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TURKMENISTAN: "Show trial" for conscientious objector

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

At the trial of the latest Jehovah's Witness conscientious objector Akmurad Nurjanov in a courtroom in Turkmenistan's capital Ashgabad, senior school students were present to witness his one-year suspended prison sentence being handed down. "Taking them to the trial appears to have been designed as a warning of what will happen to the young men if they refuse military service," one Jehovah's Witness told Forum 18 News Service, calling the event a "show trial". It remains unknown what restrictions Nurjanov will have to live under during his sentence. Five other Jehovah's Witnesses are serving labour camp sentences of between 18 months and two years for refusing compulsory military service. The day after Nurjanov's sentence, another Ashgabad court rejected fellow Jehovah's Witness Vladimir Nuryllayev's appeal in his absence against his four-year prison term on charges of "spreading pornography". Community members say the charges were fabricated to punish him for his faith. The judge screamed at his fellow believers to leave the court house, Jehovah's Witnesses told Forum 18.

Senior school students were taken to a court house in Turkmenistan's capital Ashgabad [Ashgabat] for what one fellow Jehovah's Witness described to Forum 18 News Service as a "show trial" for their latest conscientious objector. Akmurad Nurjanov was given a one-year suspended prison sentence on 13 February for refusing compulsory military service. "Taking them to the trial appears to have been designed as a warning of what will happen to the young men if they refuse military service," the Jehovah's Witness told Forum 18. At a ten-minute hearing the following day, Ashgabad City Court rejected in his absence the appeal of fellow Jehovah's Witness Vladimir Nuryllayev against his four-year prison term on charges of "spreading pornography" which members of his community insist were fabricated to punish him for his religious affiliation.

Meanwhile, Forum 18 has learnt of another religious believer refused permission to leave Turkmenistan for religious studies in another former Soviet republic.

The woman who answered the phone on 15 February of the secretary of Yazdursun Gurbannazarova, Director of the government's National Institute for Democracy and Human Rights in Ashgabad, told Forum 18 it was a wrong number. Other numbers at the Institute went unanswered.

The telephone of Gurbanberdy Nursakhatov, Deputy Chair of the government's Gengesh (Council) for Religious Affairs in Ashgabad, also went unanswered on 15 February.

Trial

Nurjanov, who is 18 years old and from Ashgabad, refused military service on grounds of his religious faith. Turkmenistan has no alternative to military service, which is compulsory for all young men. His 13 February trial took place at Azatlyk District Court, an official of the court confirmed to Forum 18 on 15 February. But the official – who would not give her name - declined to give any further details on the case or why school students were brought along to attend the trial.

Like other sentenced conscientious objectors, Nurjanov was convicted under Article 219, Part 1 of the Criminal Code. This punishes refusal to serve in the armed forces in peacetime with a maximum penalty of two years' imprisonment. Turkmenistan has ignored international calls for conscientious objector prisoners to be freed and a civilian alternative service to be introduced (see F18News 29 April 2011 http://www.forum18.org/Archive.php?article_id=1566).

However, unlike most other conscientious objectors, Nurjanov was given a suspended sentence rather than a term of imprisonment. Jehovah's Witnesses speculated that the presence of many school students might have led the authorities to choose a non-custodial sentence.

It remains unclear what restrictions Nurjanov will be required to live under as he serves his suspended sentence. Others who received suspended sentences have faced tight restrictions. They cannot leave their home town without special permission and must be back home each evening by 8 pm. They must also find work (see F18News 10 January 2008 http://www.forum18.org/Archive.php?article_id=1069).

Another Jehovah's Witness is still believed to be serving a suspended sentence under Article 219, Part 1: Denis Petrenko, given a two year suspended sentence in Ashgabad in April 2010. This required him to live under some restrictions at home and report regularly to the authorities (see F18News 29 April 2011 http://www.forum18.org/Archive.php?article_id=1566).

Imprisoned conscientious objectors

The five current known imprisoned Jehovah's Witness conscientious objectors sentenced under Article 219, Part 1 are: Ahmet Hudaybergenov, 18 months, Turkmenabad Court, September 2010; Sunet Japbarov, 18 months, Turkmenabad Court, December 2010; Matkarim Aminov, 18 months, Dashoguz Court, December 2010; Dovran Matyakubov, 18 months, Boldumsaz Court, December 2010; and Mahmud Hudaybergenov, 2 years, Dashoguz Court, August 2011. All five are being held at the general regime labour camp in the desert near the town of Seydi in the eastern Lebap Region.

Also held in the same camp is another religious prisoner of conscience, Protestant Pastor Ilmurad Nurliev. He leads Light to the World Protestant Church in the town of Mary and was given a four-year prison sentence in October 2010 on charges of swindling, which members of his congregation insist were fabricated to punish him for leading his unregistered church (see F18News 22 December 2010 http://www.forum18.org/Archive.php?article_id=1525)

Freed from Seydi

Conscientious objector Dovleyet Byashimov was freed from Seydi on 28 January at the end of his 18-month sentence, Jehovah's Witnesses told Forum 18. Arrested and sentenced in Turkmenabad (formerly Charjew) in August 2010, he was the victim of brutality in prison. When his parents were allowed a short meeting with their son in Turkmenabad prison in early September 2010, just weeks after his trial, they "saw that he had been beaten black and blue," Jehovah's Witnesses told Forum 18 (see F18News 4 October 2010 http://www.forum18.org/Archive.php?article_id=1495).

Another Jehovah's Witness conscientious objector, Aziz Roziev, was freed from Seydi on 4 February on the completion of his 18-month sentence (see F18News 8 February 2012 http://www.forum18.org/Archive.php?article_id=1663).

Three other former religious prisoners of conscience – who all completed sentences at the Seydi camp in summer 2011 - revealed that solitary confinement and beatings were routine treatment within the camp (see F18News 25 January 2012 http://www.forum18.org/Archive.php?article_id=1660).

10-minute appeal fails

Fellow Ashgabad Jehovah's Witness Nuryllayev failed in his appeal at Ashgabad City Court on 14 February, Jehovah's Witnesses told Forum 18. Arrested in November 2011, several weeks after police seized his religious literature and his computer, he was accused of "spreading pornography" under Criminal Code Article 164, Part 2. He was tried on 18 January at Ashgabad's Azatlyk District Court, found guilty and sentenced to four years' imprisonment. His family and friends were not told in advance that the trial was taking place (see F18News 8 February 2012 http://www.forum18.org/Archive.php?article_id=1663).

At the 14 February appeal hearing, Nuryllayev's lawyer insisted on his behalf that the charges against him of distributing pornographic films had been fabricated. The lawyer pointed out that no official witnesses had been present as required when Nuryllayev's computer was taken and also that the statements by the two men who alleged that he had given them pornographic films had been identical, suggesting they had been dictated by the police.

However, after the ten-minute hearing, the panel of three judges - Presiding Judge G. Ishangulieva, as well as Judges B. Toimuradov and T. Allaguliev - rejected Nuryllayev's appeal. The written judgment is expected to be handed down on 22 February.

Only six people attended the appeal hearing: the three judges, the prosecutor Meretdurdieva (first name unknown), Nuryllayev's lawyer and one Jehovah's Witness. "Many community members came to the court house, but they wouldn't let them in," Jehovah's Witnesses told Forum 18. "Eventually they allowed them into the building but not into the courtroom. The presiding Judge screamed at those who had come, asking who had allowed them off work and telling them to leave. She screamed at one of them who managed to get in to leave her courtroom, but the Jehovah's Witness insisted on staying."

As during the initial trial, neither of the two men who alleged Nuryllayev had given them pornographic films was present at the appeal hearing.

Nuryllayev was not even brought for the appeal from the pre-trial detention centre in Yashlyk, 40 kms (25 miles) south-east of Ashgabad, where he has been held since his arrest in November 2011. Jehovah's Witnesses said he has apparently become pale since his arrest but does not appear to have been maltreated. "They seem to be afraid of touching him," they told Forum 18.

Is latest exit ban legal?

Meanwhile, another religious believer was denied permission to leave Turkmenistan in late 2011, Forum 18 has learnt. The Migration Service at Ashgabad airport prevented the individual from leaving for another former Soviet republic where further religious studies were planned. Officials gave no reason for preventing the individual from boarding the aeroplane for which a ticket had already been bought. "Go to the National Security Ministry [secret police] in your home district – they'll tell you why you have been banned from leaving," Migration Service officials told the individual.

The individual is from a non-Muslim religious community and lives away from the capital. However, friends asked Forum 18 not to identify the individual to prevent further state harassment.

Turkmenistan operates a secret exit ban list and often prevents individuals whose activity it does not like from leaving the country. A number of active religious believers are known to be on the list (see F18News 2 February 2010 http://www.forum18.org/Archive.php?article_id=1403).

Turkmenistan's 2005 Migration Law declares in Article 26: "Every citizen of Turkmenistan has the right to leave Turkmenistan and enter Turkmenistan. A citizen of Turkmenistan cannot be deprived of the right to leave Turkmenistan or enter Turkmenistan." Article 32 of the Law allows for "temporary" restriction of this right, including for those awaiting criminal trial, those under police supervision, and those in possession of state secrets. The eleventh reason for denying the right to leave is for those whose exit "contradicts Turkmenistan's national security interests", a category which is not defined.

Officials only rarely explain to those they have barred from leaving why the move was taken. (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=1512.

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://education.nationalgeographic.com/education/mapping/outline-map/?map=Turkmenistan>.

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