

10 August 2018

TURKMENISTAN: Conscientious objector's maximum two-year jail term

By Felix Corley, Forum 18

Turkmenbashi City Court jailed 19-year-old Jehovah's Witness conscientious objector Mekan Annayev for the maximum two years for refusing compulsory military service on grounds of conscience. Five others have already been jailed in 2018, one in an apparent show trial. Two more young men face trial in August.

The city court in Turkmenbashi in western Turkmenistan has handed down the longest known prison sentence so far in 2018 to punish refusal to conduct compulsory military service on grounds of conscience. At the request of the prosecutor, Judge Myrat Garayev handed 19-year-old Jehovah's Witness Mekan Annayev the maximum two-year jail term, he told Forum 18 from the court on 23 July.

During one meeting at the city's military conscription office in October 2017, officials had called in the city's chief imam to conduct "explanatory work" with Annayev in an apparent attempt to pressure him to undertake military service, even though Annayev is not a Muslim (see below).

In all five other known jailings of conscientious objectors in 2018, courts handed down one-year jail terms. All those sentenced were - like Annayev - Jehovah's Witnesses (see F18News 30 July 2018 <http://www.forum18.org/archive.php?article_id=2400>).

Two more Jehovah's Witness conscientious objectors face trial in August. The trial of Isa Sayaev was due to have begun on 9 August in the northern Dashoguz Region. The trial of Ruslan Artykmuradov is due to begin in Lebap Region on 13 August (see below).

Prosecutor's Offices are considering similar criminal cases against other Jehovah's Witness young men for refusing military service on grounds of conscience, Jehovah's Witnesses told Forum 18.

The trial of one of those jailed in July was held in the District Military Conscription Office. It remains unknown if this was to show other local young men the punishment for failing to abide by call-up notices (see below).

Forum 18 wished to ask the Human Rights Ombudsperson Yazdursun Gurbannazarova, who was named by the government-appointed parliament, why individuals who cannot do military service on grounds of conscience cannot undertake alternative, civilian service and why they are jailed. However, her telephone went unanswered each time Forum 18 called on 10 August.

No conscientious objection, no alternative service

Turkmenistan offers no alternative to its compulsory military service. Military service for men between the ages of 18 and 27 is generally two years. Article 58 of the 2016 Constitution describes defence as a "sacred duty" of everyone and states that military service is compulsory for men. Turkmenistan ignored the recommendation of a July 2016 legal review of the draft Constitution by the Organisation for Security and Co-operation in Europe that it should include a provision for alternative, civilian service (see F18News 3 October 2016 <http://www.forum18.org/archive.php?article_id=2220>).

Young men who refuse military service on grounds of conscience face prosecution under Criminal Code Article 219, Part 1. This punishes refusal to serve in the armed forces in peacetime with a maximum penalty of two years' imprisonment or two years' corrective labour (see Forum 18's Turkmenistan religious freedom survey <http://www.forum18.org/archive.php?article_id=2244>).

In March 2017, at the end of its review of Turkmenistan's record under the International Covenant on Civil and Political Rights, the United Nations (UN) Human Rights Committee again called on the authorities to end punishments for those unable to perform military service on grounds of conscience and introduce an alternative, civilian service (CCPR/C/TKM/CO/2).

"The State party should revise its legislation without undue delay with a view to clearly recognizing the right to conscientious objection to military service," the Committee declared, "provide for alternative service of a civilian nature outside the military sphere and not under military command for conscientious objectors, and halt all prosecutions of individuals who refuse to perform military service on grounds of conscience and release those who are currently serving prison sentences."

Officials refused to explain to Forum 18 why they did not implement the UN recommendation. With the two jailings in January 2018, less than a year after the UN report was issued, Turkmenistan began imprisoning conscientious objectors again after a break of four years (see F18News 23 March 2018 <http://www.forum18.org/archive.php?article_id=2363>).

Turkmenbashi: maximum 2-year jail term

The Conscription Office in Turkmenbashi, a port city on the Caspian Sea, summoned Jehovah's Witness Mekan Orazdurdiyevich Annayev (born 22 June 1999) to Balkan Regional Conscription Office for military service in June 2017 (when he reached the age of 18). The Conscription Office summoned him twice in October 2017 and again in March 2018 and twice in April 2018, according to the indictment seen by Forum 18.

In response to two of the summonses, Annayev went to the city Conscription Office, telling officers that he could not conduct military service on grounds of conscience. The indictment records that he quoted Jesus' words from the Gospel of Matthew: "Put away your sword, for all who live by the sword shall die by the sword."

On 26 October 2017, the indictment notes, Annayev "arrived at the military conscription office with his parents and brother. Explanatory work was conducted with him with the participation of the Chief Imam of Turkmenbashi." Annayev repeated his refusal to perform military service on grounds of conscience.

Curiously, the indictment notes that Annayev is not a member of the Democratic Party of Turkmenistan, the country's ruling party.

On 4 June 2018, after establishing that Annayev was medically and psychologically fit for military service, had no criminal record and was not on the register of alcoholics or drug addicts, Trainee Assistant to Turkmenbashi Prosecutor L. Saltykova brought charges against him under Criminal Code Article 219, Part 1. Annayev's trial was held at Turkmenbashi City Court on 26 June, four days after his 19th birthday.

During Annayev's trial, the court's chief judge Rustam Atajanov came to the courtroom and interrupted Judge Garayev, who was presiding over the hearing. "Atajanov began rudely questioning Mekan Annayev and accusing him and all Jehovah's Witnesses of being traitors," Jehovah's Witnesses told Forum 18. "He even demanded, loudly screaming, to throw two attendees out simply for whispering." After Judge Atajanov left, the hearing continued.

At the end of the trial, the state prosecutor asked the court to sentence Annayev to two years' imprisonment. "In most other cases, state prosecutors usually ask to sentence young Jehovah's Witnesses to one year of imprisonment," Jehovah's Witnesses noted.

Judge Garayev acceded to the prosecutor's request and sentenced Annayev to two years' imprisonment in an ordinary regime labour camp. As Annayev had not been under arrest before the trial he was arrested after the verdict was handed down and taken away to begin his sentence.

Judge Garayev refused to explain to Forum 18 on 23 July why he had punished Annayev for refusing military service on grounds of conscience or why he had given him the maximum penalty. He also refused to discuss the conduct of the trial, including why the chief judge had interrupted proceedings.

Annayev did not appeal against his conviction to Balkan Regional Court, the court told Forum 18 on 23 July.

August trials

Two more Jehovah's Witness conscientious objectors face trial in August under Criminal Code Article 219, Part 1 after refusing compulsory military service on grounds of conscience.

The trial of Isa Sayaev was due to have begun on 9 August at Koneurgench City Court in the northern Dashoguz Region. Forum 18 was unable to reach the court on 10 August to find out if the trial took place as scheduled.

The trial of Ruslan Artykmuradov is due to begin in Lebap Region on 13 August, Jehovah's Witnesses told Forum 18.

Was July trial a show trial?

Three Jehovah's Witness conscientious objectors are known to have been jailed in July under Criminal Code Article 219, Part 1. Each was given a one-year ordinary regime labour camp sentence. One of the three, Ikhlosbek Valijon oglu Rozmetov (born 26

November 1997), was convicted on 11 July at Gurbansoltan eje District Court in Dashoguz Region (see F18News 30 July 2018 <http://www.forum18.org/archive.php?article_id=2400>).

According to the verdict seen by Forum 18, Judge Sh. Almazov of Gurbansoltan eje District Court held the trial in the conference hall of the District Military Conscription Office. It added that the trial was open. The verdict gives no reason for the decision to hold the trial there.

Forum 18 was unable to reach Gurbansoltan eje District Court or the Military Conscription Office to find out who had attended the trial apart from the accused, prosecutors, lawyers and witnesses and whether the trial was meant to send a signal to local young men of what happens to those who refuse compulsory military service.

The verdict notes that Rozmetov had not been under arrest in the run-up to the trial (he had been required to sign a declaration not to leave the area). He was arrested in the courtroom after the verdict was delivered to be taken away to begin his sentence.

Dashoguz Regional Court rejected Rozmetov's appeal on 23 July, Jehovah's Witnesses told Forum 18.

Imminent transfer to Seydi Labour Camp?

The latest jailed conscientious objectors are likely to be sent to serve their sentences at the ordinary regime labour camp LB-K/12 in the desert near Seydi, in Lebap Region. Many other prisoners of conscience jailed to punish them for exercising the right to freedom of religion or belief have been held in the camp.

The two imprisoned Jehovah's Witness conscientious objectors - Arslan Begenchov and Kerven Kakabayev - were sent there after their January convictions (see F18News 23 March 2018 <http://www.forum18.org/archive.php?article_id=2363>).

Also held at Seydi Labour Camp is fellow Jehovah's Witness Bahram Hemdemov. He was arrested during a March 2015 raid on his home, after which he was tortured. He is serving a four year prison term from 19 May 2015 on charges of allegedly inciting religious hatred, which he strongly denies, but his real "crime" seems to have been hosting a meeting for worship (see F18News 5 April 2016 <http://www.forum18.org/archive.php?article_id=2164>).

The address of the Seydi Labour Camp is:

746222 Lebap velayat

Seydi

uchr. LB-K/12

Turkmenistan

(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=2244>.

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

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