

WRITTEN STATEMENT ON TAJIKISTAN
BY THE EUROPEAN ASSOCIATION OF JEHOVAH'S CHRISTIAN WITNESSES

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Restrictions on Religious Freedom

The Republic of Tajikistan acceded to the International Covenant on Civil and Political Rights (ICCPR) in 1999. Article 18 of the ICCPR guarantees freedom of worship and the right to share one's beliefs. The Tajikistan Constitution (Articles 5, 8, 14, 17, and 26) and the Law on Religions and Religious Organizations (Articles 3 and 21) protect the right to profess one's beliefs individually or jointly with others, as well as to share one's beliefs with others.

The Religious Community of Jehovah's Witnesses in Dushanbe was first registered in Tajikistan in 1994 and was reregistered on January 15, 1997. Over 500 Jehovah's Witnesses worship in eight congregations in Tajikistan. Over 1,400 people met together for the Memorial of Christ's death in 2007. When Jehovah's Witnesses have experienced some human rights violations over the years, government officials have usually been cooperative in trying to arrive at mutually acceptable solutions. Recent reports, however, indicate a heightened surveillance of Jehovah's Witnesses by government agencies and a lack of cooperation by authorities.

Religious Literature Confiscation—Threat to Destroy

a) In Dushanbe

Since 1999, Jehovah's Witnesses in Germany have regularly sent shipments of religious literature through Dushanbe to the legally registered organization of Jehovah's Witnesses in Tajikistan without any problems. However, the attitude of authorities suddenly changed in April 2007.

- The State Committee of National Security (SCNS, formerly KGB) refused to allow a shipment of the religious literature of Jehovah's Witnesses that arrived on April 18, 2007, to clear customs. No reason was given.
- On May 11, 2007, local Jehovah's Witnesses met with Mr. Rakhmanov from the SCNS to discuss the problem. Mr. Rakhmanov informed the Witnesses that the SCNS decided to destroy the literature and that he would provide the Witnesses with the written decision only after the literature had been destroyed. He also said that none of the SCNS officials would meet with the Witnesses to discuss the decision.
- Meanwhile, another shipment of literature arrived in Dushanbe, which also remains at Customs and could be subject to destruction by the SCNS as well.
- Jehovah's Witnesses filed official requests with the Chairman of the SCNS and the Customs Committee of Dushanbe about the situation, and contacted the American and German embassies in Dushanbe to request their assistance. Additionally, on May 25, 2007, the headquarters of Jehovah's Witnesses informed U.S. officials in Washington, D.C., of this situation.
- On June 22, 2007, Jehovah's Witnesses filed a complaint with the Sino District Court against the actions of the Customs officials. On July 4, 2007 the Sino District Court ruled that they would not consider the complaint, since the Customs officials merely followed orders from the State Committee for National Security (SCNS) to refuse clearing the shipment. This court

decision further states that a complaint could be filed with the Military Court in Dushanbe, since the SCNS is part of the military. On July 9, a complaint was filed with the Dushanbe City Court against the refusal of the Sino District Court to consider the complaint.

- On July 24, 2007 the Dushanbe City Court (appeal court) reversed the Sino trial court's dismissal of this lawsuit returning the lawsuit back to the Sino trial court.
- On August 7, 2007, the Sino trial court decided to include the SCNS as a party to the lawsuit and transferred the case to the Military Court.
- On August 21, 2007, the Supreme Court received a petition from the Military Court asking the Supreme Court to decide whether the Military Court or the Sino court has jurisdiction over the lawsuit against Customs, which now includes the former KGB as a defendant.

b) in Shokhmansur

- On June 21, 2007, another complaint was filed with the Shokhmansur District Court against the Department of Religious Affairs under the Ministry of Culture (DRA). On June 25, 2007, the court sent an answer that it cannot proceed with the complaint, since certain documents are missing, and gave five days to collect the necessary documents. Among the missing documents is a notary-certified copy of the expert study from the DRA. The DRA refuses to give an official notary-certified copy of this expert study.
- On July 3, 2007, the Shokhmansur District Court returned the lawsuit to Jehovah's Witnesses refusing to proceed with it. Jehovah's Witnesses filed a complaint with the Dushanbe City Court (appeal court).
- On July 24, 2007, a three-judge panel of the appeal court refused to reverse the decision of the Shokhmansur trial court. The chairman of the panel told the attorneys to ask the Chairman of the Shokhmansur trial court to assign a different trial judge when re-filing the lawsuit.
- On August 30, 2007, Jehovah's Witnesses re-filed the lawsuit in the Shokhmansur trial court.
- On September 7, 2007, an attorney for Jehovah's Witnesses learnt that the re-filed complaint to cancel the so-called "expert" study was assigned to the same Shokhmansur trial judge.
- On September 13, 2007, attorneys for Jehovah's Witnesses met with the Shokhmansur trial judge who gave them his signed decision dated September 3, 2007, dismissing the re-filed complaint. A second appeal is being considered by Jehovah's Witnesses.

Jehovah's Witnesses have had several meetings over the past months with Mr. Idibek Ziyoev, Head of Central Administration Board on Religion Affairs under the Ministry of Culture with a view to resolving the issue of literature shipments.

Registration Blocked in Tursunzade

The lack of official registration in Tursunzade has caused human rights violations against Jehovah's Witnesses in the region. In 2003, Jehovah's Witnesses were fined for holding religious meetings in a private home in Tursunzade. The judge stated that more than two persons were prohibited from meeting together without registration. The chairman of the Committee for

Religious Affairs suggested that the Tursunzade group be registered with the *Khukumat* (mayor's office). However, in 2004 Jehovah's Witnesses were denied registration twice.

- After meeting with representatives of the U.S. Embassy and OSCE Mission in Tajikistan, Jehovah's Witnesses filed the registration documents for the third time with the *Khukumat* on March 17, 2005.
- On August 16, 2005, another letter of denial was received from the *Khukumat*, signed by the city head, Mr. B. Ahmedov, who has repeatedly denied the registration of Jehovah's Witnesses as a legal entity in Tursunzade. On this occasion, the grounds for denial were the absence of registration of the community with the Tajikistan Ministry of Justice and the lack of written consent from the Committee of Religious Affairs. Legislation on religious freedom in Tajikistan, however, does not require that such documents be obtained in order for a local religious organization to apply for registration.
- On March 16, 2006, a petition was filed with the Committee of Religious Affairs to receive its written consent so that the *Khukumat* in Tursunzade could register the local community of Jehovah's Witnesses.
- On December 25, 2006, a second petition was filed with the Committee of Religious Affairs to receive its written consent to satisfy the requirements of the *Khukumat* in Tursunzade. The community is still waiting for a reply from the Committee.

Administrative Case in Tursunzade

- On July 26, 2006, Tursunzade City Court found Salima Ruziyeva, one of Jehovah's Witnesses, guilty of violating Article 211(2) of the Tajikistan Administrative Code. The article prohibits "religious education without the necessary permission." The law does not provide any specific details explaining what constitutes the "necessary permission," or who the issuing authority is. "Religious education" is not defined either. The Tajikistan Constitution (Articles 5, 8, 14, 17, and 26) and the Law on Religions and Religious Organizations (Articles 3 and 21) protect the right to profess one's beliefs individually or jointly with others, as well as to share one's beliefs with others. Nevertheless, the court qualified Salima Ruzieva's private Bible discussion with an adult at her home as "religious education," and issued a fine that was five times the minimum monthly wage, or 100 somonies (about \$31 U.S.)
- On August 4, 2006, the decision was appealed to the Supreme Court of the Republic of Tajikistan on the basis of absence of *corpus delicti*.
- On September 13, 2006, the Supreme Court upheld the decision, and Ruziyeva had to pay the fine.