

RELIGIOUS FREEDOM CONCERNS

STATEMENT BY THE EUROPEAN
ASSOCIATION OF JEHOVAH'S
CHRISTIAN WITNESSES

OFFICE OF GENERAL COUNSEL
WORLD HEADQUARTERS OF JEHOVAH'S WITNESSES

OSCE Human
Dimension
Implementation
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Tajikistan

Since 2007, Jehovah's Witnesses have been without legal registration in Tajikistan. As a result, the Tajikistan government views the Witnesses' religious activity as illegal.

All levels of the judicial system have dismissed reregistration attempts.

- ✎ **Since Jehovah's Witnesses** are without legal status, authorities deny them the right to conduct religious meetings and assemblies, to own or use property for religious purposes, to produce and import religious literature, to receive donations, to carry out charitable activity, and to invite foreign citizens to participate in religious events.
- ✎ **The UN Human Rights Committee** (CCPR) recommended in its Concluding Observations on the second periodic report of Tajikistan (22 August 2013, CCPR/C/TJK/CO/2) that Jehovah's Witnesses be granted reregistration, stating that "the State party should reverse its discriminatory refusal to register certain religious denominations."
- ✎ **Tajikistan** does not recognize the right to conscientious objection to military service. Daniil Islamov, one of Jehovah's Witnesses and a conscientious objector, has been detained in a military training camp since **April 2017**, and efforts to obtain his release have not been successful.

The UN Human Rights Committee recommended in its report of Tajikistan that Jehovah's Witnesses be granted reregistration

3

Abuses and Restrictions of Religious Freedom

INTERFERENCE WITH RELIGIOUS SERVICES

Khujand. On 3 June 2017, two police officers, Mr. Fayziyev Bakhtiyor Muminovich and Mr. Tabarov Sherali, raided the private home of Mr. El while he and his guests were discussing religious topics. During the unwarranted search, the officers seized passports, personal religious books, and a personal computer. The officer also questioned Mr. El's guests. The interrogation lasted for two hours; all the seized items were then returned.

RESTRICTIONS RESULTING FROM RELIGIOUS BELIEFS

Khujand. On 10 October 2016, Ms. SI, along with another female Witness, was sharing her religious beliefs with her neighbours when the deputy chief

of the KGB, Mr. Husniddin, grabbed her tablet and took her into custody. She was detained for two hours, during which time she was threatened with arrest and detention in the basement for 15 days. The officers demanded that she sign an explanatory note and the protocol, seized her passport (later returned), and initiated an administrative case against her. **On 22 October 2016**, the court ruled to fine Ms. SI TJS 280. An appeal is still pending.

LEGAL RECOGNITION WITHHELD

Background. **On 11 October 2007**, the Ministry of Culture deregistered Jehovah's Witnesses. As a result, the government of Tajikistan views all religious activity of Jehovah's Witnesses as illegal.

Jehovah's Witnesses have filed for registration numerous times since October 2007. The CRA has denied each application on technicalities, most recently in October 2014.

In 2012 the Witnesses submitted a complaint to the CCPR on the deregistration issue and expect a decision in the near future.

At the 2015 OSCE HDIM conference, the Tajikistan delegation stated publicly that Jehovah's Witnesses had not fully exhausted domestic remedies to appeal the deregistration decision.

- **On 25 February 2016**, in response to the direction given by the Tajik authorities, the Witnesses filed an appeal of the deregistration decision with the Chairman of the Supreme Court.
- **On 8 April 2016**, the Supreme Court informed the Witnesses that the Chairman of the Supreme Court had rejected the appeal.

Denial of Right to Conscientious Objection to Military Service

On 21 April 2017, Mr. Daniil Islamov was summoned to the military enlistment office of the Ferdavsi District, Dushanbe, Tajikistan. In compliance with the summons, he appeared **on 22 April 2017**. He explained to the responsible military officials that his conscience does not permit him to accept military service. He stated that he is willing to perform alternative civilian service. The military officials rejected Mr. Islamov's request, stating that he is obliged to perform the military service, since no alternative service is available in Tajikistan. On the same day, he was sent against his will to the military training camp No. 45989 in the Vakhsh region of Tajikistan. Mr. Islamov has been detained without a court hearing or a trial.

- **On 12 May 2017**, a medical examination confirmed that Mr. Islamov was fit for military service. As a result, Mr. Islamov was transferred against his will back to the military training camp No. 45989, where he is still being pressured to take up military service.

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- **After his arrest**, Mr. Islamov’s attorney immediately filed complaints with the Military Commissariat of Dushanbe and with the Military Prosecutor Office in Dushanbe, but both complaints were rejected. **On 6 June 2017**, his attorney also submitted a complaint to the UN Working Group on Arbitrary Detention.
 - **On 25 May 2017**, his family appealed both to the Tajikistan Presidential Administration (PA) and to the Ministry of Foreign Affairs. The PA forwarded the complaint to the Ministry of Defence. The Ministry of Foreign Affairs forwarded the complaint to the General Prosecutor’s Office. All State agencies declare that no alternative service is available in Tajikistan. **On 7 July 2017**, the Military Prosecutor’s Office responded, stating that no alternative service is available in Tajikistan and that Mr. Islamov does not have any legal right to refuse military service.
 - **On 24 July 2017**, a motion to terminate the criminal case against Mr. Islamov was rejected by the senior investigator, who concluded that Mr. Islamov’s claim to worship as one of Jehovah’s Witnesses is not justified, since the Witnesses are not registered in Tajikistan. **On 31 July 2017**, the same senior investigator declared “soldier Islamov” guilty under Article 376, paragraph 1, of the Criminal Code of the Republic of Tajikistan, refusal to perform military service.

Societal Abuses

5

Pendzhikent. The ex-husband of one of Jehovah’s Witnesses, Mr. Boboyev Ikrom Aminovich, made threats against one of Jehovah’s Witnesses, Mr. TH, **in November and December 2016**. He also regularly and publicly offends and threatens other Witnesses. **On 23 December 2016**, he recorded a video of Mr. TH without permission. Mr. TH considers these actions as threats against his life and health, as well as against his family.

Meetings With Officials

On 5 July 2016, representatives of Jehovah’s Witnesses met with the PA, represented by Mr. Sharaf Karimzoda, who is the acting head of the Human Rights Guarantees Department, and Mr. Zafar Safalizoda, who specializes in the International Covenant on Civil and Political Rights. The Witnesses discussed their attempts to register and the CRA’s denial of their registration on technical grounds. The PA representatives assured them that they would discuss these matters with their superiors, with the new head of the CRA, and with Mr. Valizoda, the head of the PA’s Religious Issues Department.

Jehovah’s Witnesses have not yet received a response despite subsequent inquiries.

Daniil Islamov

Imprisoned For His Faith

On 22 April 2017, military authorities arrested 18-year-old Daniil Islamov, a conscientious objector, because he refused military service. Since that time, he has been detained in a military training camp in Tajikistan. No date for a hearing has been set.

6 In 2014, Mr. Islamov began an in-depth study of the Bible with Jehovah's Witnesses and was impressed with the Bible's message of peace. When he was called to report to the Military Enlistment Office of the Firdavsi District of Dushanbe on 22 April 2017, he explained to officials his conscientious objection to military service based on his Bible-trained conscience and requested that he be allowed to perform alternative civilian service. Military officials pressured him to join the army voluntarily and serve under the Ministry of Emergency Situations, where he would not use weapons. Mr. Islamov firmly refused all forms of military service. On the same day, the officials sent him to a military training camp in the Vakhsh Region, more than 113 kilometers from Dushanbe, where he remains to this day.

Punished for Government's Failure to Implement Alternative Civilian Service

After criminal charges were first initiated against Mr. Islamov in early June, his lawyer filed a motion to terminate the criminal case because there was no evidence of a crime. Tajikistan's law on military service permits a person to substitute alternative civilian service for compulsory military service, and Mr. Islamov requested this provision. His lawyer also presented the norms of international law that entitle a person to exemption from compulsory military service if it cannot be reconciled with the individual's religion or beliefs.

The Military Prosecutor's Office (MPO) responded to Mr. Islamov's lawyer, stating that alternative civilian service is not available in Tajikistan. The government has failed to implement an alternative

civilian service program, even though the military service law provides for this right. On 24 July, MPO senior investigator R. M. Saydaliyev rejected the motion to terminate the criminal case, ruling that Mr. Islamov is subject to military law and that there are no grounds for exemption. On 31 July 2017, the same senior investigator declared "soldier Islamov" guilty under Article 376, par. 1, of the Criminal Code of the Republic of Tajikistan, refusal to perform military service.

Mr. Islamov's lawyer observed: "Clearly, Mr. Islamov is not a soldier, and he should not be subject to military jurisdiction. In his decision, senior investigator Saydaliyev himself noted that Mr. Islamov has not taken the military oath, refuses to wear a military uniform, expresses his conscientious objection to military service, and asks to serve

his fellow citizens in alternative civilian service. This is the manifestation of conscientious objection, not insubordination. He is not 'soldier Islamov' but a peace-loving Christian willing to serve his fellow citizens in alternative civilian service."

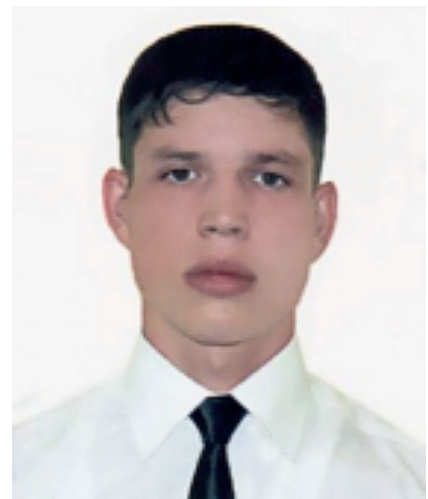
UN Human Rights Committee Calls on Tajikistan to Recognize the Right to Conscientious Objection

In a report dated 18 July 2005, the UN Human Rights Committee (Committee) called on the government of Tajikistan to "take all necessary measures to recognize the right of conscientious objectors to be exempted from military service." The Committee reiterated its decision in a 2013 report, again urging the government to take steps to ensure that the law allows individuals to exercise the right of conscientious objection to military service. The government has yet to apply the Committee's directives.

Efforts to Assist Mr. Islamov

While awaiting a trial on the criminal charges for refusing military service, Mr. Islamov's lawyer submitted a complaint to the UN Working Group on Arbitrary Detention, and he and Mr. Islamov's family have made appeals to various State agencies. All of the State agencies have responded that no alternative civilian service is available in Tajikistan.

Jehovah's Witnesses are grateful that most governments with compulsory military service have a program of alternative civilian service for conscientious objectors. They hope that Tajikistan will soon comply with its own law and its international treaty obligations to implement alternative civilian service for its citizens who choose to exercise the right to conscientious objection



DANIIL ISLAMOV

Daniil Islamov was born in Dushanbe, Tajikistan, on 31 January 1999. His maternal grandmother is one of Jehovah's Witnesses, and Daniil has studied the Bible with the Witnesses since 2014, with the goal of becoming a baptized Witness. Since his arrest in April 2017, he has been separated from his family and friends, and he longs to enjoy their association again.

JEHOVAH'S WITNESSES RESPECTFULLY REQUEST THE GOVERNMENT OF TAJIKISTAN TO:

- Release Daniil Islamov from the military training camp and stop his criminal prosecution
- Recognize the right to conscientious objection to military service and provide for alternative civilian service
- Allow Jehovah's Witnesses to register their local religious organisation
- Allow Jehovah's Witnesses legally to import and use their religious literature
- Allow Jehovah's Witnesses peacefully to practice their religious beliefs and to share them with their neighbours

Representatives of Jehovah's Witnesses welcome the opportunity to engage in a constructive dialogue with representatives of the Tajikistan government.

For more information: Please contact the Office of General Counsel of Jehovah's Witnesses at generalcounsel@jw.org.



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