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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

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TURKMENISTAN: Amid new sentences, new law fails to introduce alternative civilian service

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

Two Jehovah's Witness young men were given 18-month prison terms in August for refusing compulsory military service on grounds of religious conscience, Forum 18 News Service has learnt. When the parents of one of them, Dovleyet Byashimov, were able to have a brief meeting with him in prison, they "saw that he had been beaten black and blue," Jehovah's Witnesses told Forum 18. The sentences bring to seven the number of imprisoned conscientious objectors, with a further three serving non-custodial sentences. Pirnazar Hudainazarov, Chair of the Mejlis (Parliament) Committee on the Protection of Human Rights and Freedoms, confirmed to Forum 18 that the new Law on Military Obligation and Military Service approved by the Mejlis in late September includes no provision for alternative service. But he refused to explain why Turkmenistan fails to offer an alternative in line with its international human rights commitments. Meanwhile, the wife of imprisoned Protestant pastor Ilmurad Nurliev has expressed concern that his case is "at a standstill".

As prison terms and a beating were handed down to two further young men for refusing compulsory military service, Turkmenistan's new Law on Military Obligation and Military Service has failed to introduce an alternative service, sources in the capital Ashgabad [Ashgabat] told Forum 18 News Service. Pirnazar Hudainazarov, the newly-elected Chair of the Mejlis (Parliament) Committee on the Protection of Human Rights and Freedoms, confirmed to Forum 18 on 4 October that the new Law failed to include any provisions for an alternative. However, he refused absolutely to discuss with Forum 18 why young men in Turkmenistan who cannot serve in the armed forces on religious or other conscientious grounds cannot perform an alternative civilian service in line with the country's international human rights commitments.

When Forum 18 pressed him on the issue, Hudainazarov repeatedly responded: "The Law hasn't been published yet in the newspapers, so wait till you see what's in it." He then put the phone down. Subsequent calls went unanswered.

Dismissing any concerns about the continued imprisonment of conscientious objectors and the failure to introduce an alternative to military service was Nurmukhamed Gurbanov, Deputy Chair of the government's Gengeshi (Council) for Religious Affairs. "Why can't people serve?" he asked Forum 18 on 21 September. "Aren't people in prison for this in Norway?" And he added: "You just go round looking for dirt," before putting the phone down.

Meanwhile, the wife of imprisoned Protestant pastor Ilmurad Nurliev has expressed concern that his case is "at a standstill".

New sentences

The two new prison terms handed down in August brought to seven the number of religious conscientious objectors serving terms of imprisonment, with a further three serving non-custodial sentences (see F18News 24 May 2010 http://www.forum18.org/Archive.php?article_id=1448).

On 4 August, Aziz Roziev – a 20-year-old Jehovah's Witness from the eastern town of Seydi – was sentenced to one and a half years' imprisonment at Seydi Town Court, Jehovah's Witnesses told Forum 18. He appealed against the sentence, but it remains unclear if the appeal has yet been heard. He was being held in the prison in the town of Turkmenabad (formerly Charjew) in north-eastern Turkmenistan, but it is unknown if he is still being held there.

Also sentenced to one and a half years' imprisonment was fellow Jehovah's Witness Dovleyet Byashimov. He was arrested in his home town of Turkmenabad on 12 August and "for some time nobody knew about his whereabouts", Jehovah's Witnesses told Forum 18. However, they later learnt that he had been tried and sentenced at Turkmenabad City Court on 30 August.

Forum 18 believes that both Roziev and Byashimov were sentenced under Article 219 Part 1 of the Criminal Code, which punishes refusal to serve in the armed forces in peacetime with a maximum penalty of two years' imprisonment.

Byashimov's parents were allowed a short meeting with their son in Turkmenabad prison in early September and "saw that he had

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been beaten black and blue," Jehovah's Witnesses told Forum 18.

No amnesty

Neither of the new prisoners nor any of the five Jehovah's Witness conscientious objectors sentenced earlier - Shadurdi Uchetov, Akmurat Egendurdiev, the brothers Sakhetmurad and Mukhammedmurad Annamamedov, and Navruz Nasyrlayev – were included in the prisoner amnesty signed by President Gurbanguly Berdymukhamedov on 3 September, sources told Forum 18 from Ashgabad. A total of 3,999 prisoners were due to be freed for the Muslim Night of Omnipotence, which this year fell on 10 September. The list of amnestied prisoners was published in the government-run newspapers.

Nor were the three Jehovah's Witness conscientious objectors serving non-custodial sentences, Zafar Abdullaev, Dovran Kushmanov and Denis Petrenko, amnestied.

The five Jehovah's Witnesses imprisoned earlier have been held in a general regime labour camp near the eastern town of Seydi, where they face harsh conditions. Four of the five were punished in labour camp in late 2009 and early 2010 – including one-month terms in the camp isolation punishment cells. Local Jehovah's Witnesses interpreted these punishments as a move to make them ineligible for the Victory Day amnesty declared by the President in May (see F18News 24 May 2010 http://www.forum18.org/Archive.php?article_id=1448).

Jehovah's Witnesses have repeatedly called for their conscientious objector prisoners to be freed and for a civilian alternative service to be available.

The last Jehovah's Witness conscientious objector to have been amnestied was Ashirgeldy Taganov. He was released from a suspended sentence in February 2008 (see F18News 24 May 2010 http://www.forum18.org/Archive.php?article_id=1448).

New Law fails to introduce alternative service

The new Law on Military Obligation and Military Service was adopted by the Mejlis on 25 September, the government news agency reported the same day. It said that under the Law, the military conscription age for men will now be between 18 and 27. The agency implied that the Law had been adopted in only one reading. The government media had not indicated as of 4 October whether President Berdymukhamedov had signed the Law. Nor had the text of the Law been published.

The 125-seat Mejlis is made up entirely of members of the ruling party, the Democratic Party of Turkmenistan, which is headed by the President. All other political parties are banned. The Mejlis is widely regarded as a body that merely rubberstamps decisions taken by the autocratic President and the senior leadership.

Forum 18 was unable to reach any other Mejlis deputy between 27 September and 4 October to find out why no law allowing an alternative to compulsory military service is being adopted. Akja Nurberdyeva, Chair of the Mejlis, and Kasymguly Babaev, Deputy Chair, were both out of the office or away on a work trip each time Forum 18 reached their offices at the Mejlis or at the ruling party.

Forum 18 was unable to reach Yazdursun Gurbannazarova, Director of the government's National Institute for Democracy and Human Rights in Ashgabad. The woman who answered her phone on 4 October told Forum 18 that she was expected only very late if at all that day. Subsequent calls went unanswered.

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.

Yet Turkmenistan's authorities have long refused to introduce an alternative to military service, which remains compulsory for all healthy young men. Changes to the Criminal Code approved in May left untouched Article 219, which prescribes punishments for refusing military service (see F18News 24 May 2010 http://www.forum18.org/Archive.php?article_id=1448).

Case of imprisoned Protestant pastor "at a standstill"

Meanwhile, Ilmurad Nurliev, pastor of Light to the World Pentecostal Church in the south-eastern town of Mary, remains in prison awaiting trial. "His case is at a standstill," his wife Maya Nurlieva told Forum 18 from Mary on 4 October. She said the police investigator in the case, Durdimurad Gazakov, is now on holiday, which could last up to 30 days.

Pastor Nurliev's case was instigated by the 6th Department as a way to punish him for his religious activity, Nurlieva told Forum 18. She remained uncertain as to whether this was the department of the Police or the Ministry of State Security (MSS) secret police.

She said she had again travelled to Ashgabad in late September to lodge a further complaint to the General Prosecutor's Office, this

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one signed by more than twenty church members. However, officials there told her that they are already working on responding to her first appeal she handed in at the beginning of September, and would not accept a further appeal. They suggested she apply instead to Hoshgeldy Illikurdov, Mary Regional Prosecutor. She told Forum 18 she is planning to lodge the appeal with him on 5 October.

Nurlieva complained to Forum 18 that she has received no response to the appeals she sent a month ago to numerous officials, including the President as well as the General Prosecutor's Office.

The official who answered Gazakov's phone at Mary Police hung up on 4 October as soon as Forum 18 asked about Pastor Nurliev's case, as did the official who answered the phone at the Mary Prosecutor's Office.

Nurlieva expressed continued concern about her husband's health, as he suffers from diabetes. "I have not been able to see him even once since his arrest more than five weeks ago," she told Forum 18. "But I have heard he is suffering very badly from the cold, even though he is crammed up in a cell with about 45 other prisoners."

She also revealed that the imprisonment of her husband has also affected her health. "How could it not?" she asked Forum 18.

Pastor Nurliev, a 45-year-old grandfather of two, was arrested on 27 August and is being investigated on fraud charges his wife and church members have insisted to Forum 18 have been fabricated to punish him for his religious activity. She has asked the Ashgabad office of the OSCE to send independent monitors to any trial in her husband's case. The OSCE Centre told Forum 18 it is "closely following" the case (see F18News 10 September 2010 http://www.forum18.org/Archive.php?article_id=1487). (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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