 18. He was freed under an amnesty decree declared by President Emomali Rahmon on 30 October. As a result of this decree, 378 convicted persons were released "on the basis of the principles of humanity, compassion, care for family and children and adolescents". No other prisoners of conscience are known to have been freed under the decree.

"Jovidon is doing well, and he was treated normally while in prison," Bobojonov's father Jamol Bobojonov told Forum 18 on 5

November. "In the beginning he did not have a Bible to read in the prison, but eventually he was given one."

On 2 April, the Military Court in Dushanbe jailed Bobojonov for two years in a general regime labour camp for refusing compulsory military service on grounds of conscience. Although he had been held since October 2019, Bobojonov's sentence was deemed to run from the date of his arrest in January 2020. After sentencing he was sent to the labour camp in Yavan (http://www.forum18.org/archive.php?article_id=2582) in the south-western Khatlon Region.

While he was forcibly held in a military unit between October 2019 and January 2020, military personnel tortured Bobojonov with beatings and by kneeling on his neck as they tried to pressure him to take the military oath and put on military uniform (http://www.forum18.org/archive.php?article_id=2559). No one has been punished for this torture.

Jamol Bobojonov told Forum 18 after his son's release that the family wrote complaints about the torture to the Presidential Administration and the General Prosecutor's Office, calling for those who physically assaulted Jovidon Bobojonov while in the military unit to be punished, "but we received no response".

Shodigul Moyonshoyeva, the responsible official for complaints from citizens at the General Prosecutor's Office in Dushanbe, declined to say why the complaint about Bobojonov's torture was not investigated and why the responsible military officials have not been put on trial. "Sorry we are in the midst of disinfection works because of the pandemic," she claimed to Forum 18 on 5 November. "Call me back in several days."

Compulsory military service

Military service of two years is compulsory for almost all able-bodied young men between the ages of 16 and 27.

Article 1 of the November 2000 Universal Military Obligation and Military Service Law includes the provision: "In accordance with the law, a citizen has the right to undergo alternative service in place of military service. The procedure for undergoing alternative service is determined by law". However, no law enacting alternative service has ever been adopted.

Indeed, military comments in 2007 suggested that the ban that year on the Jehovah's Witnesses might be linked to this community's conscientious objection to compulsory military service (http://www.forum18.org/archive.php?article_id=2138).

Those unable to serve in the armed forces on grounds of conscience face prosecution. Jehovah's Witness Daniil Islamov was forcibly conscripted in April 2017, despite health problems preventing him doing military service even if he wanted to do it (http://www.forum18.org/archive.php?article_id=2312). He was then charged under Criminal Code Article 376, Part 1 ("Evasion by an enlisted serviceman of fulfilment of military service obligations by way of inflicting on oneself injury (self-mutilation) or evasion by simulation of sickness or by other deception"). In October 2017 Qurghonteppa Military Court, in Khatlon Region, sentenced him to six months' jail.

Still no alternative service law

In defiance of its international human rights obligations, and despite repeated requests from the UN Human Rights Committee, as well as the UN Working Group on Arbitrary Detention, Tajikistan has not introduced a possibility for a genuinely civilian alternative service to the military conscription imposed on young men.

- UN Working Group on Arbitrary Detention

On 5 October 2017 the UN Working Group on Arbitrary Detention publicly stated that Tajikistan should release prisoner of conscience Islamov "immediately". The regime ignored this (http://www.forum18.org/archive.php?article_id=2455).

The UN Working Group's Opinion (A/HRC/WGAD/2017/43) found that Tajikistan had contravened the International Covenant on Civil and Political Rights, and also noted (http://www.ohchr.org/Documents/Issues/Detention/Opinions/Session79/A_HRC_WGAD_2017_43_EN.pdf) that "The right to conscientious objection is well established in international law and derives from article 18 of the Covenant. The Government of Tajikistan has already been made fully aware of this by the Human Rights Committee, which has specifically recommended that Tajikistan provide for alternatives to military service in such cases".

The UN Working Group also stated that among the follow up actions were that within six months of the date of transmission of the October 2017 Opinion the government should inform the Working Group "whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of Tajikistan with its international obligations in line with the present opinion".

No such reply had been received by the Working Group by the six months deadline (http://www.forum18.org/archive.php?article_id=2533).

- UN Human Rights Committee

In its 22 July 2004 Concluding Observations on Tajikistan's record under the International Covenant on Civil and Political Rights (CCPR/CO/84/TJK (<http://www.undocs.org/en/CCPR/CO/84/TJK>)), the UN Human Rights Committee stated: "The State party should take all necessary measures to recognize the right of conscientious objectors to be exempted from military service."

This was repeated in the Human Rights Committee's 23 April 2013 Concluding Observations (CCPR/C/TJK/CO/2 (<http://www.undocs.org/en/CCPR/C/TJK/CO/2>)), which "reiterates its previous concern" about "the State party's lack of recognition of the right to conscientious objection to compulsory military service, and at the absence of alternatives to military service".

The Human Rights Committee again repeated its concern in its Concluding Observations (CCPR/C/TJK/CO/3 (<http://www.undocs.org/CCPR/C/TJK/CO/3>)), adopted on 18 July 2019: "The State party should step up its efforts to adopt the legislation necessary to recognize the right to conscientious objection to military service without discrimination as to the nature of the beliefs (religious or non-religious beliefs grounded in conscience) justifying the objection, and to ensure that alternative service is not punitive or discriminatory in nature or duration by comparison with military service."

"A major crime"?

Conscientious objector Bobojonov allegedly "committed a major crime by refusing to serve in the Armed Forces" (http://www.forum18.org/archive.php?article_id=2533), Major-General Musa Odinazoda, Deputy Chief of the Armed Forces General Staff, claimed in October 2019.

Officials, including from the Presidential Administration, 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 (http://www.forum18.org/archive.php?article_id=2533). Yet in January 2020 Subhiddin Bakhridinzoda 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".

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 was again Head of the Law and Human Rights Committee. When in June Forum 18 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 in 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, in April refused to answer when Forum 18 asked why Tajikistan was so swift to arrest and prosecute conscientious objectors such as Bobojonov, and so slow to act on repeated Human Rights Committee recommendations in 2004, 2013, and 2019 (http://www.forum18.org/archive.php?article_id=2559).

In June Shonazarov claimed that he did not know anything about an alternative service law (http://www.forum18.org/archive.php?article_id=2582). (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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