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TURKMENISTAN: Sentences on conscientious objectors a "state secret"?

By Felix Corley, Forum 18 (<https://www.forum18.org>)

The City Court in Dashoguz – which sentenced 18-year-old Jehovah's Witness conscientious objector Navruz Nasyrlyayev to two years' imprisonment in December 2009 – refused to discuss his case with Forum 18 News Service. Asked if it is a state secret, a woman at the court responded: "Yes." His case brings to five the number of Jehovah's Witnesses imprisoned for refusing compulsory military service in Turkmenistan, with a further three serving non-custodial sentences. Five of the eight sentences were handed down by Dashoguz City Court. Nasyrlyayev's imprisonment comes as the Turkmen government's January 2010 report to the United Nations (UN) Human Rights Committee made no reference to any right to conduct alternative civilian service.

The sentencing of 18-year-old Navruz Nasyrlyayev in December 2009 has brought to five the number of Jehovah's Witnesses in Turkmenistan currently imprisoned for refusing compulsory military service on grounds of religious conscience, Forum 18 News Service has learnt. A further three are serving non-custodial sentences, though one of these is due to complete his sentence in mid-February. Five of the eight, including Nasyrlyayev, were sentenced by Dashoguz [Dashhowuz] City Court. Nasyrlyayev's imprisonment comes as the Turkmen government's January 2010 report to the United Nations (UN) Human Rights Committee made no reference to any right to conduct alternative civilian service.

Jehovah's Witness young men insist they are ready to do alternative non-military service. However, Turkmenistan offers no non-combat alternative to those who cannot serve in the military on grounds of conscience. Military service for young men between the ages of 18 and 30 is generally two years.

Refusal to consider alternative service

Turkmenistan's report to the UN Human Rights Committee under the International Covenant on Civil and Political Rights (ICCPR), submitted on 11 January, contains just one sentence on alternative service, only to dismiss it. "Turkmen law does not provide for unarmed service," the sentence in Paragraph 337 declares bluntly (CCPR/C/TKM1). It gives no explanation or amplification.

The right to refuse military service is part of the right to freedom of thought, conscience and religion guaranteed by Article 18 of the ICCPR, to which Turkmenistan acceded in 1997. It is also part of Turkmenistan's Organisation for Security and Co-operation in Europe (OSCE) human dimension commitments.

Speaking at the UN Human Rights Council in Geneva in March 2009, Shirin Akhmedova, Director of the government's National Institute for Democracy and Human Rights in the capital Ashgabad [Ashgabat], rejected the recommendations from numerous international organisations – including the UN Special Rapporteur on Freedom of Religion and Belief, Asma Jahangir – that Turkmenistan introduce a civilian alternative service. Akhmedova instead pointed to Article 41 of the Constitution, which describes defence as a "sacred duty" of everyone and then states that military service is compulsory for men (see F18News 20 April 2009 http://www.forum18.org/Archive.php?article_id=1285).

Akhmedova was not present at the National Institute each time Forum 18 called between 28 January and 3 February. Forum 18 reached her colleague Shemshat Atajanova, a head of department there, on 28 January to discuss the long-delayed proposed new Religion Law (see F18News 12 February 2010 http://www.forum18.org/Archive.php?article_id=1408). However, she had put the phone down before Forum 18 could ask why young men in Turkmenistan who reject military service on grounds of conscience cannot perform an alternative civilian service.

The man who answered the telephone of Nurmukhamed Gurbanov, a Deputy Chair of the government's Gengeshi (Council) for Religious Affairs in Ashgabad, told Forum 18 on 28 January that he was away and that no-one else could answer Forum 18's questions.

December sentence, January failed appeal

Nasyrlyayev, the son of a baptised Jehovah's Witness who has not yet himself been baptised, is from the northern town of Dashoguz. He was called up in March 2009 on reaching the age of 18, Jehovah's Witnesses told Forum 18, but on three occasions refused to serve in the army because of his beliefs. A criminal case was lodged against him and he was tried on 7 December 2009 at Dashoguz City Court. He was sentenced to two years' imprisonment in a general regime labour camp.

It is thought that Nasyrlyayev was sentenced like the other conscientious objectors under Article 219 Part 1 of the Criminal Code, which punishes refusal to serve in the armed forces with a maximum penalty of two years' imprisonment.

The woman who answered the phone at Dashoguz City Court on 3 February refused absolutely to say which Article of the Criminal Code Nasyrlyayev had been sentenced under or provide any other information on the case. "We don't give any information to anyone by phone," she repeatedly told Forum 18. Asked if the information was a state secret, she responded: "Yes."

Nasyrlyayev appealed against his sentence, but on 3 January 2010 Dashoguz Regional Court left the original sentence unchanged. Forum 18 has been unable to find out where he has been sent to serve his sentence, though it is possible that it is at the general regime labour camp near the eastern town of Seydi, where the four other Jehovah's Witness conscientious objectors were sent to serve their sentences.

Sentenced Jehovah's Witnesses

Sakhetmurad and Mukhammedmurad Annamamedov – who are brothers from the western town of Serdar (formerly Gyzylarbat) – were originally each given a two year suspended sentence at Serdar Town Court in November 2008. However, in May 2009 the same judge ruled that they should both be transferred to prison to serve full two-year terms. They became the first Jehovah's Witnesses since July 2007 to be jailed for refusing military service on grounds of religious conscience.

Shadurdi Uchetov was sentenced in July 2009 to two years' imprisonment at Dashoguz City Court for refusing military service. Akmurat Egendurdiev was sentenced to one and a half years' imprisonment by Boldumsaz District Court later the same month.

The Annamamedov brothers, Uchetov and Egendurdiev were all sent in summer 2009 to the Seydi camp, which was described to Forum 18 by former Baptist religious prisoner of conscience Vyacheslav Kalataevsky as "like something from the Middle Ages".

The Association of Independent Advocates of Turkmenistan, an exile group, told Forum 18 that the camp, some six kms (four miles) from Seydi in the desert, is designed to hold 2,100 prisoners. (It said there is also a special regime camp nearby designed for 700 prisoners.)

Kalataevsky recalled that in 2007, when he was imprisoned at the general regime camp, there were then some 3,500 prisoners in six or seven barracks. He said the temperature in the summer is close to being unbearably hot. He said prisoners under 50 year of age work ten hour days (with a lunch break) in the camp's industrial zone, in the brick factory, metalworking plant or clothing factory. He said food and water is adequate "though not wonderful" (see F18News 30 September 2009 http://www.forum18.org/Archive.php?article_id=1356).

Three other Jehovah's Witnesses are serving non-custodial sentences for refusing military service (see F18News 30 September 2009 http://www.forum18.org/Archive.php?article_id=1356).

Vladimir Golosenko, who is from the Caspian port city of Turkmenbashi [Türkmenbashi, formerly Krasnovodsk], was sentenced in February 2008 to two years' forced labour. He is not in prison, but 20 percent of his wages go to the state. His sentence is due to end shortly.

Zafar Abdullaev was given a two-year suspended sentence by Dashoguz City Court in April 2009. He is currently living at home. Later that month the same court also handed down a two-year suspended sentence to Dovran Kushmanov. He has to report weekly to the police.

No amnesty

Forum 18 notes that none of the sentenced Jehovah's Witnesses were included in the prisoner amnesty proclaimed by President Gurbanguly Berdimukhamedov in early December 2009 to mark Neutrality Day. Jehovah's Witnesses told Forum 18 they had hoped that some at least might be included. (END)

For a personal commentary by a Protestant within Turkmenistan, on the fiction – despite government claims – of religious freedom in the country, and how religious communities and the international community should respond to this, see http://www.forum18.org/Archive.php?article_id=728.

For a personal commentary by another Turkmen Protestant, arguing that "without freedom to meet for worship it is impossible to claim that we have freedom of religion or belief," see http://www.forum18.org/Archive.php?article_id=1128.

More reports on freedom of thought, conscience and belief in Turkmenistan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=32>.

For more background information see Forum 18's religious freedom survey of Turkmenistan at http://www.forum18.org/Archive.php?article_id=1167.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

A printer-friendly map of Turkmenistan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=turkme>.

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