

Experts and human rights activists urge the Tajik authorities to introduce an independent examination of materials for the banned ideas.

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Human rights organizations state that Tajikistan's law enforcement authorities and the judiciary use the imprecisely formulated anti-extremism law against the critics of various government structures. In some cases, the ordinary active social networks users who criticize government actions in their publications are imprisoned.

International human rights organizations have repeatedly called on the Tajik authorities not to abuse criminal articles on countering extremism. Despite this, social networks users still are being arrested and imprisoned for "like" and "super" reactions and comments. Their lawyers refrain from commenting on cases; state authorities do not provide detailed information.

This investigation answers the following questions:

- For what kind of online actions are citizens imprisoned?
- Why do only the state authorities have the right to issue expert evaluations?
- Why are not there any independent centres that would conduct a qualified examination in Tajikistan?

**The Victim of Own Criticism?**



*Junaydullo Khudoyorov. Photo from personal Facebook page*

**Junaydullo Khudoyorov**, the resident of the Rasht district of Tajikistan, was sentenced to 5 years in early 2018 on extremism charges. The reason was his comment under one of the publications on Odnoklassniki social network.

According to Khudoyorov, his other publications on social network with the criticism of the Rasht district's local authorities were the real cause for bringing him to court.

“In the summer of 2017, I returned to Tajikistan from Russia. When I witnessed the problems and injustice, I wanted to make them public, so that the country's authorities knew about them and took measures to prevent violations of the law,” said Junaydullo Khudoyorov in Radio Ozodi interview.

He said that he had criticized the head of the coal deposit in Rasht district for not laying the road to the deposit, and the head of the education department for his initiative on collecting nuts from school students.

In January 2018, he was brought to the Ministry of Internal Affairs in Dushanbe and was informed that a criminal case had been opened against him under Article 307, Part 2 (para 2) of the Criminal Code of the Republic of Tajikistan.

Article 307 (3). Organization of activity of extremist organization Engagement in activities of political, religious, public, or other organizations, which were liquidated or prohibited due to conducting extremist activities by a final decision of the court, as well as assisting in their activities using the media, the Internet or in any other way, shall be punished by imprisonment for five to eight years.

The reason for his imprisonment was the comment on the religious movement Salafiyah, which activity was prohibited and recognized as extremist by the [Supreme Court of the Republic of Tajikistan in 2009 and 2014](#). This comment was considered as example of him “following this movement”.

Khudoyorov did not agree with the prosecution and the verdict, but could not prove his

innocence in court.

Such a case occurred not only to this resident of Rasht district. According to various unconfirmed data, the number of such people in Tajikistan is several hundred; some cases were reported in the media.

### **Amnesty of “Online Extremists”**

**Bakhtovar Safarzoda**, deputy of the Parliament of Tajikistan, on October 25, 2019, the day of the Amnesty law discussion in parliament, said, “Under amnesty, more than 500 convicted under Article 307 Part 2 of the Criminal Code will be released from prisons. [...] This article provides for punishment for the actions of young people and individuals who, due to misconceptions, misunderstandings or emotions, left “likes”, “super” reactions, comments or other actions under prohibited materials contributing to their distribution online via their mobile phones”.



*Amnesty of Tajik prisoners. Dushanbe, 2019. Photo ozodi.org*

Note: [Part 2 of Article 307<sup>3</sup>](#) was adopted in November 2016. This means that Tajik courts held citizens liable only after this law’s introduction. Prior to the adoption of the Amnesty law, in October 2019, according to the deputy, 500 citizens were prosecuted under Article

### 307 Part 2<sup>3</sup>.

Article 307 (3). Organization of activity of extremist organization 2)Engagement in activities of political, religious, public, or other organizations, which were liquidated or prohibited due to conducting extremist activities by a final decision of the court, as well as assisting in their activities using the media, the Internet or in any other way (as amended by the Law on 14.11.2016, No. 1359) - shall be punished by imprisonment for five to eight years (Law of the Republic of Tajikistan of 25.12.2015r. No. 1261).

During the journalistic investigation, we tried to gather additional information on the number of persons convicted of radicalism in recent years from the Supreme Court, the Prosecutor General's Office, the Committee on Religious Affairs and the Ministry of Justice of Tajikistan, but we did not receive accurate data from any of the departments we contacted.

Answering to a journalistic request, the Prosecutor General's Office noted, "Media should not abuse freedom of speech". The Supreme Court of the Republic of Tajikistan stated in its response, "The lower courts do not provide separate statistics on Article 307 Part 2".

According to the data from the Tajik Ministry of Internal Affairs voiced on February 14, 2020 during a press conference, in 2019 law enforcement agencies "detained 161 citizens on charges of involvement in terrorist and extremist groups". The Tajik authorities provided information on 500 amnestied and 161 detained people in 2019 (it is still unclear how many of them were detained on charges of extremism).

In early 2020, media reported that, according to official figures, since the beginning of 2015, about 1,400 people have been convicted of terrorism and extremism.



Committee on Religious Affairs, Regulation of the National Traditions, Celebrations and Ceremonies of the Government of the Republic of Tajikistan in 2019 received 308 requests for examination:



4049 religious literature



7855 brochures



21 notebooks



39 websites



209 CDs



26 mobile phones



4 laptops



6 flash drives



5 computers



13 188 videos

## Who Spreads Extremism

**Abdurahmon Mavlonov**, head of the Department for the Analysis and Examination of Religious Materials of the Committee on Religious Affairs, Regulation of the National Traditions, Celebrations and Ceremonies of the Government of the Republic of Tajikistan, during a press conference on February 5 said that in 2019 the Committee received 308 requests for examination of 4,049 religious literature, 7855 brochures, 21 notebooks, 39 websites, 209 CDs, 26 mobile phones, 4 laptops, 6 flash drives, 5 computers with 13,188 videos.

Of these, only 129 pieces of religious literature, 2,613 brochures, 21 notebooks, 125 CDs, 3 laptops, 12 mobile phones, 4 computers and 4 flash drives were marked as “not extremist” by the experts of the Committee.



## Were marked as “not extremist”:



129 religious literature



2613 brochures



21 notebooks



125 CDs



12 mobile phones



3 laptops



4 flash drives



4 computers

According to Mavlonov, not only the Committee on Religious Affairs, but also other structures and public authorities carry out religious analysis of materials.

“Mainly, the analysis is carried out by the Republican Center for Forensic Medicine at the Ministry of Justice. Depending on the topic, it invites individual experts to conduct an examination. Sometimes they also invite our experts to conduct an examination,” commented Abdurahmon Mavlonov

He did not comment on this question further. When the details and methods of the examination conducted by the Committee on Religious Affairs are considered non-transparent, international human rights organizations and the US Department of State note that the state examination in most cases is on the prosecution side.

“Extremism is an expression of thinking or extremist activity aimed at resolving political,

public, social, national, ethnic, local and religious issues using violence and other illegal actions,” as the new Anti-extremism law adopted January 2, 2020 defines.

This law states that actions aimed at inciting national, racial, regional or religious hatred are also considered as extremist.

This law also defines methods for countering extremism and 13 responsible for countering extremism government departments.

### **Independent Examination Will Help in Making Fair Decisions**

An alternative or independent examination of extremist cases works only in Kazakhstan and Kyrgyzstan.



*Inga Sikorskaya. Photo: CABAR.asia*

**Inga Sikorskaya**, media expert and the Director of the research organization School of Peacemaking and Media Technology in Central Asia, which studies cases related to extremism and terrorism in Central Asian media, says that despite the fact that the conclusion of an independent expert examination may not be taken into account by a court, however, it can help the defense.

“For example, in 2019, a Kyrgyz court heard a case of inciting intolerance. Investigators agreed that there was no promoted elements hatred in the video from the Internet [which was the cause of the trial]. The defence side believed it promoted the hostility and intolerance on the basis of gender identity. Our organization conducted an examination and confirmed that the video contains an illegal hate speech and promotes hatred. The results of an independent study helped the lawyer to better defence argument, refute the opinion of the prosecution and win the case. This is the benefit of an independent examination - helping the defence,” says Sikorskaya.

She proposes to establish the same independent examination centres in Tajikistan.

However, the Tajik Ministry of Justice has a different opinion. On February 7, the First Deputy Minister of Justice of Tajikistan **Abdumannon Kholikzoda** said, “An examination is conducted under the Ministry of Justice and, in addition to this, several other departments have evaluation centres. This does not mean that the examination should not be independent. The [state] experts are quite competent. If a question goes beyond the competence of experts, the center has the right to invite experts from other departments, state and public organizations.”

He also added that there are currently no independent examination centres in Tajikistan.

Another examination-related problem is that the country does not have a unified system and procedures governing complex psychological, linguistic and religious evaluations. Similar practices exist in Kyrgyzstan and Kazakhstan, and Tajikistan could benefit from this experience.

The hero of our investigation Junaydullo Khudoyorov, convicted of extremism at the beginning of 2018 and released last fall, says that on the basis of an examination by the Committee on Religious Affairs, he was declared a follower of Salafi religious movement, which was banned in Tajikistan and recognized as extremist community by the Supreme Court in 2009 and in 2014.<sup>[1]</sup> Still, according to him, he has never been and is not a follower.

“In January 2015, I read an article on Radio Ozodi about the Salafi movement, recognized as the extremist community by the Supreme Court in 2009 and 2014, and wrote my opinion in the comments. There, one user wrote that “those who wear long beards, short pants and say shirk [idolatry - Tr.], bid’at (heresy), and superstition are Salafi, terrorists and extremists.” I, as a Muslim and a Tajik, was embarrassed by what he wrote, because from the Prophet and Imam Abu Hanifa to Sadriddin Ayni, all our great people did the same (that is, they wore long beards). So what, were they terrorists and extremists?” Khudoyorov asked.

Junaydullo Khudoyorov replied that “if by “Salafi” one means only wearing short pants, ... the believer’s struggle with shirk, bid’at and hurofot [superstitions - Tr.], then he is also “Salafi” and his madhhab, that is, the Hanafi madhhab, is also “Salafi” ...”

“I was accused on the basis of this particular comment. I used the word “if”, which it considers a conditional pretext, but the Committee on Religious Affairs in its conclusion called me an extremist, noting that “Junaydullo Khudoyorov in this theoretical statement



confirmed his membership in the movement “Salafiya” (recognized as the extremist community by the Supreme Court in 2009 and in 2014),” Khudoyorov recollects his story.

**Saidbashiri Rukhullo**, a theologian and graduate of the well-known in Middle East Al-Azhar University, the author of the article “Supporters of Salafism and Other Movements Are Guilty to Allah” published on the website of the Khovar National News Agency, writes that “Salafis pay attention to the external appearance of their religious life and condemn others according to external images”. He also points out that in the 21st century, where progress is observed in all areas, “in different countries of the world, Salafis promote their extremist views and this propaganda leads to instability”.

The theologian explains that the Islamic scholars divide the members of the religious movement “Salafi” (banned in Tajikistan and recognized by the Supreme Court as extremist community in 2009 and in 2014 - Ed.) into two groups: “jihadists” [that is, those who use the ideology of violent jihad to achieve their goals], and political followers.

“The supporters of the Salafi organization will change their role depending on the situation in the country [where they have influence],” Saidbashiri Rukhullo emphasizes. “An unstable state is “jihad” for them, and in a country where people live peacefully, Salafis declare the population murtad [apostates], and the government kafir [infidels], and will make every effort to destabilize it.”

As an example, Saidbashiri Rukhullo pointed out that “the ideology of the Salafi inspired many armed terrorist groups, such as ISIS (a terrorist and extremist organization, was banned in Tajikistan by a decision of the Supreme Court of the Republic of Tajikistan on April 14, 2015, - Ed.), “Al Qaida” (a terrorist organization banned on the territory of Tajikistan by a decision of the Supreme Court of the Republic of Tajikistan dated March 30, 2006, - Ed.), and the Taliban (“Movement “Taliban” is an organization recognized as terrorist and extremist, and banned in Tajikistan by decision of the Supreme Court of the Republic of Tajikistan of March 30, 2006, - Ed.). These groups see violence as a pretence for their goals.”

“Salafists rethink Islamic and historical texts and use them for their political and violent purposes,” the theologian concluded.

### **Obscure Methodology**

In this investigation, we tried to talk with lawyers and independent experts in Tajikistan about the examinations and methods for determining extremist statements. For reasons

unknown to us, experts and lawyers did not want to talk about this topic.

**“The topic is too sensitive,” was the answer of some of them.**

Inga Sikorskaya says that in any case, the major part of the conclusions of state examinations of the issues of religious and other beliefs inconvenient to the authorities will be used in favour of the prosecution. Let alone other cases, just only a state examination of extremist beliefs raises many questions and doubts, says Sikorskaya.

“These two questions should always be asked: first, on the basis of what methods and methodology did the centres of judicial or state examination determine that the analysed position is considered extremist; second, is this methodology scientifically sound or not? Usually we do not know anything about this, because these methodologies are obscure. Most often in these examinations, the authorities rely on a persona of some kind of expert. The expert concluded, and the examination was in favour of the prosecution,” added Sikorskaya.

Sikorskaya wrote in detail about the experience of Kyrgyzstan, where humanitarian examinations often result in favour of the prosecution as well.

According to her, there are different practices, own methodologies in different countries of the world, including in Central Asia.

“For example, it is impossible to apply the methodology developed in Kyrgyzstan or Kazakhstan in Tajikistan, because the linguistics is different, the ideology of the regime is different, the political conditions are different, the law enforcement practice is different. This creates significant challenges. It’s hard to say whether the authorities are doing right or wrong,” she notes.

**“The Internet to Be Used Properly”**

Despite the fact that the details of the examination and analysis of cases related to extremist materials are not available to the public, state-owned media in Tajikistan mainly propagandize against putting “likes” and “classes” [Odnoklassniki social network feature similar to “like” on Facebook - Tr.] in social networks. In one of such materials, published on February 12 on the website of the “Jumhuriyat” newspaper and authored by the Press Secretary of the Committee on Religious Affairs, Regulation of National Traditions, Celebrations and Ceremonies under the Government of the Republic of Tajikistan **Afshin Mukim**, the following is provided:



*Afshin Mukim. Photo from personal Facebook page*

“Visiting Tajik pages on social networks, unfortunately, one can see that there are still many groups of negatively minded people. By posting on their account pages the hadiths or stories from the life of the followers of the prophet, video or audio of their accomplices and, depending on their vile intentions, commenting them in their own way or making “fatwas”, which are then liked by young people and sometimes by elderly people unfamiliar with Islam and commandments of Allah, they contribute to the further spread of extremist materials.”



*Hikmatullo Hojaev. Photo from personal Facebook page*

Another author, **Hikmatullo Hojaev**, an employee of the Centre for Strategic Studies under the President of the Republic of Tajikistan, in his article published on Khovar website, urges parents to teach their children to put “likes” correctly and thus prevent the “radicalization” of their children:

“We need to strengthen the propaganda work (via television and radio broadcast of social videos) about the dangers of information radicalism in all secondary schools by organizing discussions and meetings. In this direction, it makes sense to involve parents of schoolchildren. Young people should be explained how to

use websites related to information radicalism (for example, be careful when putting “likes”),” writes Hikmatullo Hojaev.

There are many such articles on the Internet pages related to Tajikistan and other pages with Tajik audience.

However, a number of local and international human rights organizations believe that the measures taken in Tajikistan against terrorism and extremism are in fact a fight against dissent and freedom of citizens.

According to 2019 ranking of the international human rights organization Freedom, Tajikistan is a “not free” country with strict censorship in the Internet and limited access to information.

Existing restrictive laws and control have led to the fact that the country does not have an officially published list of prohibited by the courts content related to extremist and terrorist organizations, as is the case in neighbouring countries and Russia.

“In such circumstances, Tajik Internet users, journalists and other citizens have little idea of what kind of content can be considered banned, which leads them to taking high risks,” Inga Sikorskaya notes. “In case of careless dissemination of some information, they may be accused of involvement in a banned organization. Greater openness to socially significant information can improve the state’s performance in the fight against extremism.”

Having analysed the situation in 2018 in its annual report, the U.S. Department of State put that the Tajik authorities are abusing articles for extremism to combat unwanted activists.

Those who received punishment for “likes” and “comments” agree with this conclusion.

“Putting “likes” has two meanings: for example, one “likes” content describing the actions of terrorists and extremists to advertise them, while the other, on the contrary, wants to share such materials so that people can see the horrors created by terrorists and be aware of such risks... And our investigators have already become such ‘scholars’, as if they know for sure what is happening in the thoughts and hearts of people and it makes no difference to them whether a person is guilty or not,” Khudoyorov believes.

After serving a total of almost two years, he was released under amnesty in the fall of 2019.

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*This journalistic investigation was conducted under IWPR project “Stability in Central Asia via Open Dialogue”.*

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[1] Republic of Tajikistan. Terrorist and Extremist Organizations. CIS Antiterror Center. URL: <https://www.cisatc.org/1289/134/160/1268>

[2] Republic of Tajikistan. Terrorist and Extremist Organizations. CIS Antiterror Center. URL: <https://www.cisatc.org/1289/134/160/1268>



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