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Enclosed information material is submitted by the European Association of Jehovah's Witnesses

European Association of Jehovah's Witnesses

T A J I K I S T A N

RELIGIOUS FREEDOM ISSUES

STATEMENT BY THE
EUROPEAN ASSOCIATION OF
JEHOVAH'S WITNESSES

**OSCE Human
Dimension
Implementation
Meeting, Warsaw**

16-27 SEPTEMBER 2019

Tajikistan

On 11 October 2007, the Ministry of Culture banned the activity of the religious organization of Jehovah's Witnesses in Tajikistan and, since then, considers their religious activity to be illegal. All attempts to re-register have failed.

As a result, Jehovah's Witnesses contend with violations of basic religious freedoms:

→ **Police harassment:**

- **Disruption** of religious services
- **Interference** with public manifestation of belief
- **Mistreatment** during interrogations, arbitrary searches and arrests

→ **Government denial of registration**

- **Government refusal** to recognize the right of conscientious objection to military service.

Shamil Khakimov Sentenced to Seven and a Half Years in Prison

On **10 September 2019**, the Khujand City Court sentenced 68-year-old Shamil Khakimov to seven and a half years in prison for allegedly 'inciting religious hatred.' The court also imposed a three-year ban on his religious activities after he completes his sentence.



Shamil Khakimov

Abuses and Restrictions of Religious Freedom

POLICE ACTION IN KHUJAND LEADS TO ARRESTS, DETENTIONS AND IMPRISONMENT

Between **January and March 2019**, officers of the Police Department of Organized Crime Control (DOCC) targeted 24 of Jehovah's Witnesses in **Khujand** and nearby areas and interrogated them for up to 14 hours. The officers searched seven homes of the Witnesses, arrested some of them and confiscated personal Bibles, tablets and computers. They compelled some of the detainees to complete a questionnaire about their beliefs, which concluded with a statement that the police had not beaten them. Further DOCC activity in the area could mean that criminal charges are pending.

ARREST, IMPRISONMENT AND CONVICTION OF SHAMIL KHAKIMOV

On **10 September 2019**, the Khujand City Court convicted 68-year-old Shamil Khakimov and sentenced him to a seven-and-a-half year prison term for allegedly 'inciting religious hatred'¹ merely for practising his religious beliefs as one of Jehovah's Witnesses. The court also imposed a three-year ban on his religious activities after he completes his sentence.

Shamil Khakimov was one of the 24 Witnesses targeted in Khujand. On **26 February 2019**, despite recently undergoing leg surgery and suffering from high blood pressure, he was arrested and placed in pre-trial detention. Two days later, the Khujand City Court ordered to keep him in pre-trial detention, where he remained throughout the investigation and his criminal trial.

During the trial proceedings, the "experts" who concluded that Mr Khakimov had incited "religious hatred" could not support the findings of their report when questioned. Even those who were expected to testify against Mr Khakimov admitted that the police had directed them to use the term "inciting religious hatred" and that this term was already pre-inserted in the statements that the law enforcement authorities had them sign. In fact, these witnesses actually made positive comments about Mr. Khakimov's religious conversations with them.

Mr Khakimov's attorneys are immediately filing an appeal against his unjust conviction.

TIMELINE OF EVENTS LEADING TO MR KHAKIMOV'S CONVICTION

→ **1 February:** Officers of the DOCC summoned Mr Khakimov to the Khujand office. After searching him, the officers interrogated him without offering him legal assistance. He was questioned about how he

¹ Article 189 (2) of the Criminal Code of the Republic of Tajikistan

Shamil Khakimov has been in pretrial detention since 28 February 2019 and is currently imprisoned in the YaT9/2 Khujand jail

became one of Jehovah’s Witnesses and about the structure of the Witnesses’ organization. The officers detained Mr Khakimov for eight hours and deprived him of medical treatment for the postsurgical dressing needed because of his recent leg surgery. When the police finally took him home, they seized his laptop, tablet, Bible, several religious books and brochures and his passport. Without his passport, Mr Khakimov was unable to access his pension funds to continue the medical care he needed to recover from surgery.

- **3 February:** Mr Khakimov filed a complaint with the RPO against the actions of the DOCC officers. The complaint was ignored.
- **7 February:** Mr Khakimov filed a second complaint against the DOCC. The complaint was ignored.
- **26 February:** The police arrested Mr Khakimov despite his age and precarious health (besides his recent surgery, he also suffers from high blood pressure).
- **28 February:** The Khujand City Court placed Mr Khakimov in pre-trial detention.
- **5 August:** Mr Khakimov’s criminal trial began in the Khujand City Court with Judge N. Nabizoda presiding.
- **August:** Court hearings were conducted in the YaT 9/2 pre-trial Khujand jail, where Mr Khakimov is being held.
- **10 September:** Judge Nabizoda convicts Mr Khakimov and sentences him to seven and a half years in prison

Timeline of Court Proceedings

Detention until 26 April 2019	1 st Extension, until 26 May 2019	2 nd Extension, until 26 June 2019	3 rd Extension, until 26 July 2019
<p>28 February: Khujand City Court places Mr Khakimov in pre-trial detention.</p> <p>12 March: Sughd Regional Court upholds ruling.</p>	<p>23 April: Khujand City Court extends detention (without notifying Mr Khakimov’s attorney).</p> <p>29 April: Sughd Regional Court upholds ruling.</p>	<p>24 May: Khujand City Court extends detention.</p> <p>31 May: Sughd Regional Court upholds ruling.</p>	<p>25 June: Khujand City Court extends detention.</p> <p>12 July: Sughd Regional Court upholds ruling.</p> <p>August/September: Mr Khakimov remains in detention during his criminal trial.</p>

INCIDENTS IN KHUJAND TARGETING OTHER WITNESSES

1. **Khujand.** On **5 February 2019**, DOCC officers searched the apartment of a female Witness in her absence. They confiscated her passports and interrogated her for eight hours about Shamil Khakimov.
 - **6 February:** The female Witness was summoned again for a five-hour interrogation. During the interrogation, officers hit her on the head and threatened to beat and rape her and to detain her for 15 days. Without her being present, authorities took her 14-year-old son from school in the custody of his teacher and interrogated the boy for three hours.
 - **27 February:** DOCC officers interrogated the Witness again for about three hours. She filed complaints with the President, the Regional Prosecutor's Office (RPO) and the Ombudsman against the actions of several officers.
 - **2 March:** In response, the RPO stated that since no evidence was found against the actions of the officers, it would not initiate a criminal investigation.
 - **28 March:** The Presidential Administration forwarded the Witness' application to the General Prosecutor's Office (GPO), and on 29 March the Ombudsman forwarded the complaint to the GPO.
 - **3 May:** The GPO responded and stated that because there was no evidence against the officers, it would not initiate a criminal investigation.
2. **Khujand.** On **28 January 2019**, DOCC officers searched the apartment of a Witness family of four, confiscated their cell phones and passports and interrogated them. The interrogations continued into the following day, at times lasting up to 14 hours. The officers threatened to imprison them. After two days of intense interrogations, the adult daughter became ill to the point that she was unable to speak or walk. She was taken by ambulance from the police station to the hospital. Complaints were filed with the President, the RPO, the Ombudsman and the GPO against the unlawful actions of the officers. However, all government agencies refused to initiate an investigation, claiming that there was insufficient evidence.
3. **Khujand.** On **29 January 2019**, a DOCC officer forcibly took a female Witness to the police station and questioned her for six and a half hours despite her minor children being home alone. During the interrogation the officers threatened to beat her and detain her for 15 days.
4. **Istaravshan (near Khujand).** On **30 January 2019**, DOCC officers took a Witness family of three to the police station in Khujand. The parents were interrogated for nine hours. Their adult daughter was interrogated for 20 hours and suffered a concussion after one of the officers pushed her against a wall. Throughout February, the family was inter-

rogated on several occasions, between five and ten hours each time, about Shamil Khakimov and other local Witnesses.

5. **Khujand.** On **4 February 2019**, DOCC officers searched the apartment of a Witness couple. Shortly afterwards, the officers interrogated the husband and confiscated his passport. On **5 March** the officers interrogated him again for seven hours regarding Shamil Khakimov. The officers also interrogated the husband about a criminal case that had been initiated against him and then terminated in 2009 concerning a religious meeting he attended.
6. **Konibodom** (near Khujand). On **13 March 2019**, police and others searched the apartment of a Witness family and confiscated electronic devices and religious literature without a search warrant. No administrative proceedings have been initiated.
7. **Konibodom** (near Khujand). On **13 March 2019**, police questioned two female Witnesses (a mother and a daughter), searched their apartment and confiscated their cell phones. During the questioning the officers asked them about Shamil Khakimov and other local Witnesses.
8. On **2 April**, the Ministry of Internal Affairs stated that the religious publications confiscated during the DOCC search of the apartment had been sent for examination and that it was established that the teachings they contain are illegal in Tajikistan—therefore, the actions of the DOCC are legal.
9. **Khujand.** On **13 August 2019**, authorities detained at the border a male Witness from Khujand who was leaving Tajikistan. The Witness is under criminal investigation for his association with Mr Khakimov. The authorities released the Witness the same day but forbade him to leave the country.

UN HUMAN RIGHTS COMMITTEE (CCPR) DECISIONS REMAIN UNIMPLEMENTED

The CCPR recommended in its Concluding Observations on the second periodic report on Tajikistan (22 August 2013, CCPR/C/TJK/CO/2) that Jehovah's Witnesses be granted re-registration, stating that "the State party should reverse its discriminatory refusal to register certain religious denominations."

On **25 July 2019**, the CCPR released the advance unedited version of its Concluding Observations on the third periodic report on Tajikistan (CCPR/C/TJK/CO/3) and reiterated the same issues by stating:

"The Committee remains concerned (see CCPR/C/TJK/CO/2, para. 20) that the interference by the State in religious affairs, worship and freedom of religion and the ensuing restrictions, as those set out below, are incompatible with the Covenant . . . (g) restrictions imposed on Christian religious minorities, including Jehovah's Witnesses (art. 18)."—para. 43.

“The State party should guarantee the effective exercise of freedom of religion and belief and freedom to manifest a religion or belief in law and practice. It should revise all relevant laws and practices with a view to removing all restrictions that go beyond the narrowly construed restrictions permitted under article 18 of the Covenant.”— para. 44.

The government of Tajikistan ignores CCPR decisions recommending that it re-register Jehovah’s Witnesses

However, the government has not taken steps to implement these CCPR decisions. For nearly 12 years, Jehovah’s Witnesses in Tajikistan have faced the realities of the government’s stance in banning the Witnesses’ religious activity and refusing re-registration.

Authorities deny the Witnesses 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.

Interference With Manifestation of Religious Belief

DISRUPTION OF RELIGIOUS MEETINGS

Dushanbe. On **4 October 2018**, a group of State National Security Services (SNSS) officers demanded entrance to a private apartment while a group of 18 Witnesses were conducting a religious meeting. The homeowner did not open the door. Since it was obvious to the group that the officers wanted to detain and arrest them, everyone stayed overnight in the apartment, hoping that the officers would leave. However, the officers continued pounding on the door throughout the night. Having no other choice, the Witnesses attempted to leave shortly after 8 a.m. the next morning, but the officers were waiting for them. After releasing the children and some women, the officers took the remaining 10 Witnesses to the SNSS headquarters for interrogation, including Mr Tierri Amedzro, a Russian citizen who has been living in Tajikistan since 2017 on a valid residency permit.

After detaining the group for many hours, the SNSS officers threatened to prosecute them and then finally released them. Only Mr Amedzro was charged. The SNSS told him that they would deport him to Russia for alleged “unlawful religious activity” and request the Russian authorities to prosecute him for “extremism.”

→ On **16 October 2018**, the Firdavsi District Court convicted Mr Amedzro under Article 499 (1) of the administrative code. The court sided with the prosecutor, who alleged that Mr Amedzro had violated the rules of residence for foreign citizens, claiming that he was “temporarily residing” in the apartment he stayed in overnight on 4 October when the police disruption occurred. He was sentenced to pay a fine of TJS 4,000 (EUR 400) and ordered to be deported.

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- On **17 October 2018**, Mr Amedzro filed an urgent application to the CCPR requesting interim measures to prevent his deportation to Russia.
 - On **23 October 2018**, the CCPR granted his request and asked the government not to deport him while his case was under consideration.
 - On **24 October 2018**, the Dushanbe City Court rejected Mr Amedzro's appeal.
 - On **30 October 2018**, Mr Amedzro was deported to Kazakhstan instead of Russia.
 - On **10 April 2019**, the presidium of the Dushanbe City Court rejected the supervisory appeal.
 - On **10 May 2019**, Mr Amedzro filed a complaint with the CCPR concerning the unlawful raid, the arbitrary detention and his subsequent conviction and deportation.

INTERFERENCE WITH RELIGIOUS EXPRESSION

- 1. Buston** (near Khujand). On **21 October 2018**, police approached a male and a female Witness from Khujand who were peacefully sharing their beliefs with others and took them to the police station. They were interrogated for five hours, threatened with ten days of detention, shoved against a wall and not permitted to use the toilet. They were later photographed and released. Both victims decided not to file a complaint against the officers.
- 2. Dushanbe.** On **17 November 2018**, three police officers in a car approached two female Witnesses (one was a minor) while they were sharing their beliefs with others. The officers stated that they were responding to a complaint and took the Witnesses to the police station. The officers questioned the Witnesses for two hours, searched their bags and seized an electronic tablet. Later, the police summoned the mother of the minor. Administrative proceedings have not been initiated.
- 3. Dushanbe.** On **19 January 2019**, police detained two female Witnesses for peacefully sharing their beliefs with others. The Deputy Chief Officer of the local police demanded that they do not preach until Jehovah's Witnesses receive official registration. Administrative proceedings have not been initiated.
- 4. Dushanbe.** On **4 April 2019**, SNSS officers interrogated one of Jehovah's Witnesses because some of his co-workers alleged that he had offended their religious feelings by talking to them about his faith.

Societal Abuses and Discrimination

RESTRICTIVE AMENDMENTS TO THE LAW

On **10 January 2018**, restrictive amendments to the Law on Freedom of Conscience and Religious Associations were enacted, increasing State control of religion and transferring certain functions from the Ministry of Justice to the Committee on Religious Affairs (CRA). The CRA now has the power to register religious associations, to control their activities, to collect financial and other data and to adopt legislation that can restrict (or expand) the activities of religious associations. Article 4, section 7, was amended to create the authority to restrict religious freedom for the purpose of “constitutional order, defence of the country, and territorial integrity of the republic.”

However, the law has no direct impact on Jehovah’s Witnesses, since their religious activity has been banned since 2007.

DENIAL OF CONSCIENTIOUS OBJECTION

The CCPR has addressed the matter of conscientious objection to military service in Tajikistan three times: in 2005, 2013 and 2019. The Committee has strongly recommended that Tajikistan recognize the right to conscientious objection.

On **25 July 2019**, the CCPR released the advance unedited version of its Concluding Observations on the third periodic report on Tajikistan (CCPR/C/TJK/CO/3) and strengthened its earlier findings by stating:

“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.”—para. 46.

However, the government has failed to make any progress in this respect.

COERCION TO SHARE IN PATRIOTIC CEREMONIES

Konibodom. In **November 2018** an eight-year-old boy who is one of Jehovah’s Witnesses respectfully explained to his class teacher why he could not sing the national anthem or wear State symbols. His teacher mocked him in front of the entire class.

→ On **20 November 2018**, with the support of the school principal and the director of studies, his teacher accused him of being a “terrorist,” a “traitor” and an “enemy of the State.” His mother tried to talk with the teacher and the principal. However, both pressured her and her son to stop studying the Bible and to read the Koran. Then they threatened to expel the boy from school.

Tajikistan refuses to implement CCPR decisions to recognize the right to conscientious objection to military service and to provide for alternative civilian service

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- On **28 November 2018**, without the consent of his mother, the school administration arranged for her son and his teacher to go to the police station. The boy was shown a cell, threatened with imprisonment, assaulted (officers pushed him and twisted his arms) and taken home. His mother complained to the Department of Education, which later informed her that she will be reported to the National Security Committee.
 - On **29 November 2018**, his mother filed a written complaint to the City Prosecutor's Office of Konibodom, which accepted the complaint but threatened to take action against her and then commissioned a behaviour/personality report on her son for the police department and the Office of Juvenile Affairs.
 - On **11 December 2018**, his mother received an official summons from the local police office, stating that an investigation has been launched against her. However, the District Prosecutor refused to initiate the criminal case against the eight-year-old boy.

Positive Developments

Tajikistan does not recognize the right to conscientious objection to military service. On **13 August 2019**, authorities summoned a young male Witness to the Enlistment Office. On **22 August**, he filed a written statement requesting to perform alternative civilian service in lieu of military service. He was summoned again to the Enlistment Office and is scheduled to appear on **1 October 2019**.

None of Jehovah's Witnesses are currently imprisoned as conscientious objectors.

Meetings With Officials

Jehovah's Witnesses have made many attempts to meet with Tajikistan officials. However, all requests for meetings remained unanswered.

RELIGIOUS FREEDOM OBJECTIVES

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

- Immediately release Mr Shamil Khakimov, who is unjustly imprisoned for his religious beliefs;
- Immediately grant re-registration to their national legal entity, in harmony with the Concluding Observations of the CCPR;
- Respect the rights of conscientious objectors to military service, as clearly established by the CCPR and the UN Working Group on Arbitrary Detention;
- Cease undue harassment and abide by commitments to uphold the fundamental freedoms guaranteed by the Constitution of Tajikistan and the ICCPR;
- Enforce media standards prohibiting libel and slander; and
- Meet with local and international representatives of Jehovah's Witnesses to discuss these issues.

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

For more information:

Please contact the Office of Public Information for Jehovah's Witnesses at OPIGov@jw.org.



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