

27 January 2020

TURKMENISTAN: First 2020 conscientious objector jailing

By Felix Corley, Forum 18

A Dashoguz Region court jailed Jehovah's Witness conscientious objector Kamiljan Ergashov for two years on 13 January, the first such jailing of 2020. He had offered to do an alternative civilian service but Turkmenistan does not offer this. He is likely to join the eight other jailed conscientious objectors in Seydi labour camp, known for harsh conditions and torture.

On 13 January, a court in Dashoguz Region of northern Turkmenistan jailed 18-year-old Jehovah's Witness conscientious objector Kamiljan Ergashov for two years for refusing compulsory military service on grounds of conscience. This is the first known conviction and jailing of a conscientious objector so far in 2020. It is the 20th known such conviction since January 2018.

Ergashov is the only bread winner in his family (see below).

Ergashov is appealing against his conviction to Dashoguz Regional Court, though courts and prisons often obstruct such appeals (see below).

Jehovah's Witnesses are conscientious objectors to military service and their beliefs do not allow them to undertake any kind of activity supporting any country's military. But they willing undertake an alternative, totally civilian form of service, as is the right of all conscientious objectors to military service under international human rights law.

The sentence handed down to Ergashov brings to nine the number of conscientious objectors to compulsory military service known to be serving sentences. All of them are Jehovah's Witnesses (see full list below).

Including two who have been serving jail terms since 2018, nine Jehovah's Witness conscientious objectors are known - as of 27 January 2020 - to be serving jail terms of between one and four years. Eight of them are imprisoned at the Labour Camp at Seydi in the eastern Lebap Region (see full list below).

Ergashov is still being held at the pre-trial detention prison in the city of Dashoguz, 450 kms (280 miles) north of the capital Ashgabat. He is expected to be transferred to the labour camp at Seydi, where the other eight jailed conscientious objectors are all being held (see below).

Turkmenistan has ignored repeated international calls, for example by the United Nations Human Rights Committee, to introduce a genuine civilian alternative to compulsory military service, to stop prosecuting and punishing conscientious objectors, and to compensate those it has punished (http://www.forum18.org/archive.php?article_id=2476).

The man who answered the phone of the deputy head of Dashoguz Region's Military Prosecutor's Office denied that it had any involvement in the prosecution. "We don't know anything" (see below).

Forum 18 could not immediately reach any other officials to find out why Ergashov was jailed and the regime is not willing to introduce a civilian alternative service. In particular, the specialist at the government's Commission for Work with Religious Organisations and Expert Analysis of Resources Containing Religious Information, Published and Printed Production, Nasrullah ibn Ibadullah, did not answer his phone (see below).

the United Nations Human Rights Committee has published 13 Decisions in favour of 15 conscientious objectors from Turkmenistan, all of them Jehovah's Witnesses (see below).

Another Jehovah's Witness conscientious objector former prisoner, Arslan Begenchov, lodged a case to the UN Human Rights Committee in 2018 and is awaiting a decision (see below).

Other prisoners of conscience jailed for exercising the right to freedom of religion or belief – all of them Muslims – are serving far longer jail terms (see below).

No alternative to compulsory military service

Turkmenistan offers no alternative to its compulsory military service (http://www.forum18.org/archive.php?article_id=2244). 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.

Young men who refuse military service on grounds of conscience generally 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.

Criminal Code Article 219, Part 2 punishes refusal to serve in the armed forces in peacetime "by means of inflicting injury to oneself, or by simulation of illness, by means of forgery of documents, or other fraudulent ways". Punishment is a jail term of one to four years. The first known use of Article 219, Part 2 to punish a conscientious objector was the case of Azat Ashirov, while Serdar Dovletov's case was the second (see below).

From 2014, courts punished conscientious objectors with corrective labour or suspended prison terms (http://www.forum18.org/archive.php?article_id=2244), rather than imprisonment. However, jailings resumed in January 2018. Courts jailed 12 conscientious objectors in 2018, two of them for two years and 10 for one year. (http://www.forum18.org/archive.php?article_id=2443)

Calls for alternative civilian service ignored

Turkmenistan has ignored repeated international calls to introduce an alternative to compulsory military service. The most recent call came in the latest United Nations (UN) Human Rights Committee Decision, published in September.

The Human Rights Committee has issued 13 Decisions in favour of 15 conscientious objectors from Turkmenistan, all of them Jehovah's Witnesses. In its most recent such Decision, published on 17 September 2019 (CCPR/C/126/D/2302/2013 (<https://undocs.org/CCPR/C/126/D/2302/2013>)), it ruled that the right to freedom of religion or belief of former conscientious objectors Juma Nazarov, Yadgarbek Sharipov and Atamurad Suvhanov had been violated by their jailing.

Nazarov and Sharipov had been jailed in 2012, and Suvhanov (for the second time) in 2013. The men had lodged their Human Rights Committee appeals in August 2013.

All three men also complained of "inhuman and degrading treatment" after their arrests.

Sharipov told the Human Rights Committee that in "temporary quarantine" detention following sentencing in Dashoguz in December 2012, "he was treated 'terribly, beaten up and humiliated' for his convictions every day during his 10-day detention".

In a 21 March 2013 submission to the Human Rights Committee, Suvhanov's brother noted that when he saw Atamurad two days earlier in the Investigation Prison in Dashoguz, "it was clear to him that his brother was treated 'horribly', was beaten, and 'humiliated for his convictions'. [Suvhanov] also knew that the conversation with his brother has been monitored. He told his brother that he will not be sent to prison colony anytime soon, because the authorities needed to 'break' him."

Neither Sharipov nor Suvhanov lodged official complaints about the beatings "due to the fear of retaliation and further physical abuse by the prison authorities", the UN Committee noted.

However, the Human Rights Committee ruled that the three men had not been able to document their maltreatment sufficiently to allow a finding that their right not to be tortured had been violated.

One of the Human Rights Committee members, French law professor H  l  ne Tigroudja, argued that the men's prison conditions were enough to justify a finding also that their right not to be tortured had been violated.

Professor Tigroudja pointed out that the Seydi Labour Camp where Nazarov, Sharipov and Suvhanov had served their sentences, "is situated in a desert, with extreme climatic conditions both in winter and in summer, with deplorable hygiene and living conditions, without the possibility of access to such bodies as the ICRC [International Committee of the Red Cross] and, above all, with the complete impossibility for detainees to complain about their treatment without the threat of retaliation". She also noted that sick prisoners – including those who have contracted tuberculosis – are not held separately from other prisoners.

The Human Rights Committee stressed that Turkmenistan is under an obligation to make reparation to Nazarov, Sharipov and Suvhanov for the violations of their rights under the International Covenant on Civil and Political Rights, including to "expunge their criminal records and to provide them with adequate compensation. The State party is also under an obligation to avoid similar violations of the Covenant in the future."

The Committee therefore urges Turkmenistan to meet its obligations to avoid similar violations such as by changing the law, "for instance, by providing the possibility of exemption from service or alternative service of a civilian nature".

Another conscientious objector former prisoner, Arslan Begenchov, lodged a case to the UN Human Rights Committee on 20 June 2018 and is awaiting a decision, Jehovah's Witnesses told Forum 18. When sentenced in Charjew to one year's imprisonment in January 2018, Begenchov was the first conscientious objector to be sentenced to prison since 2014.

Why no alternative civilian service?

Forum 18 was unable to find out why the authorities will not introduce an alternative civilian service and why conscientious objectors who are willing to perform such an alternative service, like the ten Jehovah's Witness young men, continue to be jailed.

The telephones of the regime-appointed Chair of the Mejlis (Parliament) Human Rights Committee Yusupguly Eshshayev and the regime-appointed Human Rights Ombudsperson Yazdursun Gurbannazarova went unanswered each time Forum 18 called on 27 January.

The man who answered the phone at the government's Commission for Work with Religious Organisations and Expert Analysis of Resources Containing Religious Information, Published and Printed Production referred Forum 18 to the Commission's specialist, Nasrullah ibn Ibadullah. However, his phone also went unanswered on 27 January.

Many prisoners of conscience

The nine jailed conscientious objectors are among the many people Turkmenistan has jailed for exercising freedom of religion or belief. (http://www.forum18.org/archive.php?article_id=2244)

Five Muslims who met to study the works of theologian Said Nursi failed to overturn their 12-year jail terms at Turkmenistan's Supreme Court in July 2018. Four of the five are in the top-security prison at Ovadan-Depe (http://www.forum18.org/archive.php?article_id=2399), where prisoners have suffered torture and death from abuse or neglect.

More than 60 Muslims from in and around the eastern city of Turkmenabat were imprisoned in 2013 and after to punish them for their involvement in a Muslim study group. Most or all the prisoners are believed to be held at Ovadan-Depe. Relatives often have no information as to whether they are still alive. Three of the group are known to have died in prison. (http://www.forum18.org/archive.php?article_id=2318)

Two-year Dashoguz jailing

A Military Conscription Office in the northern Dashoguz Region summoned Kamiljan Ergeshovich Ergashov (born 27 June 2001) to perform compulsory military service. He told the Office that he could not perform military service because of his religious beliefs and said he was ready to perform a fully civilian alternative service.

Ergashov – who is from the village of Shohrat in Niyazov District of Dashoguz Region, just a few kilometers from the border with Uzbekistan - is the sole bread winner in his family.

Prosecutors brought a criminal case against Ergashov under Criminal Code Article 219, Part 1. The case was then handed to Niyazov District Court.

On 13 January 2020, a Judge at Niyazov District Court convicted Ergashov and sentenced him to two years' imprisonment, Jehovah's Witnesses told Forum 18.

The man who answered the phone of the deputy head of Dashoguz Region's Military Prosecutor's Office denied that it had any involvement in the prosecution. "We don't know anything," he told Forum 18 on 27 January. He then put the phone down.

Ergashov has signed his appeal against his conviction to Dashoguz Regional Court, though courts and prisons often obstruct such appeals. The chancellery of Dashoguz Regional Court refused to tell Forum 18 on 27 January if the court has yet received Ergashov's appeal.

Ergashov is still being held in the Temporary Detention Prison (DZ-E/7) in Dashoguz Region. He is expected to be transferred to the labour camp at Seydi, where the other eight jailed conscientious objectors are all being held.

Appeal rejected

A court has rejected the appeal of the last conscientious objector jailed in 2019. On 3 December 2019, a panel of three judges of Mary Regional Court, chaired by Gurbandurdy Annayev, rejected the appeal by Serdar Nurmuhammedovich Dovletov against his

three-year jail term, according to the decision seen by Forum 18.

Dovletov was not in court for the appeal hearing, but the Court handed the decision to his wife Surya, Jehovah's Witnesses told Forum 18.

On 12 November 2019, Bayramali City Court jailed Dovletov for three years for "fraudulently" evading military service (http://www.forum18.org/archive.php?article_id=2522). The Military Conscription Office had called him up although he suffers from a chronic stomach ulcer that needed medical attention, as three doctors testified at his trial. The investigator accused Dovletov of referring to his religious beliefs "because he did not find any other reasons to fraudulently deviate from military service".

Eight jailed conscientious objectors in Seydi Labour Camp

Ergashov's jailing brings to nine the number of Jehovah's Witness conscientious objectors known - as of 27 January - to be serving jail terms. Eight of them are imprisoned at the harsh Seydi Labour Camp in the desert in Lebap Region.

The address of the Seydi Labour Camp is:

746222 Lebap velayat

Seydi

uchr. LB-E/12

Turkmenistan

In his complaint to the United Nations (UN) Human Rights Committee, former Jehovah's Witness prisoner of conscience Aibek Salayev complained that conditions in the Seydi Labour Camp where he was held were "inhuman".

Salayev noted that the Camp was "known for its overcrowdedness, harsh climatic conditions, scarce supplies of food, medication and personal hygiene products, and for tuberculosis, skin diseases, its very high mortality rate, and physical abuse". Officials also threatened him with rape in the Camp.

The UN Human Rights Committee ruled that the Turkmen authorities had violated the rights of Salayev and another Jehovah's Witness former prisoner of conscience Vladimir Nuryllayev. (http://www.forum18.org/archive.php?article_id=2476) The UN published the Decision (CCPR/C/125/D/2448/2014) on 18 April 2019.

Completed jail terms

The two most recent conscientious objectors to be freed at the end of their sentences were:

- Gurbangylych Muhammetgulyyev, freed on 28 November 2019 after completing a one year ordinary regime labour camp sentence;
- Azamatjan Narkulyev, freed on 7 January 2020 after completing a one year ordinary regime labour camp sentence.

List of known jailed conscientious objectors

Nine conscientious objectors to compulsory military service (listed below) – all of them Jehovah's Witnesses – are known to be serving prison sentences. Six were jailed under Criminal Code Article 219, Part 1 ("Rejecting call-up to military service"), Ashirov and Dovletov under Criminal Code Article 219, Part 2, and Atahanov under Criminal Code Article 344, Part 2:

- 1) Mekan Orazdurdiyevich Annayev; born 22 June 1999; sentenced 26 June 2018 Turkmenbashi City Court under Criminal Code Article 219, Part 1; no appeal to Balkan Region Court; two years' ordinary regime labour camp.
- 2) Eziz Dovletmuradovich Atabayev; born 15 March 1998; sentenced 19 December 2018 Dashoguz City Court under Criminal Code Article 219, Part 1; appeal rejected 15 January 2019 Dashoguz Regional Court; two years' ordinary regime labour camp.
- 3) Muhammetali Charygeldiyevich Saparmyradov; born 11 November 1995; sentenced 19 March 2019 Bayramaly City Court under Criminal Code Article 219, Part 1; no appeal to Mary Regional Court; one year ordinary regime labour camp.
- 4) Bahtiyar Amirjanovich Atahanov; born 17 June 2000; sentenced 15 July 2019 Tejen City Court under Criminal Code Article 344, Part 2; appeal rejected 20 August 2019 Ahal Regional Court; four years' ordinary regime labour camp.
- 5) Azat Gurbanmuhammedovich Ashirov, born 7 January 1999; sentenced 31 July 2019 Abadan District Court under Criminal Code

Article 219, Part 2; appeal rejected 3 September 2019 Ashgabat City Court; two years' ordinary regime labour camp.

6) David Andronikovich Petrosov, born 15 May 2001; sentenced 30 September 2019 Ashgabat's Kopetdag District Court under Criminal Code Article 219, Part 1; appeal rejected 29 October 2019 Ashgabat City Court; one year ordinary regime labour camp.

7) Selim Yolamanovich Taganov, born 22 March 2001; sentenced 3 October 2019 Ashgabat's Berkararlyk District Court under Criminal Code Article 219, Part 1; appeal rejected 29 October 2019 Ashgabat City Court; one year ordinary regime labour camp.

8) Serdar Nurmuhammedovich Dovletov, born 2 December 1993; sentenced 12 November 2019 Bayramali City Court under Criminal Code Article 219, Part 2; appealed rejected 3 December 2019 Mary Regional Court; three years' ordinary regime labour camp.

9) Kamiljan Ergeshovich Ergashov, born 27 June 2001; sentenced 13 January 2020 Niyazov District Court under Criminal Code Article 219, Part 1; appeal lodged to Dashoguz Regional Court; two years' ordinary regime labour camp.

(END)

Full reports on freedom of thought, conscience and belief in Turkmenistan
(<http://www.forum18.org/archive.php?query=&religion=all&country=32>)

For more background, see Forum 18's Turkmenistan religious freedom survey
(http://www.forum18.org/archive.php?article_id=2244)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion and belief commitments (http://www.forum18.org/archive.php?article_id=1351)

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