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TAJIKISTAN: Ismaili religious leader jailed, prayer houses closed

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

On 3 August, 8 days after the NSC secret police arrested Muzaffar Davlatmirov, a respected 59-year-old Ismaili religious leader, Badakhshan Regional Court jailed him for 5 years for alleged "public calls for extremist activity". "Davlatmirov is not an extremist, and did not call for 'extremist' activity," a local person who knows him told Forum 18. His relatives and friends do not know where he is serving his sentence. There are now at least 7 prisoners of conscience known to be jailed for exercising freedom of religion or belief, one a Jehovah's Witness and the others Muslim. The regime has also closed all Ismaili prayer houses in Mountainous Badakhshan, and the Ismaili Education Centre in Khorugh.

On 26 July the NSC secret police arrested Muzaffar Davlatmirov, a 59-year-old Ismaili religious leader in Khorugh. Just eight days later, on 3 August, Badakhshan Regional Court handed him a five-year prison sentence under Criminal Code Article 307-1 ("Public calls for extremist activity"), Part 2 ("committed using the mass media or the internet"). The possible punishments are between five and 10 years jail. This article has been used by the regime to target a variety of Muslims.

"That Davlatmirov was arrested on 26 July and in early August given a prison sentence shows that the Court is a theatre," Independent journalist Anora Sarkorova commented to Forum 18 on 7 October. "The order came from the central authorities, and the Court had to sentence him quickly," she noted (see below).

Khorugh is the capital of the Mountainous Badakhshan Autonomous Region (also known from Russian as Gorno-Badakhshan). The region has seen increasing repression by the regime since a local resident was in November 2021 killed by "security" forces. As Bruce Pannier has observed on bne IntelliNews, the region has a history of independence from the regime and the Ismaili Aga Khan Foundation has played a large role in the region's development (see below).

"Davlatmirov was widely known and respected by the local Ismaili people," independent journalist Sarkorova told Forum 18. She noted that he had criticised the regime's religious policies, and argued for the preservation of local Pamiri traditions. Davlatmirov also, she stated, criticised the regime's violent suppression in May of peaceful protests (see below). The suppression of protest is claimed by the regime to be an "anti-terrorism operation."

Independent journalist Sarkorova commented that the regime did not like the fact that Davlatmirov was respected in the region, and that he could influence people. She thought it was possible that prisoner of conscience Davlatmirov was jailed because he said the janaza (funeral) prayers at the funeral in May of three local informal leaders killed during the regime's violent suppression of peaceful protests.

Mountainous Badakhshan regional government spokesperson Gholib Niyatbekov refused to comment when Forum 18 noted that prisoner of conscience Davlatmirov did not violate the law by praying at funerals.

Police Major Azamat Oshurmamadov, who commands "anti-terrorism" police operations in the region, Regional government spokesperson Niyatbekov, Judge Abdukhanon Nazarzoda of Badakhshan Regional Court, and a Supreme Court official who refused to give his name all refused to state what exactly Davlatmirov did that led to the five-year jail term (see below).

"Davlatmirov is not an extremist, and did not call for 'extremist' activity," a local person who knows him and wished to remain anonymous for fear of state reprisals told Forum 18. Prisoner of conscience Davlatmirov's relatives and friends do not know where he is serving his prison sentence, violating Rule 68 of the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules – A/C.3/70/L.3) (see below).

With the jailing of prisoner of conscience Davlatmirov, there are now at least seven prisoners of conscience jailed for exercising freedom of religion or belief. One is a Jehovah's Witness, and the other known prisoners of conscience (including Davlatmirov) jailed for exercising freedom of religion or belief are Muslim (see below).

As the regime violently suppressed peaceful protests in Mountainous Badakhshan in May, it also closed down all Ismaili prayer houses in the region and the Ismaili Education Centre (opened in 2018) in Khorugh.

The Ismaili branch of Shia Islam in Tajikistan is mainly found in Mountainous Badakhshan in south-eastern Tajikistan. Worldwide, the community is led by the Aga Khan. Ismaili centres are very important for the community, fulfilling a wide range of spiritual, educational, and cultural purposes (see below).

No official notification or reason given – including from the State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA) - for the closures or how long they will last. However the SCRA has announced that a group of "experts" will decide this. SCRA officials and a Supreme Court official who refused to give his name all refused to discuss the closures with Forum 18.

Regional government spokesperson Niyatbekov insisted to Forum 18 that no Ismaili prayer houses were closed, and the Education Centre in Khorugh was also not closed. "You have totally wrong information," he claimed, "Ismailis attend the prayer house [in Khorugh] day and night. It is always open". Both mosques and Protestant churches have been forcibly closed by the regime (see below).

It is unclear exactly whether the regime has any specific reason for increasingly targeting companies and organisations linked with the Aga Khan, or whether this is part of the regime's overall increasing repression within Mountainous Badakhshan. It is possible that the regime's hostility stems from its suspicion that Ismailis respect the Aga Khan more than Emomali Rahmon, who has ruled the country since 1992 without facing a free and fair election (see below).

The regime has also been continuing to implement its existing restrictions on Muslims exercising their freedom of religion or belief, as well as continuing to insist that non-Muslim communities provide detailed and intrusive information (https://www.forum18.org/archive.php?article_id=2785) to the SCRA.

Ismaili Muslim religious leader jailed for five years

The National Security Committee (NSC) secret police arrested Muzaffar Vafonazarovich Davlatmirov (born 6 July 1963), an Ismaili religious leader in Khorugh, on 26 July.

Badakhshan Regional Court convicted him on 3 August, giving him a five-year general regime prison sentence under Criminal Code Article 307-1 ("Public calls for extremist activity"), Part 2 ("committed using the mass media or the internet"). The possible punishments are between five and 10 years' jail.

"That Davlatmirov was arrested on 26 July and in early August given a prison sentence shows that the Court is a theatre," Independent journalist Anora Sarkorova commented to Forum 18 on 7 October. "The order came from the central authorities, and the Court had to sentence him quickly," she noted.

Swift trials in such circumstances are "a normal course of action in today's Tajikistan," Muhammadiqbol Sadriddin of the exiled isloh.net news website told Forum 18 the same day.

Khorugh is the capital of the Mountainous Badakhshan Autonomous Region (also known from Russian as Gorno-Badakhshan). The region has seen increasing repression by the regime since "security" forces killed a local resident (<https://www.intellinews.com/tajikistan-s-unprecedented-gbao-crackdown-threatens-a-centuries-old-culture-254070/>) in November 2021. As Bruce Pannier has observed on bne IntelliNews, the region has a history of independence from the regime and the Ismaili Aga Khan Foundation has played a large role in the region's development.

Davlatmirov "widely known and respected by the local Ismaili people"

"Davlatmirov was widely known and respected by the local Ismaili people," independent journalist Sarkorova told Forum 18. She noted that he had criticised the regime's religious policies, and argued for the preservation of local Pamiri traditions. Davlatmirov also, she stated, criticised the regime's violent suppression in May of peaceful protests (<https://www.hrw.org/news/2022/05/26/tajikistan-stop-abusing-autonomous-region-protectors>).

The regime claimed the suppression of protest to be an "anti-terrorism operation".

Independent journalist Sarkorova commented that the regime did not like the fact that Davlatmirov was respected in the region, and that he could influence people. She thought it was possible that prisoner of conscience Davlatmirov was jailed because he said the janaza (funeral) prayers at the funeral in May of three local informal leaders killed during the regime's violent suppression of peaceful protests.

Mountainous Badakhshan regional government spokesperson Gholib Niyatbekov claimed to Forum 18 on 7 October: "Davlatmirov is not respected by local people because he violated the law." When Forum 18 noted that prisoner of conscience Davlatmirov did not violate the law by praying at funerals, Niyatbekov then claimed he cannot comment on this.

Now at least 7 prisoners of conscience jailed for exercising freedom of religion or belief

With the jailing of prisoner of conscience Davlatmirov, there are now at least seven prisoners of conscience jailed for exercising freedom of religion or belief. One is a Jehovah's Witness, and the other known prisoners of conscience (https://www.forum18.org/archive.php?article_id=2625) (including Davlatmirov) jailed for exercising freedom of religion or belief are Muslim.

Why was Davlatmirov jailed?

Police Major Azamat Oshurmamadov, who commands "anti-terrorism" police operations in the region, refused to tell Forum 18 on 11 October what exactly Davlatmirov did that led to his jailing. "I do not know of such a person or his arrest," he claimed. When Forum 18 pointed out that Major Oshmuramadov's colleagues in the regional government and judiciary know who Davlatmirov is and that he had been jailed, Oshurmamadov put the phone down. He did not answer his phone again that day.

Regional government spokesperson Niyatbekov also refused to state what exactly Davlatmirov did that led to the five-year jail term.

The regional Prosecutor's Office did not answer their phones between 7 and 11 October.

Criminal Code Article 307-1 ("Public calls for extremist activity") has been used to target among others:

- 36-year-old Muslim Khayriddin Dostakov after having been arrested (https://www.forum18.org/archive.php?article_id=2538) on 29 December 2019 and tortured. Officials alleged he spread "extremist ideas", and questioned him about whether he had become a Shia Muslim or spread Shia beliefs. They released him on 25 August 2020 after finding no evidence of "extremism" (https://www.forum18.org/archive.php?article_id=2625) and closed the criminal case against him;

- to unsuccessfully try in September 2018 to extradite former professional footballer Parviz Tursunov from Belarus (https://www.forum18.org/archive.php?article_id=2438). "We think that the authorities were angry that he stood for his religious beliefs and left his professional career," Tursunov's relatives told Forum 18. "He left the country protesting at the ban on beards. He wanted to freely practice his religious beliefs, one of which is that every Muslim man should have a beard. We think that the authorities are worried that, as he is well-known as a former professional footballer, other Tajik men may be inspired to follow his example";

- and to prosecute allegedly Salafi Muslims (https://www.forum18.org/archive.php?article_id=2336). The then SCRA Deputy Head Mavlon Mukhtarov claimed to Forum 18 that Salafis are "extremist" because they "attend Tajik Sunni mosques and pray differently" (https://www.forum18.org/archive.php?article_id=2625), and they also argue with Mosque attendees about the teachings of Islam". No provision of the law bans praying differently.

"Davlatmirov is not an extremist"

"Davlatmirov is not an extremist, and did not call for 'extremist' activity," a local person who knows him and wished to remain anonymous for fear of state reprisals told Forum 18 on 5 October. They noted that the family, who they also know, do not accept that there is any justification for prisoner of conscience Davlatmirov's five-year jail term.

Other local people close to the family told Radio Free Europe (RFE) on 4 August that "we do not know the real reasons for his imprisonment. The authorities do not have any evidence of his guilt. In his public sermons he called people to peace."

Judge Abdukhanon Nazarzoda, Chair of Badakhshan Regional Court, on 5 October refused to explain to Forum 18 why his court jailed prisoner of conscience Davlatmirov. "I do not remember," Nazarzoda claimed, "the Court has had so many cases recently that I cannot remember all the details." He also refused to explain why Davlatmirov was arrested on 26 July and swiftly jailed on 4 August, referring questions to the Supreme Court as "we refer all information about cases we try to the Supreme Court".

A Supreme Court official, who refused to give his name, refused to discuss Davlatmirov's case with Forum 18 on 10 October, as did Gulnora Rasulzoda who is head of the department overseeing complaints. Forum 18 the same day also wrote to Supreme Court Chair Shermuhammad Shohiyon, asking what evidence-based legal grounds there are to jail prisoner of conscience Davlatmirov. Forum 18 received no reply by the end of the working day in Dushanbe on 17 October.

Where is prisoner of conscience Davlatmirov?

Prisoner of conscience Davlatmirov's relatives and friends do not know where he is serving his prison sentence. This violates Rule 68 of the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules – A/C.3/70/L.3 (https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf)), which states in part: "Every prisoner shall have the right, and shall be given the ability and means, to inform immediately his or her family, or any other person

designated as a contact person, about his or her imprisonment, about his or her transfer to another institution and about any serious illness or injury."

Judge Nazarzoda of Badakhshan Regional Court refused to say where Davlatmirov is being held, or whether the Mandela Rules are being observed in full.

Regime officials have repeatedly denied having heard of the Mandela Rules (https://www.forum18.org/archive.php?article_id=2760), despite the UN Human Rights Committee and the UN Committee against Torture having both called for Tajikistan to implement the Mandela Rules (https://www.forum18.org/archive.php?article_id=2643).

All Ismaili prayer houses and Education Centre closed in Mountainous Badakhshan

As the regime violently suppressed peaceful protests in Mountainous Badakhshan in May (<https://www.hrw.org/news/2022/05/26/tajikistan-stop-abusing-autonomous-region-protectors>), it also closed down all Ismaili prayer houses in the region and the Ismaili Education Centre (opened in 2018) in Khorugh.

The Ismaili branch of Shia Islam in Tajikistan is mainly found in Mountainous Badakhshan in south-eastern Tajikistan, and are worldwide led by the Aga Khan, a direct descendent of the Islamic prophet Muhammad. Ismaili centres are very important for the community, fulfilling a wide range of spiritual, educational, and cultural purposes.

The Aga Khan Foundation in the capital Dushanbe told Forum 18 on 20 September that prayer houses in the region have been "unofficially closed" since May, but they have been given no official notification or reason given – including from the State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (https://www.forum18.org/archive.php?article_id=2625) (SCRA) - for the closures or how long they will last.

However, Ismaili education centres in Khujand in the northern Sughd Region, and in the capital Dushanbe remain open.

An unnamed SCRA official told Radio Free Europe (RFE) on 6 September that SCRA "experts" were examining the activity of the prayer houses. "Depending on the expert analysis of the group a decision will be made," the official claimed. The official did not say when the "expert analysis" (https://www.forum18.org/archive.php?article_id=2625) would be given.

SCRA Deputy Chair Farrukhullo Olimzoda, Deputy Head Khuseyn Shokirov, and the Deputy Head of the section responsible for work with religious communities Saidakhmad Saidjafarov all refused to discuss the closures with Forum 18 between 30 September and 3 October. Other officials, including SCRA Chair Sulaymon Davlatzoda, did not answer their phones when called.

A Supreme Court official who refused to give his name refused to discuss the closures with Forum 18 on 10 October, as did Gulnora Rasulzoda who is head of the department overseeing complaints. Forum 18 the same day also wrote to Supreme Court Chair Sher Muhammad Shohiyon, asking what evidence-based legal grounds there are to close the Ismaili prayer houses and Education Centre. No reply has yet been received.

Regional government spokesperson Niyatbekov insisted to Forum 18 that no Ismaili prayer houses were closed, and the Education Centre in Khorugh was also not closed. "You have totally wrong information," he claimed, "Ismailis attend the prayer house [in Khorugh] day and night. It is always open."

The regime has forcibly closed both mosques and Protestant churches (https://www.forum18.org/archive.php?article_id=2625). In the case of mosque closures, regime officials are apparently proud of the closures, and have claimed that the closures happened at the request of mosque congregations. Local Muslims have strongly rejected this claim.

Protestant churches have been closed either because of alleged problems with their charter, because of allegedly "extremist activity", or because they wish to use the building for other purposes. Local Protestants have rejected all these claims. One regime official claimed to Forum 18 after a group of Protestant churches were forcibly closed: "All religions are free in Tajikistan and the state does not interfere in their activity".

Why?

It is unclear exactly whether the regime has any specific reason for increasingly targeting companies and organisations linked with the Aga Khan (<https://eurasianet.org/tajikistan-puts-the-squeeze-on-aga-khan-linked-entities>), or whether this is part of the regime's overall increasing repression within Mountainous Badakhshan (<https://www.intellinews.com/tajikistan-s-unprecedented-gbao-crackdown-threatens-a-centuries-old-culture-254070>).

Between 13 and 14 August the National Security Committee (NSC) secret police questioned Sharofat Mamadambarova, the President of the Ismaili Council of Tajikistan. Mamadambarova told RFE on 18 August that the NSC questioned her about Aga Khan Foundation contracts, and whether she knew anyone detained by the regime during peaceful protests.

It is possible that the regime's hostility stems from its suspicion that Ismailis respect the Aga Khan more than Emomali Rahmon, who has ruled the country since 1992 (https://www.forum18.org/archive.php?article_id=2625) without facing a free and fair election (<https://www.osce.org/odihr/elections/tajikistan>). Regime officials formally refer to Rahmon as the "Founder of Peace and National Unity, Leader of the Nation".

In 2019 the SCRA wrote to the Aga Khan Foundation and the Ismaili Education Centre in Dushanbe, stating: "We are concerned that colourful posters of Aga Khan around the buildings of prayer houses with slogans such as 'Welcome Our Imam', 'Happy Diamond Anniversary', 'We Love Our Imam' can be interpreted as a preference for the [Shia Muslim] Ismaili faith over the [state-controlled] Sunni faith (https://www.forum18.org/archive.php?article_id=2625), and for the Aga Khan over the Leader of the Nation [Emomali Rahmon]."

The regime has also been continuing to implement its existing restrictions on Muslims exercising their freedom of religion or belief, as well as continuing to insist that non-Muslim communities provide detailed and intrusive information (https://www.forum18.org/archive.php?article_id=2785) to the SCRA. (END)

More reports on freedom of thought, conscience and belief in Tajikistan (<https://www.forum18.org/archive.php?country=31>)

For background information, see Forum 18's Tajikistan religious freedom survey (https://www.forum18.org/archive.php?article_id=2625)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (https://www.forum18.org/archive.php?article_id=1351)

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