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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

21 September 2016

TURKMENISTAN: Search, arrest, torture, escape, arrest, prison

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

Police raided Jehovah's Witness Mansur Masharipov's home in Dashoguz in July 2014, seized religious literature (subsequently destroyed), severely beat him, injected him in a Drug Rehabilitation Centre (from which he escaped) with unknown drugs. He was jailed after June 2016 arrest for one year.

Jehovah's Witness Mansur Masharipov has appealed against a one-year prison term handed down on 18 August in the northern city of Dashoguz for allegedly assaulting a police officer back in July 2014. Police subsequently destroyed Bibles and other religious literature confiscated from him during a raid on his home, according to the verdict seen by Forum 18. His fellow-Jehovah's Witnesses insist the 32-year-old Masharipov is innocent of any wrongdoing and was targeted for his faith.

After being arrested in July 2014 Masharipov was tortured by police with severe beatings, which Forum 18 has seen evidence of and which has been submitted to the United Nations (UN) Working Group on Arbitrary Detention and the Special Rapporteur on Freedom of Religion or Belief. Masharipov was then forcibly detained in a Drug Rehabilitation Centre in Dashoguz, after his July 2014 arrest. He was there also tortured by being injected with harmful unknown drugs, and "out of fear for my life and my health" he then escaped from the Centre the same month (see F18News 1 August 2014 http://www.forum18.org/archive.php?article_id=1981). On 30 June 2016 Masharipov was arrested in the capital Ashgabad [Ashgabat] and taken to the Investigation Prison in Dashoguz ahead of his trial.

Under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Turkmenistan is obliged to arrest and try under criminal law any person suspected on good grounds of having committed torture (see Forum 18's Turkmenistan religious freedom survey http://www.forum18.org/Archive.php?article_id=1676). As is normal in Turkmenistan, no official in the case of Masharipov has been arrested or put on trial for torturing him.

Other prisoners of conscience

Masharipov is one of two known Jehovah's Witness prisoners of conscience. The 53-year-old Bahram Hemdemov is serving a four-year sentence on charges of inciting religious hatred, charges he denies (see F18News 5 July 2016 http://www.forum18.org/archive.php?article_id=2196).

An unknown number of Muslims are also believed to be imprisoned to punish them for exercising freedom of religion or belief. One of those apparently being held incommunicado in Turkmenistan's top-security Ovadan-Depe prison in the desert north of Ashgabad is Bahram Saparov, a fellow Muslim told Forum 18. He had led a Hanafi Sunni Muslim community in the eastern city of Turkmenabad [Turkmenabat] (formerly Charjew) until his imprisonment in 2013. About 20 others were sentenced to long prison terms with him. Their fate remains unknown (see F18News 26 September 2016 http://www.forum18.org/archive.php?article_id=2218).

Another Muslim reportedly imprisoned for exercising freedom of religion or belief died in labour camp near Turkmenabad in 2013. Atageldi aga was imam of an unregistered Sunni Muslim mosque in the Khitrovka district of Ashgabad, someone familiar with his work told Forum 18. His body was never returned to relatives for a funeral. The Imam was arrested in September 2008 soon after an armed clash between a local gang and security forces. The individual familiar with his work insisted he had not been involved in the gang (see F18News 26 September 2016 http://www.forum18.org/archive.php?article_id=2218).

In addition to those imprisoned for exercising the right to freedom of religion or belief, the authorities regularly hand down corrective labour sentences to those unable to perform compulsory military service on grounds of religious conscience. The men must live at home under restrictions and a fifth of their wages are confiscated by the state.

Jehovah's Witness conscientious objector Dayanch Jumayev was sentenced in Ashgabad in February 2016 to one year of corrective labour (see F18News 5 July 2016 http://www.forum18.org/archive.php?article_id=2196). Five further Jehovah's Witness young men are known to have been given conditional or corrective labour sentences between February and August 2016 (see F18News 3 October 2016 http://www.forum18.org/archive.php?article_id=2220).

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Ashgabad arrest

Masharipov – who is unmarried – is an ethnic Uzbek who lived in Dashoguz until he moved away from the city in 2014 to avoid arrest. In May 2004 he was sentenced to 18 months' imprisonment for refusing compulsory military service on grounds of his religious faith. He was among four Jehovah's Witness conscientious objectors freed from prison under amnesty in April 2005 (see F18News 22 April 2005 http://www.forum18.org/archive.php?article_id=548).

Police officers arrested Jehovah's Witness Masharipov on 30 June 2016 in a park in Ashgabad, Jehovah's Witnesses told Forum 18. He was then transferred back to his home city of Dashoguz, where he was held in the city's Interior Ministry's Investigation Prison (DZD/7).

Police had been hunting for Masharipov since summer 2014 to punish him for exercising the right to freedom of religion or belief. On the morning of 3 July 2014, six police officers and officials had come to his home in Dashoguz as part of "preventive measures" because of his "adherence to the Jehovah's Witness religion", the August 2016 court verdict notes.

One of those raiding Masharipov's home was Hudainazar Artykov, an official of the Religious Affairs Department of the Regional Hyakimlik (administration)

The police officers asked Masharipov to hand over all his literature about religion. He "voluntarily" gave them 22 copies of the New Testament and other books, 15 religious leaflets, 42 religious discs, 7 exercise books with religious notes, 304 pages of religious notes, a religious calendar and a computer notebook containing six or seven Jehovah's Witness films. Masharipov told the officers he had been given these items by an unknown individual on a visit to Uzbekistan. Officers also confiscated his mobile phone.

The officers then demanded that Masharipov go with them to the police station for – in the words of the verdict - "explanatory work" and "preventive measures in connection with his adherence to the Jehovah's Witness movement", but he refused.

Police officer Gurban Khanov claimed that once outside the block of flats, Masharipov tried to run away. Officers then grabbed him by the arm to try to put him in the police car. Khanov claimed Masharipov tore the lower button and left epaulette from his police uniform before they managed to get him into the car.

Masharipov was charged under Criminal Code Article 211, Part 1 with assaulting a police officer, "although it was the police officers who had subjected him to rough physical mistreatment," Jehovah's Witnesses told Forum 18. "Mansur Masharipov has previously endured abuse, even torture, for his peaceful religious activities."

Criminal Code Article 211, Part 1 punishes "The threat of murder or use of violence not dangerous to life or health in relation to a law-enforcement or military officer or those close to them in connection with the carrying out of their duties in protecting law and order". Punishment is corrective labour or a prison term of up to two years.

Police torture Masharipov and lodge false charges against him

Masharipov's fellow Jehovah's Witnesses gave Forum 18 – at the time of the arrest and torture in late July 2014 – information that contradicts the August 2016 claims of police about what happened after the arrest (see F18News 1 August 2014 http://www.forum18.org/archive.php?article_id=1981).

Jehovah's Witnesses at the time stated that, after the search was complete, one of the plain-clothed police officers grabbed Masharipov from behind by the neck, "choking him so he could not breathe, and then dragged him into a waiting vehicle". Once in the vehicle, the officers "began to beat him repeatedly on his head and on his body above his kidneys".

At 12 noon the police took Masharipov to Dashoguz City Police Station, where he was again beaten. From there he was taken to a supervisor's office where the police began to openly discuss what pretext they would use to justify placing him in detention. They brought in police officer Ruslan Jumaniyazov (who had been present during the raid), who said he would claim that Masharipov had ripped off his shoulder insignia while resisting arrest.

At 1 pm Masharipov was returned to Dashoguz City Police Station, where he was again beaten. "The police threatened they would place him in a 'harem' cell with male prisoners where he would be raped," Jehovah's Witnesses told Forum 18 back in July 2014.

The police gave Masharipov a document in Turkmen, which he does not understand, and forced him to sign it. They claimed the document contained a report that they had confiscated religious books during the search of his flat. The officials included three officers from the Ministry of State Security (MSS) secret police and one representative of the religious affairs department of the Regional Hyakimlik.

Police again threatened that they would charge Masharipov with ripping off the insignia of a police officer. Local policeman Merdan

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Khanov (also present during the raid) stated that he would testify to this effect.

In the afternoon, the police took Masharipov to Dashoguz City Prosecutor's Office. The prosecutor took a statement from Masharipov and he was then returned to Dashoguz City Police Station and again beaten.

Some of the same police officers in Dashoguz were also involved in accusing another local Jehovah's Witness of tearing off the insignia from an officer's uniform. The same Artykov from the regional religious affairs department testified that Bibi Rahmanova had assaulted the officer in July 2014 within days of Masharipov's detention. She received a four-year prison term the following month, but had her sentence suspended on appeal in September. This meant she was ordered to serve the rest of her sentence at home under travel restrictions (see F18News 28 October 2014 http://www.forum18.org/archive.php?article_id=2009).

The duty officer at Dashoguz City Police refused to discuss with Forum 18 in August 2014 the treatment of Masharipov by its officers.

Tortured with drugs

At 6 pm on 3 July 2014, police took Masharipov to the Drug Rehabilitation Centre in Dashoguz. "This was done as a pretext to justify his detention," Jehovah's Witnesses told Forum 18. "The medical staff administered four injections to Mansur Masharipov, one in each buttock and two below his shoulder blades." His arms and legs became paralysed and he vomited throughout that evening and the following day. He also began to suffer a high fever and severe headaches.

Fearing further torture, Masharipov escaped from the Drug Rehabilitation Centre on 5 July 2014 and fled from Dashoguz.

Dashoguz sentence

Following the arrest of Masharipov in Ashgabad on 30 June 2016, police and prosecutors revived the criminal case against him. As well as accusing him under Criminal Code Article 211, Part 1, Dashoguz City Prosecutors' Office also considered accusations under Criminal Code Article 177 ("Incitement of social, ethnic or religious hatred"). However, on 1 August Prosecutors abandoned charges under this Article.

On 18 August, Judge V. Amanov of Dashoguz City Court heard the case against Masharipov not in the court, but at a hearing held in the city's Housing Trust. Judge Amanov found Masharipov guilty under Criminal Code Article 211, Part 1. He sentenced him to one year in a general regime labour camp, according to the verdict seen by Forum 18. Masharipov denied the allegations against him in court.

Police officer Gurban Khanov, described as the "victim", testified in court and called for Masharipov to be punished. The verdict notes that a 5 July 2014 medical report on Gurban Khanov had not found any injuries.

Also testifying in court was regional religious affairs official Artykov. He told the court that Police had already destroyed the New Testaments and other religious literature confiscated from Masharipov during the raid on his home in July 2014. However, the verdict also quotes an 8 July 2016 letter from the Muftiate representation in Dashoguz Region to say that the confiscated books had been handed over to the government's Commission for Work with Religious Organisations and Expert Analysis of Resources Containing Religious Information, Published and Printed Production before being destroyed.

Forum 18 has been unable to obtain a copy of the Muftiate letter, which is Page 118 of the case file.

The Commission was established in summer 2015 to replace the Gengesh (Council) for Religious Affairs, the government body controlling religious communities (see F18News 18 April 2016 http://www.forum18.org/archive.php?article_id=2169).

The verdict does not explain why Masharipov's religious literature was destroyed.

The verdict ordered that his confiscated computer and mobile phone should be transferred to the state.

The prison term was deemed to run from 30 June, the date of his arrest, with each day in pre-trial detention counting as the equivalent of two days' labour camp.

Forum 18 was unable to reach Judge Amanov at Dashoguz City Court on 21 September. It was also unable to reach regional religious affairs official Artykov the same day.

Appeal lodged

On 30 August, Masharipov lodged an appeal against his conviction – seen by Forum 18 - to Dashoguz Regional Court. He denied the police account that he had used force against them, noting that because of his faith "for me an individual, their worth, life, rights

and freedom are of great value". He added that "my religion teaches and helps me to relate to other people with deep respect and love".

Masharipov recounted the beatings and rape threats from police officers after his 3 July 2014 detention. He added that later that afternoon, when he was brought out of the Prosecutor's Office, he tried in vain to run away. He was then beaten again "right on the street". Beatings continued once officers had taken him back to the police station.

Masharipov also recounted that at the Drug Rehabilitation Centre, staff gave him four injections "after which I felt sick, I had a headache and a high temperature and it was almost impossible for me to move". "On 5 July 2014, out of fear for my life and my health, and with the aim of preserving them, I escaped from the Drug Rehabilitation Centre."

Masharipov – who says he does not smoke or drink alcohol – questions why he was sent to the Drug Rehabilitation Centre with no court decision. He notes that on 7 July 2014 he sent complaints about the Police conduct to the Interior Ministry and, the following day, to the General Prosecutor's Office. On 30 March 2015 he sent a complaint to President Gurbanguly Berdymukhamedov.

In his appeal Masharipov also complained about procedural violations. He said he had not been given the opportunity to acquaint himself with the accusations against him, and that the July 2014 house search had been conducted without a search warrant from the Prosecutor's Office.

Masharipov insists that the case against him violates the protection of the right to freedom of religion or belief outlined in Turkmenistan's Constitution and the International Covenant on Civil and Political Rights, to which Turkmenistan is a party.

No-one at Dashoguz Regional Court would confirm to Forum 18 on 21 September whether any appeal hearing has yet been set in Masharipov's case.

If Masharipov's appeal is rejected, he is likely to be sent to serve his sentence at the general regime labour camp in the desert just outside the eastern town of Seydi in Lebap Region.

UN appeal

Jehovah's Witnesses lodged an urgent appeal on 11 July 2014 about Masharipov's case to the United Nations (UN) Working Group on Arbitrary Detention and the Special Rapporteur on Freedom of Religion or Belief in Geneva.

The appeal – seen by Forum 18 – gives details of the abuses in Masharipov's case and includes photographs of scars on his arms, legs, stomach, back and one cheek which Jehovah's Witnesses say were inflicted on him in police detention.

The appeal also covered abuses against three other Jehovah's Witnesses (see F18News 1 August 2014 http://www.forum18.org/archive.php?article_id=1981).

No charges against police officers

The verdict in Masharipov's case also reveals that Prosecutors considered criminal cases against two police officers involved in the July 2014 raid. Dashoguz City Prosecutors' Office considered criminal charges against Gurban Khanov and Jumaniyazov under Article 181 ("Misuse of official powers"), Article 182 ("Exceeding official powers") and Article 182-1 ("Torture").

Dashoguz City Prosecutors' Office dropped these charges on 1 August 2016. The verdict gives no reason for the decision.

Under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Turkmenistan is obliged to arrest and try under criminal law any person suspected on good grounds of having committed torture. (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=1676.

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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.

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