

TAJIKISTAN

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

KEY FINDINGS

The government of Tajikistan suppresses religious activity independent of state control, particularly of Muslims, Protestants, and Jehovah's Witnesses, and imprisons individuals on unfounded criminal allegations due to their Muslim identity. In 2016, there were mass raids and arrests of alleged Salafi Muslims across the country. In 2015, a Tajik court banned as "extremist" the Islamic Renaissance Party of Tajikistan (IRPT), whose legal status was part of the country's post-civil war peace treaty; since then, 150 IRPT members have

been imprisoned, and 13 were sentenced to prison terms in June 2016, including two IRPT leaders who were jailed for life. Jehovah's Witnesses remain banned. Based on these concerns, as it has since 2012, USCIRF again finds in 2017 that Tajikistan merits designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA). The State Department designated Tajikistan as a CPC for the first time in February 2016 and did so again in October 2016.

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 responsible for human rights abuses, including particularly severe violations of religious freedom, such as the "specially designated nationals" list maintained by the Treasury Department's Office of Foreign Asset 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 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 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; and
- Ensure continued U.S. funding for Radio Ozodi; 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.



BACKGROUND

Tajikistan is an isolated and impoverished country. In the 1990s it 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. With the Russian economy's recent downturn, hundreds of thousands of Tajik workers have returned home to few job prospects and increasing social tension.

Over 90 percent of Tajikistan's estimated population of 7.9 million is Muslim, most from the Hanafi school of Sunni Islam; about 4 percent are Ismaili Shi'a. The country's 150,000 Christians are mostly Russian Orthodox, but also include Protestants and Roman Catholics. There also are small numbers of Baha'is, Hare Krishnas, and Jehovah's Witnesses, and fewer than 300 Jews.

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 allegedly for 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 banned minors from any organized religious activity except funerals. The State Department noted that "Tajikistan is the only country in the world in which the law prohibits persons under

the age of 18 from participating in public religious activities." 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 activities.

The State Department noted that the Tajik government's list of groups banned as extremist includes nonviolent religiously linked groups such as Hizb

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ut-Tahrir, Tabligh Jamaat, the Muslim Brotherhood, and Group 24 (a Tajik political opposition group), along with recognized terrorist groups such as al-Qaeda, the Taliban, the Islamic Group (Islamic Community of Pakistan), the Islamic Movement of Eastern Turkestan, the Islamic Party of Turkestan (former Islamic Movement of Uzbekistan), and Lashkar-e-Taiba. Although a legal role for the IRPT was part of the post-civil war peace treaty, in September 2015 the Tajik government banned the IRPT as an extremist group.

RELIGIOUS FREEDOM CONDITIONS 2016–2017

Restrictions on Muslims

The religion law restricts Muslim prayer to four locations: mosques, homes, cemeteries, and shrines. In 2016, Tajik officials continued to monitor mosque attendees for views they deem extremist or critical of the government and installed more surveillance cameras and metal detectors, Forum 18 reported. The government also restricts Muslim religious dress and limits the number and age of hajj (religious pilgrimage) participants, prohibiting anyone under the age of 35 from taking part.

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 2015, President Emomali Rahmon ordered the Council of Ulema to require a uniform for imams. In 2015, the SCRA banned Tajik state employees from attending Friday afternoon prayers, the independent Asia-Plus News Agency reported. Reportedly, there are warnings posted at the entrances of mosques that prayers must follow Hanafi rules. In March 2016, the Interior Minister said that young volunteers in mosques will cooperate with police to help catch “extremists” and those who do not pray according to Hanafi or Ismaili tradition, Forum 18 reported. Ismaili Muslims in Badakhshan pray only in homes since all the region’s mosques are Hanafi Sunni. Ismaili Muslims only can hold public religious meetings in the Ismaili Center in Dushanbe.

The law prohibits headscarves in educational institutions and bans teachers younger than 50 from wearing beards in public buildings. In January 2016, Asia-Plus

reported that Khatlon region law enforcement officials “encouraged” 6,673 women to stop wearing Islamic headscarves as part of a national campaign; throughout the country, police also detained hundreds of thousands of bearded men, took their fingerprints, and forced them to shave. After 2004, the Council of Ulema banned women from attending mosques; in 2014, it said it would allow women to attend mosques and female students at religious schools to become imam-hatibs (imams’ assistants). In January 2017, in a sign of continuing official disapproval of conservative Islamic clothing, the chair of the state committee for women and families suggested that “depravity” was the “norm” for women adhering to “foreign ideals,” such as the Middle Eastern-style hijab.

Trials and Imprisonment of Muslims

In 2016, Tajik law enforcement officials prosecuted dozens of individuals for alleged links to banned Islamic groups or international terrorist networks. Due to Tajikistan’s flawed judicial system, it is almost impossible to ascertain the accuracy of such charges. In May 2016, five imams—Alisher Olimov, Kobil Sanginov, Gufron Anvarov, Dovud Okhunov, and Khurshed Bofarov—were arrested in the Sogd Region for alleged membership in the banned Muslim Brotherhood; all five were later sentenced to six years in prison, according to Radio Ozodi, the Tajik service of Radio Free Europe/Radio Liberty (RFE/RL). In June 2016, another seven imams of prominent mosques in the Sogd Region—Sulaimon Boltuev, Maksud Urunov, Abdujamil Yusupov, Abbas Abdurakhmonov, Khusein Tukhtaev, Khamzaali Sultonov, and Makhdi Boltaev—were sentenced to between three years and three years and four months in prison on the same charges. Radio Ozodi reported in December 2016 that, in total, approximately 20 imams from Sogd had been sentenced over the course of the year for connections to the Muslim Brotherhood.

The government is concerned about many Tajik officials who reportedly have become Salafis or Shi’a Muslims. The Salafi movement was banned as extremist in 2014. The SCRA Deputy Head called Salafis extremist because their discussions indicate disagreements about Islam. Salafi Muslims risk five- to 12-year terms under three Criminal Code articles relating to extremism. In 2016, there were mass raids and arrests of alleged

followers of Salafism across the country, particularly in the Sogd Region and Dushanbe. Since early 2016, at least 55 Muslim men were convicted, many for taking part in Salafi meetings, Forum 18 reported. The longest known prison terms for alleged Salafi “extremism” were 16 and 14 years imposed on Romish Boboyev and Otabek Azimov, respectively, in April 2016; two other individuals each received three-year jail terms. Also in April, the Sogd district court gave an eight-year prison term to Imam Khamid Karimov and seven-year terms to four of his mosque members, Muhammadsayid Sayidov, Abdumajid Abdukadirov, Mirzomuhammad Rahmatov, and Farhod Karimov.

During a February 2016 family visit, Tajik labor migrant Okil Sharipov, a dual Tajik-Russian citizen, was arrested for “inciting religious hatred;” he had filmed police harassment of women for wearing Islamic headscarves.

IRPT Ban

Until it was banned as extremist in 2015 for alleged involvement in several violent incidents, the IRPT was the only legal Islamist political party in the former Soviet Union. The Tajik government’s repression of Islamic practice often has been intertwined with efforts to suppress the IRPT, which had called for respecting Tajikistan’s secular constitution and international religious freedom commitments and opposed restrictions on beards, headscarves, and children attending mosque. IRPT Chair Muhiddin Kabiri—who was forced into foreign exile—asserts that the extremism charges against his party are false and politically motivated. The U.S. delegation to the Organization for Security and Cooperation in Europe (OSCE) publicly stated that it has “seen no credible evidence that the IRPT as an organization was involved with the attacks in Dushanbe and surrounding towns.”

After the 2015 ban, some 150 IRPT members were arrested; they reportedly have been mistreated—and some tortured—in detention and denied access to doctors and lawyers. The trial of 13 leading IRPT members ended in June 2016; deputy IRPT leaders Saidumar Husaini and Mahmatali 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.

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The government also has threatened relatives of IRPT members. After the Tajik government learned in December 2015 that Kabiri would speak at a U.S. public event, it detained 10 of his relatives, including his 95-year-old father. In August 2016, the wife and 17-year-old son of Khait were detained and later released. At least 1,000 IRPT members 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). Additionally, in December 2016, Turkish police, along with Tajik Embassy staff, sealed the IRPT’s Istanbul office and told Istanbul-based IRPT members that if they do not leave the country, they will be deported.

Extremism Law Amendments

According to the independent Fergana News Agency, amendments signed into law in November 2016 significantly increase penalties for terrorism and extremism. Public incitement or justification of extremist activity now may be punished with three to five years in prison and, if conducted through “mass media,” with 10 to 15 years. As Fergana News observed, this means that even “likes” on social media may be construed as public support for extremism.

Status of Houses of Worship

Tajik law sets strict limits on the numbers of mosques. In January 2016, a Tajik official said that about 900 out of some 1,500 prayer rooms and mosques in Dushanbe had been closed down. The nation’s only synagogue, located

in Dushanbe, was bulldozed in 2008. The Jewish community is allowed to worship in a building provided by President Rahmon's brother-in-law. The Aga Khan Cultural Center, Central Asia's first Ismaili center, opened in Dushanbe in 2009. The government announced that one of the world's largest mosques, funded by Qatar, will open in Dushanbe in 2017.

Restrictions on Religious Literature

The government must approve the production, import, export, sale, and distribution of religious texts by registered religious groups—in effect a ban on religious materials by unregistered religious groups. The Ministry of Culture has confiscated religious texts, including from Jehovah's Witnesses. The government has blocked websites, including turajon.org, a California-based website operated by Nuriddinjon, Haji Akbar, and Mahmudjon, sons of deceased Sufi sheikh Mahamad-drafi Turajon. Two of the brothers publicly opposed the 2004 ban on women's mosque attendance; their website hosted a rare venue for women to seek religious rulings from male Muslim leaders.

Restrictions on Religious Education

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. In October 2016, three years after an official suspension order, the Education Ministry closed five registered *madrassahs* (Islamic religious schools) in the Sogd Region, as well as the only state-approved *madrassah* in Dushanbe, which was run by the State Islamic University; these schools served about 1,000 students. As a result of the closures, 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 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.

A new school subject, the History of Religions, focusing on Hanafi Sunni Islam, is now required for 15- and 16-year-olds in state schools. President Rahmon has often criticized young men who study in foreign

madrassahs; as of late 2016, the government forced 2,000 of the estimated 3,000 doing so to return home. Muslims, Jehovah's Witnesses, and others also often suffer penalties for teaching religion to children without state permission.

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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 allow it 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.

Since 2010, the United States and Tajikistan have discussed bilateral policy and economic assistance in an Annual Bilateral Consultation (ABC). In October 2016, the sixth U.S.-Tajikistan ABC was held in Tajikistan; its State Department description does not mention human rights or religious freedom. The State Department's stated priorities in Tajikistan include increasing respect for citizens' rights, strengthening sovereignty and stability, and combating violent extremism. The State Department's annual International Religious Freedom Reports have documented declining religious freedom conditions in Tajikistan. On February 29, 2016, the State Department designated Tajikistan as a CPC for the first time; that designation was renewed on October 31, 2016. In both instances, 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.

In August 2016, the State Department hosted the second meeting of the new C5+1 that brings together the foreign ministers of the five Central Asian states and the United States for discussions on a wide range

of multilateral issues, including respect for basic freedoms. In their joint statement, all five ministers and then Secretary of State John Kerry committed to furthering civil rights and democratic freedoms. Then Secretary Kerry also met with C5+1 ministers and civil society activists during the annual ministerial OSCE meeting in Hamburg, Germany, in December.

Since 1992, the U.S. government has provided over one billion dollars in assistance programs to Tajikistan to support economic growth, democratic institutions, healthcare, education, and security. U.S. assistance promotes improved laws on civil society and the media, legal assistance to nongovernmental organizations, and non-state electronic media outlets. The security focus is on countering violent extremism, as well as illegal narcotics trafficking.