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TURKMENISTAN: Will the state respect everyone's right to conscientious objection?

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

While several Jehovah's Witnesses in Turkmenistan are serving sentences for refusing compulsory military service on grounds of religious conscience, officials are considering whether to allow an alternative service possibility, Forum 18 News Service has learnt. However, it is unclear whether a concrete proposal exists. The latest Jehovah's Witness conscientious objector to be sentenced is Vladimir Golosenko, given two years forced labour in February 2008. While not imprisoned, twenty percent of his wages are taken by the state. Bayram Ashirgeldyyev, serving an 18-month suspended sentence imposed in July 2007, told Forum 18 that "I want an alternative service to be introduced – not just for myself but so that others don't suffer as I have suffered." The authorities have refused to give him the official stamp he needs for a job. "They promised to give it to me months ago but haven't," he complained. "I can't work, I can't leave Ashgabad and have to be at home by early evening each day." Religious believers are sceptical about whether legal changes will stop the authorities attacking people exercising their right to freedom of thought, conscience and belief.

While several Jehovah's Witnesses are currently serving sentences for refusing compulsory military service on grounds of religious conscience, officials are considering whether to include a provision allowing an alternative service, Forum 18 News Service has learnt. However, Forum 18 has been unable to find out from officials whether a concrete proposal has yet been prepared, nor why a third Jehovah's Witness conscientious objector, Vladimir Golosenko, was sentenced in February 2008.

Jehovah's Witness young men have repeatedly insisted to Forum 18 that they are ready to do alternative non-military service, but Turkmenistan offers no civilian alternative to those who cannot serve in the military on grounds of conscience. In General Comment 22 on Article 18 of the International Covenant on Civil and Political Rights, the UN Human Rights Committee has stated that conscientious objection to military service is a legitimate part of everyone's right to freedom of thought, conscience and religion.

Speaking up for the introduction of an alternative service is Jehovah's Witness Bayram Ashirgeldyyev, who is serving an 18-month suspended sentence handed down in July 2007. "I want an alternative service to be introduced – not just for myself but so that others don't suffer as I have suffered," he told Forum 18 from the capital Ashgabad on 30 July.

The third Jehovah's Witness serving a sentence for refusing military service is Begench Shakhmuradov, who received a two-year suspended sentence in September 2007. He insisted to Forum 18 in the wake of his sentence that he believes it is wrong to punish those who cannot serve in the armed forces because of their religious convictions. He particularly objected that some – like himself – have been sentenced twice for the same "offence" (see F18News 9 October 2007 http://www.forum18.org/Archive.php?article_id=1031).

Shirin Akhmedova, who heads the government's National Institute for Democracy and Human Rights, appears to be coordinating moves to amend the country's Religion Law and other laws in the area of human rights. Forum 18 has learnt that a draft Religion Law – possibly including an alternative service provision – is due to be presented to the Mejlis (parliament) in September.

Religious believers Forum 18 has spoken to welcome any attempts to improve the Law. But they remain sceptical over whether such changes will mark a genuine change by the authorities away from attacking people who exercise their right to religious freedom (see F18News 14 February 2008 http://www.forum18.org/Archive.php?article_id=1088). Officials regularly break the country's laws while attacking people exercising their human rights (see eg. F18News 18 April 2008 http://www.forum18.org/Archive.php?article_id=1116).

The introduction of a genuine alternative service possibility would also entail amending the Criminal Code. The current Article 219 Part 1 punishes refusal to serve in the armed forces with a maximum penalty of two years' imprisonment. Parts 2 and 3 of the Article punish those who fake illness to evade military service or who refuse to fight during a war. Officials claim that the Criminal Code is also being reviewed, but Forum 18 has been unable to find out when any revisions will be presented to parliament and whether Article 219 will be amended or abolished.

Forum 18 has been unable to reach Akhmedova to find out what specific amendments to the Religion Law and the Criminal Code are likely to be presented. Her telephone went unanswered every time Forum 18 called in late July, including on 31 July.

The official who on 31 July answered the telephone of Nurmukhamed Gurbanov, deputy head of the government's Gengeshi (Committee) for Religious Affairs, said he was away. The official refused to answer any questions and put the phone down.

The 18-year-old Golosenko, the latest Jehovah's Witness to be punished for refusing military service on grounds of religious conscience, is from the Caspian port city of Turkmenbashi [Türkmenbashi, formerly Krasnovodsk]. Jehovah's Witnesses told Forum 18 that on 12 February he was found guilty of violating Article 219 Part 1 of the Criminal Code. He was given a two-year sentence of forced labour. While not imprisoned, twenty percent of his wages are taken by the state.

Both Ashirgeldyyev and Shakhmuradov remain under restrictions in Ashgabad as part of their sentence. Ashirgeldyyev told Forum 18 that the Military Commissariat is still refusing to give him the stamp which he needs to be able to get a job. "They promised to give it to me months ago but haven't," he complained. "I can't work, I can't leave Ashgabad and have to be at home by early evening each day."

Ashirgeldyyev and Shakhmuradov were among six Jehovah's Witnesses sentenced under Article 219 in 2007. The four others were all freed early from their sentences under amnesty.

Meanwhile, Forum 18 has learnt that the former Muslim prayer leader held as a prisoner at the closed psychiatric hospital in Garashyzlyk District (formerly Boyunuzyn) in Lebap Region appears to be Nurmuhamed Agaev (see F18News 4 December 2007 http://www.forum18.org/Archive.php?article_id=1057).

Born in 1963, Agaev is from a village in Kaakhka district. Sazak Durdymuradov, who was freed on 4 July after being held there for two weeks on political grounds, told Forum 18 from his home town of Baharden on 18 July that Agaev was apparently arrested in Ashgabad in 2006 for selling radio receivers that could pick up foreign radio stations. He said that he and Agaev were able to talk as they washed in the courtyard of the hospital unit where they were both held. Agaev has reportedly been given injections, after which he loses consciousness or walks as though drunk. He was still in the hospital when Durdymuradov was freed.

Although Agaev had apparently led prayers in mosques, it appears he was detained for selling radio receivers. "Agaev is a very religious man and prayed regularly," Durdymuradov told Forum 18. However, he said hospital staff have also spoken of him as a "Wahhabi", a term often used in Central Asia for a devout Muslim, whether or not the person subscribes to the interpretation of Islam promoted by Saudi Arabia. "The chief doctor told me not to have anything to do with him because he is a Wahhabi," Durdymuradov reported. (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.

For more background, see Forum 18's Turkmenistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=672.

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>.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806, and of religious intolerance in Central Asia is at http://www.forum18.org/Archive.php?article_id=815.

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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