

TAJIKISTAN

TIER 1 | USCIRF-RECOMMENDED COUNTRIES OF PARTICULAR CONCERN (CPC)

KEY FINDINGS

In 2017, amid a tightening of control over Tajikistan by President Emomali Rakhmon and his family, the Tajik government continued to suppress displays of public religiosity as well as persecute minority communities. Persons sentenced to prison included alleged Salafists, a Jehovah's Witness conscientious objector, and a Protestant pastor. Authorities pursued a crackdown on various attributes of faith, going so far as to impose restrictions on wedding and funerary banquets and requiring a license to grow a beard. Higher Islamic religious education was all but throttled and attempts were made to curb participation in Ramadan observance. Symbolizing its monopoly of

the political space, the government continued to torment an imprisoned lawyer who represented members of the banned Islamic Renaissance Party of Tajikistan (IRPT), as well as family members of the lawyer and of other IRPT members; the party's legal existence was part of the country's post-civil war peace treaty. Based on these concerns, as it has since 2012, USCIRF again finds in 2018 that Tajikistan merits designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA). The U.S. State Department designated Tajikistan as a CPC for the first time in February 2016 and did so again most recently in December 2017.

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Continue to designate Tajikistan as a CPC under IRFA;
- Lift the waiver on taking an action as a consequence of the CPC designation and negotiate a binding agreement with the government of Tajikistan, under section 405(c) of IRFA, to achieve specific and meaningful reforms, with benchmarks that include major legal reform, an end to police raids, prisoner releases, and greater access to foreign coreligionists; should an agreement not be reached, impose sanctions, as stipulated in IRFA;
- Condition U.S. assistance to the Tajik government, with the exception of aid to improve humanitarian conditions and advance human rights, on the government establishing and implementing a timetable of specific steps to reform the 2009 religion law and improve conditions of freedom of religion or belief;
- Use targeted tools against specific officials and agencies identified as having participated in or being responsible for human rights abuses, including particularly severe violations of religious freedom; these tools include the "specially designated nationals" list maintained by the U.S. Department of the Treasury's Office of Foreign Assets Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act, and asset freezes under the Global Magnitsky Act;
- Work with the international community, particularly during Organization for Security and Cooperation in Europe (OSCE) events on countering terrorism, to include private and public criticism of Tajikistan's approach to regulating religion and countering extremism, which risks radicalizing the country's population;
- Urge the Tajik government to permit visits by the United Nations (UN) Special Rapporteurs on freedom of religion or belief, the independence of the judiciary, and torture; set specific visit dates; and provide the full and necessary conditions for such visits;
- Press for at the highest levels and work to secure the immediate release of individuals imprisoned for their peaceful religious activities or religious affiliations and press the Tajik government to treat prisoners humanely and allow them access to family, human rights monitors, adequate medical care, and lawyers, and the ability to practice their faith;
- Ensure that the U.S. Embassy, including at the ambassadorial level, maintains appropriate contacts with human rights activists and religious leaders;
- Ensure continued U.S. funding for Radio Ozodi so that uncensored information about events inside Tajikistan, including those related to religious freedom, continues to be disseminated; and
- Ensure that INTERPOL implements announced reforms to more effectively process complaints about the misuse of international arrest and extradition requests, known as "red notices," to pursue political and religious dissidents.

COUNTRY FACTS

FULL NAME

Republic of Tajikistan

GOVERNMENT

Presidential Republic

POPULATION

8,400,000

GOVERNMENT-RECOGNIZED RELIGIONS/FAITHS

Islam and Christianity (Orthodox, Catholic, and Protestant)

RELIGIOUS DEMOGRAPHY*

90% Muslim (86% Sunni and 4% Shi'a)

10% Other (including Russian Orthodox, Protestants, Catholics, Jehovah's Witnesses, Buddhists, Jews, and Baha'is)

*U.S. Department of State

BACKGROUND

Tajikistan is an isolated and impoverished country, ruled since 1992 by President Rakhmon, who has concentrated power in the hands of his family; in January 2017, President Rakhmon appointed his son to be mayor of the capital city. In the 1990s, Tajikistan experienced a five-year civil war that resulted in over 100,000 deaths; the post-war amnesty included many Tajik officials responsible for torture. The government is weak and highly corrupt, and 40 percent of the country's gross domestic product is from labor remittances, mostly from Russia.

Tajikistan's legal environment for freedom of religion or belief sharply declined after several highly restrictive laws were adopted in 2009. The 2009 religion law sets onerous registration requirements; criminalizes unregistered religious activity and private religious education and proselytism; sets strict limits on the number and size of mosques; allows state interference with the appointment of imams and the content of sermons; requires official permission for religious organizations to provide religious instruction and communicate with foreign coreligionists; and imposes state controls on the content, publication, and import of religious materials. Small Protestant and other groups cannot obtain legal status under the burdensome registration requirements. Jehovah's Witnesses were banned in 2007 for

allegedly causing "discontent" and for conscientious objection to military service.

In 2011 and 2012, administrative and penal code amendments set new penalties, including large fines and prison terms for religion-related charges such as organizing or participating in "unapproved" religious meetings. Alleged organizers of a "religious extremist study group" face eight- to 12-year prison terms. A 2011 law on parental responsibility bans minors from any organized religious activity except funerals. Tajikistan's extremism law punishes extremist, terrorist, or revolutionary activities without requiring acts that involve violence or incitement of imminent violence. Trials under these charges lack due process and procedural safeguards. The Tajik government uses concerns over Islamist extremism to justify actions against participants in certain religious or political activities. Although the existence of the IRPT—the former Soviet Union's only legal Islamic political party—was a condition of the post-civil war peace treaty, in September 2015 the Tajik government banned the IRPT as an extremist group. The government's suppression of the IRPT is intertwined with its repression of Islamic religious practices; the group had called for respecting Tajikistan's secular constitution and international religious freedom commitments, and opposed restrictions on beards, headscarves, and children attending mosques.

RELIGIOUS FREEDOM CONDITIONS 2017

Trials and Imprisonment of Muslims

In 2017, the bulk of the Tajik government’s judicial persecution appeared to target adherents—both real and suspected—of Salafist Islam. Salafism has been banned as an “extremist movement” in Tajikistan since 2009, and as such the mere performance of Islamic rituals in the manner preferred by Salafists is tantamount to criminal activity. No advocacy of, preparation for, or commission of violence is necessary for Salafists to be sentenced to multiyear prison terms. In 2017, at least 20 men reportedly were sentenced to prison terms of between five and five and a half years on charges of being Salafists. In December 2017, for example, three men from the city of Khujand—Mukhiddin Mirzoev, Khairullo Ismoilov, and Khasan Dzhabborov—were each sentenced to five years in prison for praying in the Salafist way; another three men were each sentenced to six months in prison for failing to notify the authorities that the defendants prayed in an “unusual fashion.”

Due to Tajikistan’s flawed judicial system, it is almost impossible to ascertain the accuracy of such charges.

Among those arrested for alleged Salafism in 2017 was Dr. Abdumalik Salomov, a cardiac surgeon who had spent ten years working in Russia at a Russian Ministry of Defense Hospital but returned to Tajikistan in 2015

to help with the country’s grave shortage of medical specialists. Although Dr. Salomov did not have any outward attributes associated with the Salafist movement—he did not wear a beard, and his wife, also a doctor, did not cover her hair, according to the independent Asia-Plus news agency—he was sentenced to five and a half years in prison in November 2017, as were two of his friends. While Radio Ozodi reported that Dr. Salomov had taken part in communal meals organized by local Salafists, Forum 18 reported that his arrest may have been retaliation for the failure of his brothers to pay bribes to the local security authorities.

The arbitrary way in which Tajik authorities apply the term “Salafist” was also in evidence in November 2017, when a local official in the town of Choriakkoron

was caught on camera berating visitors to an “unofficial” mosque and threatening to have them all declared as Salafists. Although the official later made a public apology, the mosque was ultimately shuttered.

Persecution of the IRPT

Since the IRPT was banned in 2015, some 150 actual or suspected members have been arrested and at least 1,000 are reported to have fled the country; the Tajik government presses for their extradition, particularly through INTERPOL “red notices” (an alert that an individual is the subject of an arrest warrant in a member country). IRPT Chair Muhiddin Kabiri—who was granted political asylum in an unidentified Western European country—asserts that the extremism charges against his party are false and politically motivated. In June 2016, deputy IRPT leaders Saidumar Hussaini and Mahmudali Khait received life terms in prison, while 11 others received sentences as long as 28 years. The U.S. Embassy in Tajikistan publicly expressed due process and human rights concerns about the trials. In October 2016, the U.S. Embassy noted similar concerns over the trial of IRPT defense attorneys Buzurgmehr Yorov and

Nuriddin Makhkamov, who were sentenced to prison terms of 23 and 21 years, respectively.

In 2017, the government continued to punish Yorov for his outspokenness; in March 2017, an additional five years were added

to his sentence for contempt of court and “insulting the president of the nation.” That same month, Yorov’s defense attorney fled to Germany, followed by Yorov’s brother in May 2017. In August 2017, Yorov’s wife reported that the government had moved to confiscate her store. In October 2017, Radio Ozodi reported that Yorov had been placed in a punishment cell for 15 days and tortured for criticizing prison conditions.

In July 2017, Radio Ozodi and Asia-Plus reported that Tajik authorities had interrogated the family members of at least ten exiled IRPT members after the IRPT held a conference in Germany. The Tajik Minister of the Interior subsequently denied that these interrogations amounted to intimidation.

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Restrictions on Muslims

The government of Tajikistan meticulously controls Islamic religious practice, seeking to regulate even small details of who may express religious belief, at what age, when, where, and how. The religion law restricts Muslim prayer to four locations: mosques, homes, cemeteries, and shrines. The official State Committee on Religious Affairs (SCRA) controls the selection and retention of imams and the content of their sermons. The government pays the salaries of imams of cathedral mosques, which are the only mosques where the state allows sermons (prepared by the semi-official Council of Ulema).

In 2017, government campaigns targeted dress, grooming, and public celebrations. The signal for the start of these campaigns appeared to be an event in July 2017 commemorating the 10th anniversary of the law “On Regulation of Traditions, Celebrations, and Rituals.” Speaking at the event, President Rakhmon emphasized the “foreign” nature of conservative Islamic dress and praised the Traditions Law as having saved Tajik citizens from excessive expenditures on celebrations, calling for further amendments to the law. The next month, the government passed a series of amendments to the Traditions Law regulating the observance of a wide variety of rituals related to marriage, burial, and childbirth, as well as Islamic dress. Many prohibitions govern the banquets or communal meals traditionally offered to friends, family, and neighbors at life events such as weddings or Tajik-specific milestones like the placing of a newborn in its cradle for the first time; the prohibitions altogether ban their celebration or limit the number of guests, amount of food served, animal slaughter, and length of dining tables, as well as other services like professional wailers or masters of ceremony.

Continuing in this vein of suppression of public religiosity, in June 2017, during the Islamic holiday of Eid al-Fitr—which fell on a Monday—all state employees were required to show up for work, even though by law the day is a holiday. The state-run Ulema Council even declared that Idgardak—the local Eid al-Fitr tradition of children collecting candy from neighbors—was un-Islamic. In August 2017 the government refused to reschedule the annual

“Day of Knowledge”—the opening of the official school year—even though it coincided with the first day of Eid al-Adha (known as Idi Kurbon in Tajikistan), one of the most important holidays in the Islamic calendar. Instead, students and teachers were required to report to school. Forum 18 reported that the streets of the capital, normally full of people celebrating, were empty, and residents were afraid to be seen celebrating. Likewise, returnees from the pilgrimage to Mecca—now limited to persons over the age of 40—were informed that they were forbidden from engaging in communal celebration of their accomplishment.

The new article 14, part 4 of the Traditions Law also provided some legal basis for previous, ongoing campaigns of harassment against women wearing hijabs, obliging all citizens to wear “national dress.” In the first two weeks of August alone, authorities in Dushanbe reported having conducted “prophylactic” discussions about the hijab with 8,000 women. Throughout the year, news agencies reported that women around the country were approached by teams of police officers and municipal workers who demanded that they retie their headscarves so that their necks were exposed. Those who refused were detained and required to write an explanation at the local police station, while some reported being fined. However, because the article on national dress does not provide a specific penalty for noncompliance, the General Prosecutor’s Office was compelled to publicly state that fines were in fact unlawful. Likewise, men’s beards continued to be the subject of police attention following a countrywide campaign of compulsory shaving in 2016. In October 2017, Radio Ozodi reported that three members of an acting troupe in the city of Kanibadam actually obtained a license to grow beards for their roles after being repeatedly stopped by police officers.

A state license is required for religious instruction, and both parents must give written permission for students to attend. Only central mosques may set up educational groups; however, the Ministry of Education has not issued any of the necessary licenses. Since a series of closures in 2016, no madrassahs for teaching 16- to 18-year-olds are allowed to operate in Tajikistan, Forum 18 noted. In January 2017, Asia-Plus reported that

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the number of applicants to the country's last remaining institution of Islamic higher education, the Islamic Institute, had fallen by almost half. Although the Institute's rector refused to speculate on why applications had declined so sharply, it is likely because of government pressure.

Mistreatment of Christians

As is the case in many other states of the former Soviet Union, the Tajik government is deeply suspicious of Christian minority groups, especially those engaged in proselytism. While persecution is usually confined to raids, fines, and temporary detention, Christians are not exempt from longer terms of imprisonment. In July 2017, Bakhrom Kholmatov, the ethnic Korean pastor of the Sunmin Sunbogym church in the city of Khujand, was sentenced to three years in prison on charges of extremism for leading worship services. Kholmatov was arrested in April 2017 after police raided his church. According to Forum 18, the April raid occurred after government authorities had already succeeded in closing down a satellite church in the town of Konibodom in February and firing several parishioners from their jobs. Law enforcement authorities claimed to have found evidence of extremism in Kholmatov's church's songbooks, as well as in a copy of *More Than a Carpenter*, the 40-year-old Christian bestseller by American author Josh McDowell.

As with the Muslim community, the Tajik government is deeply fearful of religious education of children. In October 2017, the authorities raided the River of Life Protestant Church in Dushanbe, surveilling its activities by videotaping the church services as well as children's activities; one parishioner was later fined for possessing a Russian-language religious text printed from the internet. In April 2017, Forum 18 reported that two kindergartens in Dushanbe were closed for employing Christians.

Imprisonment of Conscientious Objectors

Tajikistan provides no exemptions for conscientious objection. In October 2017, a Jehovah's Witness conscript to the Tajik armed forces, Daniil Islamov, was sentenced to six months in jail for refusing military service. That

same month, the UN Working Group on Arbitrary Detention called for Islamov's release.

U.S. POLICY

Tajikistan is strategically important for the United States, partly because Tajiks are the second-largest ethnic group in Afghanistan, the country's southern neighbor. Since 2010, the United States has expanded cooperation with Central Asian states, including Tajikistan, to ship cargo overland via the Northern Distribution Network as U.S. and North Atlantic Treaty Organization (NATO) troops in Afghanistan continue to withdraw. Tajikistan has given U.S. Special Operations Forces permission to enter the country on a case-by-case basis during counterterrorism operations.

In September 2017, then Secretary of State Rex Tillerson hosted a meeting in New York of the C5+1 Ministerial, which brings together the foreign ministers of the five Central Asian states and the United States for discussions on various multilateral issues, including respect for basic freedoms. In early May 2017, Deputy Assistant Secretary of State for Central Asia Daniel Rosenblum visited Tajikistan and met with the Minister of Foreign Affairs. Since 2010, the United States and Tajikistan have discussed bilateral policy and economic assistance in an Annual Bilateral Consultation (ABC). However, the ABC was not held in 2017.

In December 2017, the State Department renewed its designation of Tajikistan as a CPC. However, in light of "the necessity for cooperation with the Government of Tajikistan on certain core U.S. national security interests, including our collective efforts to counter violent extremism and transnational terrorism," a waiver was granted "as required in the 'important national interest of the United States'" on taking any action as a consequence of the CPC designation.

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