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TAJIKISTAN: Ailing prisoner of conscience's hospital transfer refused again

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

The governor of Strict Regime Prison YaS 3/5 in Khujand refuses to explain why Jehovah's Witness prisoner of conscience Shamil Khakimov – aged 72 and in urgent need of specialised medical care – cannot be transferred to hospital. On 15 February in his absence, Sugd Regional Court rejected Khakimov's latest appeal. Among the 6 other known prisoners of conscience jailed for exercising freedom of religion and belief, Ismaili leader Muzaffar Davlatmirov from Mountainous Badakhshan was in August 2022 transferred to General Regime Prison YaS 3/6 in Yavan. Jailed Islamic Renaissance Party member, Zubaydullo Rozik, was again sent to punishment cell for having a Koran.

Jehovah's Witness prisoner of conscience Shamil Khakimov latest attempt to gain transfer to a hospital for urgently-needed specialised medical care has been refused again. On 15 February, and in his absence, Sugd Regional Court rejected his appeal against a lower court denial of his suit for early release. The 72-year-old has multiple medical conditions, including signs of gangrene in his legs, serious eyesight problems, and frequent severe headaches.

Forum 18 asked the governor of Strict Regime Prison YaS 3/5 in Khujand, Colonel Jamoliddin Khushbakhtzoda, why the prison authorities have not transferred Khakimov to hospital for the specialised treatment he needs. Without answering, Colonel Khushbakhtzoda put the phone down. Subsequent calls were not answered (see below).

Arrested in February 2019, Khakimov was jailed for books, other literature, photos, videos, audios, computer files, and mobile phone data seized from him and other Jehovah's Witness community members, which the Prosecutor's Office claimed contain "features of extremist activity". He is now due for release from prison on 16 May 2023, aged 72, after which he will be banned from exercising his freedom of religion and belief until May 2026 (see below).

The 59-year-old Ismaili religious leader from Khorugh in Mountainous Badakhshan, Muzaffar Davlatmirov, was transferred to the General Regime Prison YaS 3/6 in Yavan in August 2022 soon after being jailed for five years. His jailing came amid a regime crackdown in the region. Forum 18 has been unable to find out if he can pray undisturbed in prison, and whether he is able to have religious books of his choice. The telephone of Prison YaS 3/6 were not answered (see below).

In September 2022, the administration of Strict Regime Prison YaS 3/1 sent jailed Islamic Renaissance Party (IRP) member, Zubaydullo Rozik, to the punishment cell for 15 days. "The reason was the discovery of the Koran and Islamic literature in the sleeping area," his son Hisomiddin Rozikov said. This was Rozik's third known punishment cell term for exercising freedom of religion or belief in jail. Rozik – who is now 76 – is due for release in 2040. The telephone of Prison YaS 3/1 were not answered (see below).

Prison administrations often violate the rights of prisoners to exercise freedom of religion or belief during their sentences. The UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules) say such rights must be respected and note: "Every prisoner shall be allowed to satisfy the needs of his or her religious life by .. having in his or her possession the books of religious observance" (see below).

The Prisons Department of the Justice Ministry's Chief Directorate for the Enforcement of Criminal Punishments in Dushanbe refused to discuss the cases of any of these prisoners (see below).

No one at the regime's State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA) would discuss anything with Forum 18 between 14 and 21 February. The men who answered the phones on 14 February of First Deputy Chair Amirbeg Begnazarov and of the head of the International Department Abdugaffor Yusufov put the phone down as soon as Forum 18 introduced itself. Subsequent calls to other SCRA officials were not answered.

An official of the regime's Human Rights Ombudsperson's Office in the capital Dushanbe refused to discuss anything with Forum 18 on 21 February. He said Mukim Ashurov (Head of its Civil and Political Rights Department) and Rachabmo Habibulozoda (Head of

its Economic, Social and Cultural Rights Department) were both away on a work trip. Their phones were not answered on 22 February.

(The Global Alliance of National Human Rights Institutions accredits Tajikistan's Human Rights Ombudsperson's Office only with B status because of its failure to accord with the Paris Principles, which require such institutions to be independent of government.)

Jehovah's Witness prisoner of conscience refused specialised medical treatment

Seriously ill Jehovah's Witness prisoner of conscience Shamil Rasulovich Khakimov's (born 30 January 1951) latest bid to be transferred to hospital for specialised medical treatment has been refused again.

On 10 September 2019, a court in the northern city of Khujand jailed Khakimov for seven years, six months for allegedly "inciting religious hatred" (https://www.forum18.org/archive.php?article_id=2506). He had been in pre-trial detention since February 2019, and was prosecuted for books, other literature, photos, videos, audios, computer files, and mobile phone data seized from him and other community members, which the Prosecutor's Office claimed contain "features of extremist activity". No evidence was produced that Khakimov or his community had harmed anyone.

"I am guilty of nothing," prisoner of conscience Khakimov told the Court. His real "crime" seems to be that the regime thinks he led Khujand's Jehovah's Witness community (https://www.forum18.org/archive.php?article_id=2506).

Khakimov's jail term was twice reduced. Now due for release on 16 May 2023, aged 72, he would be banned from exercising his freedom of religion and belief until May 2026.

Prisoner of conscience Khakimov has long been seriously ill (https://www.forum18.org/archive.php?article_id=2792), has been repeatedly denied necessary medical treatment, and his health is rapidly declining. Among his multiple serious health problems are signs of gangrene in his legs, serious eyesight problems, and frequent severe headaches. He has not been able to wash himself since August 2022, but there are fears that he may die before his scheduled release date (https://www.forum18.org/archive.php?article_id=2792) in May 2023.

The United Nations (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)) state in Rule 27 that: "All prisons shall ensure prompt access to medical attention in urgent cases. Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals." The Mandela Rules also state that medical decisions must be made by doctors.

The regime has long denied all prisoners access to the health care (https://www.forum18.org/archive.php?article_id=2643) they need, and which it is their right to receive under Tajikistan's legally binding international human rights obligations. Both the UN Human Rights Committee (in August 2019) and the UN Committee against Torture (in June 2018) have called for the regime to implement the Mandela Rules for all prisoners (https://www.forum18.org/archive.php?article_id=2643), including for the provision of medical treatment.

When Forum 18 asked prison governor Colonel Jamoliddin Khushbakhtzoda in June 2022 why the regime does not implement the Mandela Rules, he replied (https://www.forum18.org/archive.php?article_id=2760): "What Rules are you talking about? I haven't heard of these Rules." The previous prison governor, Justice Ministry officials, and a Supreme Court official have all denied to Forum 18 that they have any knowledge (https://www.forum18.org/archive.php?article_id=2643) of the Mandela Rules.

There have been multiple reminders (https://www.forum18.org/archive.php?article_id=2792) from the UN Human Rights Committee from March 2021 onwards (https://www.forum18.org/archive.php?article_id=2678) that Tajikistan's human rights obligations require that Tajikistan must "ensure, without delay, that Mr. Khakimov receives adequate medical treatment at a specialised medical institution in accordance with his health care requirements, and that an alternative to imprisonment is secured for Mr. Khakimov".

Regime officials from Strict Regime Prison YaS 3/5, Khujand City Court, and the Justice Ministry's Chief Directorate for the Enforcement of Criminal Punishments have all denied that prisoner of conscience Khakimov has any serious health problems (https://www.forum18.org/archive.php?article_id=2792) or need of specialised medical treatment.

Khakimov's suit to be transferred for medical treatment refused again

Prisoner of conscience Khakimov lodged a court appeal to be transferred from Strict Regime Prison YaS 3/5 for urgent medical treatment in a specialised hospital. However, on 2 November 2022, Judge Marufjon Rustamzoda of Khujand City Court refused the application (https://www.forum18.org/archive.php?article_id=2792).

At the November 2022 hearing, held in Strict Regime Prison YaS 3/5, a non-specialist medical member of the prison medical unit

staff admitted in court (https://www.forum18.org/archive.php?article_id=2792): "Khakimov's health has worsened, and the medical unit is not able to give him proper constant attention and care." A doctor who visited Khakimov in prison earlier in 2022 privately admitted that "his condition is severe". However, to regime officials the doctor felt under pressure to describe Khakimov's health as satisfactory (https://www.forum18.org/archive.php?article_id=2760).

On 15 February 2023, Sugd Regional Court rejected Khakimov's appeal against the November 2022 decision. Khakimov's lawyer filed an application for the complaint to be heard in the presence of both herself and her client. Yet the court hearing was held without prisoner of conscience Khakimov's participation, Jehovah's Witnesses told Forum 18 on 20 February 2023.

"Unfortunately, the [February 2023] appeal court left the negative decision of the lower court [November 2022] unchanged," Jehovah's Witnesses added.

The telephone of Sugd Regional Court was not answered when Forum 18 called on 22 February.

On 22 February, Forum 18 asked prison governor Colonel Khushbakhtzoda why the prison authorities have not transferred Khakimov to hospital for the specialised medical treatment he needs. Without answering, Colonel Khushbakhtzoda put the phone down. Subsequent calls were not answered.

Prisoner of conscience Khakimov's prison address is:

Tajikistan

Viloyati Sugd

735700 Shahri Khujand

Muassisai islohii YaS 3/5

Khakimov Shamil Rasulovich

Ismaili prisoner of conscience in Yavan Prison

On 26 July 2022 the NSC secret police arrested Muzaffar Vafonazarovich Davlatmirov (born 6 July 1963), an Ismaili religious leader in Khorugh. Just eight days later, on 3 August, Badakhshan Regional Court handed 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"). This article has been used by the regime to target a variety of Muslims (https://www.forum18.org/archive.php?article_id=2782). "Davlatmirov is not an extremist, and did not call for 'extremist' activity," a local person who knows him told Forum 18.

"Muzaffar tried to appeal, but they [the court] didn't accept it," independent journalist Anora Sarkorova told Forum 18. She noted that Davlatmirov was jailed at the "hottest moment", when the regime was in Mountainous Badakhshan violently repressing and jailing peaceful protestors.

At the same time the regime also closed all Ismaili prayer houses (https://www.forum18.org/archive.php?article_id=2782) in Mountainous Badakhshan. In January 2023 the regime also banned (https://www.forum18.org/archive.php?article_id=2811): meetings for Ismaili prayers in private homes; local people hanging portraits of the Ismaili spiritual leader, the Aga Khan, in their homes; voluntary lessons for secondary-school age children based on a course book published by the Aga Khan Foundation; and Ismailis from travelling to Britain for education at the Institute of Ismaili Studies.

"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 (https://www.forum18.org/archive.php?article_id=2782), and argued for the preservation of local Pamiri traditions. Davlatmirov also, she stated, criticised the regime's violent suppression in May 2022 of peaceful protests. 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 he was jailed because he said the janaza (funeral) prayers (https://www.forum18.org/archive.php?article_id=2782) at the funeral in May 2022 of three local informal leaders killed during the regime's violent suppression of peaceful protests.

In August 2022, after prisoner of conscience Davlatmirov was sentenced, the Justice Ministry's Department for the Execution of Criminal Punishments sent him to serve his sentence in General Regime Prison YaS 3/6 in Yavan in the south-western Khatlon Region. For months afterwards prisoner of conscience Davlatmirov's relatives and friends were not told where he was held (https://www.forum18.org/archive.php?article_id=2792).

"Prisoners in Yavan are very cold," Sarkorova added. "They ask their relatives to send blankets and mattresses." She said the food served up to prisoners is inedible. "Relatives buy everything, from food to toilet paper. Prisoners club together to buy kettles." Prisoners are allowed to call their relatives, but must speak in Tajik so that a warder sitting next to them can understand what they are saying.

Forum 18 has been unable to find out if Davlatmirov can pray undisturbed, and whether he is able to have religious books of his choice. The telephone of General Regime Prison YaS 3/6 was not answered at any time Forum 18 called on 21 or 22 February.

An official, who refused to give her name, in the Prisons Department of the Justice Ministry's Chief Directorate for the Enforcement of Criminal Punishments in Dushanbe refused to discuss Davlatmirov's imprisonment with Forum 18 on 14 February.

Prisoner of conscience Davlatmirov's prison address is:

Tajikistan

735310 Viloyati Xatlon

Shahri Yavan

kuchai M. Karomov 1a

Muassisai Islohii YaS 3/6

Davlatmirov Muzaffar Vafonazarovich

15 days' punishment cell – again - for religious teaching in prison

An Imam who was one of the founders of the banned Islamic Renaissance Party (https://www.forum18.org/archive.php?article_id=2625) (IRP), Zubaydullo Rozik (born 8 August 1946), was placed in the prison punishment cell in September 2022 for providing religious education to other prisoners, which is illegal in Tajik prisons.

The regime arrested Rozik along with other IRP leaders in 2015. At a closed, mass trial held in the National Security Committee (NSC) secret police's Investigation Prison in Dushanbe in 2016, the court jailed him for 25 years for allegedly participating in an armed uprising.

Rozik is serving his jail term in the Strict Regime Prison YaS 3/1 in Vahdat, east of Dushanbe.

On 7 September 2022, prison officials sent Rozik to the punishment cell for 15 days. "The reason was the discovery of the Koran and Islamic literature in the sleeping area," his son Hisomiddin Rozikov posted on Facebook the following day. "The regime has banned these books." He complained of the regime's actions against "my elderly father".

On 8 September 2022, a prison official told Radio Free Europe's Tajik Service that Rozik had been sent to the punishment cell for violating the prison regime. "Despite repeated warnings," the prison official said, "Zubaydullo Rozik continued to use religious books to teach the basics of sharia [Islamic law] to one of his young cell mates."

The prison official added: "We told him: please, you can pray the namaz [daily Muslim prayers] and read prayers, but religious teaching in prison is illegal. However, he did not heed our requests."

The telephone of Strict Regime Prison YaS 3/1 was not answered each time Forum 18 called on 22 February 2023.

Prison officials had sent Rozik to the punishment cell at least twice before for exercising freedom of religion in prison. On 28 June 2020, the prison administration put him in the punishment cell for five days after warders found he had a copy of the Koran and disinfectant materials (this was during the coronavirus pandemic), exiled human rights defender Farhod Odinayev told Forum 18.

Prison officials again sent Rozik to the punishment cell for 15 days on 24 July 2022. They had again found a copy of the Koran and claimed he had been using it to teach Islam to other prisoners. "The real reason was that he had prayed the night prayers after lights out," Odinayev added.

Rozik's prison address is:

Tajikistan

Prisoners' freedom of religion or belief denied

Prisoner of conscience Shamil Khakimov is forbidden to read the Bible openly in the presence of others, Jehovah's Witnesses told Forum 18 in March 2022. "Previously the Bible was taken away from him, but later returned on condition that only he alone would read it." The prison administration has also banned Khakimov from having any conversations with others about God (https://www.forum18.org/archive.php?article_id=2643) and his faith.

Until early 2020, prison administrations banned jailed members of the banned Islamic Renaissance Party (https://www.forum18.org/archive.php?article_id=2625) (IRP) from reading the Koran or praying the namaz (daily Muslim prayers). In 2021 they were allowed to pray openly but not to read the Koran (https://www.forum18.org/archive.php?article_id=2643), relatives who asked to remain unnamed for fear of state reprisals told Forum 18 in March 2021.

In November 2022, an independent religious expert and several Muslims, who asked to remain anonymous for fear of state reprisals, told Forum 18 that "most prisons have either a mosque or prayer room. Prisoners are only allowed to pray (including the daily namaz prayers) and read the Koran there, and are not allowed to pray or read the Koran anywhere else." They noted that "prayer rooms and mosques are not always open, and if someone is found praying or reading the Koran elsewhere they are often put into solitary confinement (https://www.forum18.org/archive.php?article_id=2792) for two weeks."

Rule 2 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)) states in part: "The religious beliefs and moral precepts of prisoners shall be respected." Rule 66 states in part: "Every prisoner shall be allowed to satisfy the needs of his or her religious life by .. having in his or her possession the books of religious observance."

Muslims told Forum 18 in October 2021 that Muslim prisoners are – whatever the reason for their jailing - denied visits by imams, friends, or relatives outside the immediate family (https://www.forum18.org/archive.php?article_id=2690). They asked to remain anonymous for fear of state reprisals. Various members of a variety of non-Muslim religious communities also told Forum 18 in October that they also face bans on clergy visits, one noting that the ban had been enforced "for at least 10 years" (https://www.forum18.org/archive.php?article_id=2690). All asked that they and their communities remain anonymous for fear of state reprisals, one commenting that they unfortunately cannot discuss human rights issues.

Rule 65 of the Mandela Rules states in part that qualified co-believers who are not prisoners: "shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his or her religion at proper times. Access to a qualified representative of any religion shall not be refused to any prisoner."

(END)

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

For more background, 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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f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY