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TURKMENISTAN: "One thing shines through from this sordid tale.."

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

Maya Nurlieva, wife of Protestant prisoner of conscience Ilmurad Nurliev, has told Forum 18 News Service that the court deliberately withheld the written verdict to prevent him from lodging his appeal against his four-year prison term. She added that even though Nurliev and his church reject the charges brought, ordered her to pay "compensation" immediately. "I had to pay or they would kick us out of our home." The verdict also orders "forcible medical treatment to wean him off his narcotic dependency" - even though there is no independent medical evidence of this, which his wife and others strongly deny. Nurliev may be sent to a labour camp where there are indications that prisoners were tortured with psychotropic [mind-altering] drugs. The verdict contains demonstrably false allegations, and there is strong evidence that prosecution "witnesses" have been coerced into making statements. Turkmen human rights defender Natalya Shabunts noted that: "One thing shines through from this sordid tale: no church member betrayed their pastor and almost all came to the court. In a country where fundamental human rights are violated on a daily basis and an atmosphere of fear prevails before the unpunished actions of the 'law-enforcement agencies', this is a very bold move."

Maya Nurlieva, wife of imprisoned Protestant prisoner of conscience Ilmurad Nurliev, has told Forum 18 News Service that the court in Turkmenistan deliberately withheld the written verdict, to prevent him from lodging his appeal against his four-year prison term within the ten days allowed. "I complained to the court and to the Regional Prosecutor, but they said they would only give the verdict to my husband, not to his lawyer or to me," she told Forum 18 from Mary in south-eastern Turkmenistan on 5 November. She added that even though Nurliev and his church reject the charges of swindling money for which he was convicted, she had to pay "compensation" the court said he owed immediately. "I had to pay or they would kick us out of our home."

Nurlieva said that a court secretary offered to sell her the verdict for 30 Manats, but Judge Agajan Akjaev – who found him guilty on 21 October - ordered that the verdict should not be handed over to her.

Forum 18 was unable to find out why the verdict was not issued promptly, thus depriving Nurliev of the possibility to appeal. The telephone at Mary Town Court went unanswered each time Forum 18 called on 4 and 5 November.

A 45-year-old grandfather of two, Pastor Nurliev leads the Light to the World Pentecostal Church in Mary. The church has been repeatedly denied registration since 2007, the same year that Pastor Nurliev was placed on the country's exit ban list without officials explaining why (see F18News 2 February 2010 http://www.forum18.org/Archive.php?article_id=1403).

He was arrested on 27 August and was held in a crowded, smoky cell in the two months before the trial. His wife Maya was denied the possibility of meeting him, or handing over medication he needs as a diabetic .

Court orders forcible drug administration – against medical evidence

Most distressing for Nurliev's family and church members, the verdict declares that he is to be "given forcible medical treatment to wean him off his narcotic dependency". The court ordered this enforced treatment under Article 94, Part 2 of the Criminal Code, which declares: "Measures of a medical character can be prescribed by a court alongside a punishment in relation to people who have committed crimes who suffer from alcoholism, or drug or substance addiction, with the aim of healing or the creation of conditions enabling the achievement of the aims of the punishment."

It is likely that Nurliev and a Jehovah's Witness prisoner of conscience sentenced in mid-September, Ahmet Hudaybergenov, will be sent to Seydi labour camp, where Baptist and Jehovah's Witness prisoners of conscience have previously been held. There have been indications that some of these prisoners were tortured in the camp with psychotropic [mind-altering] drugs (see eg. F18News 25 October 2004 http://www.forum18.org/Archive.php?article_id=438).

The verdict states that the basis for the court's decision was a 7 September certificate from a narcological hospital that Nurliev needs treatment for drug addiction. If this was based on an examination, it must have taken place within 10 days of his arrest. However, a 5 October certificate from a psycho-neurological hospital declares that Nurliev is psychologically healthy, the verdict notes.

Maya Nurlieva vigorously refutes the prosecutor's accusation, and accepted in the verdict, that her husband is a drug addict. The verdict records her as having told the court that he had been a drug addict, but gave up drugs "in a day" when he became a Christian. One Turkmen Christian, who has seen the verdict, told Forum 18 that the way the verdict presents Maya Nurlieva's statement "implies that such a claim couldn't be believed and that Ilmurad needs further medical treatment to end any dependency. It is like they are making fun of her."

A 21 October 2010 letter from G. Gurtykov, chief doctor of Mary District Hospital, seen by Forum 18, confirms that Nurliev was registered as a blood donor on 21 October 2008.

"Ilmurad donated blood which was given to expectant mothers," Maya Nurlieva told Forum 18. "They wouldn't have accepted him as blood donor if he was a drug addict."

Swindling?

Nurliev was found guilty of swindling under Article 228, Part 2 of the Criminal Code, which carry a maximum penalty of five years' imprisonment and confiscation of property (see F18News 21 October 2010 http://www.forum18.org/Archive.php?article_id=1501). According to the verdict, seen by Forum 18, Nurliev was found guilty under Paragraphs b and c of Article 228, Part 2, which punish swindling conducted "repeatedly" and "bringing significant loss to the citizen". The prosecution case was presented by B. Ataev.

The verdict repeatedly quotes "witnesses" who testified against Nurliev as saying that he took 10 percent of their income and lived off the proceeds. It adds the claim that neither he nor his wife works.

However, Maya Nurlieva told Forum 18 that her husband Ilmurad has lived for many years from his earnings as a barber for men. She added that she has worked for a local cotton factory since 1998. A 19 October 2010 letter from her place of work, stamped and signed by the Director of the firm, the Chief Accountant and the Head of the Personnel Department, seen by Forum 18, confirms that she has worked there since October 1998, is a first-class worker and earns 662 Manats (1,350 Norwegian Kroner, 170 Euros or 230 US Dollars) per month.

The verdict claims that the 1,616 Manats (3,270 Norwegian Kroner, 402 Euros or 561 US Dollars) Nurliev has been forced to pay was owed to four named individuals who accused him of swindling money from them. The verdict adds that 100 US Dollars seized from him at the time of his arrest on 27 August was counted towards that sum, leaving his wife with 1,331.46 Manats (2,711 Norwegian Kroner, 336 Euros or 467 US Dollars) to pay.

"My husband had not only the Dollars, but 50 Manats (102 Norwegian Kroner, 13 Euros or 18 US Dollars) in his pocket when they arrested him. What happened to that?" Nurlieva asked. The verdict makes no mention of this 50 Manats.

A "witness" who can't have witnessed..

Maya Nurlieva insisted to Forum 18 that the "witnesses" who claimed her husband had swindled them out of money were lying. Two of the four who accused him of taking 10 per cent of their income from them did not attend the court hearing.

One of the other two "witnesses" was Aybolek Akmuradovna Gurbanova, who told the court she had given Nurliev money on 1 January 2010. According to a 17 December 2009 verdict handed down by the same judge at the same court, seen by Forum 18, Aybolek Akmuradovna Gurbanova was among four defendants who received a three year prison term under Article 279 Part 3 of the Criminal Code ("hooliganism using a weapon").

Forum 18 understands that she was freed on 9 May 2010 under a prisoner amnesty, so on 1 January 2010 she was in prison, making it impossible for her to have given Nurliev money outside jail over four months earlier.

Gurbanova had initially claimed that Nurliev had extracted 340 Manats (692 Norwegian Kroner, 86 Euros or 119 US Dollars) from her. However, in court she increased this figure to 500 Manats (1,018 Norwegian Kroner, 126 Euros or 175 US Dollars) - the sum Nurliev was then ordered to pay her in ""compensation"".

Maya Nurlieva told Forum 18 that the fourth "witness" came to the church for the first and only time on 23 May 2010. But this "witness" told the court that Nurliev had forced her to pay 10 per cent of her income since 1 January 2010.

Nurlieva told Forum 18 in August that neither of the women named in the verdict ever gave money to the church or to her husband. "They now regret having written these accusations, but they did so under police pressure and it is now too late" (see F18News 30 August 2010 http://www.forum18.org/Archive.php?article_id=1481).

Human rights defenders have in other cases told Forum 18 that those who have been imprisoned are particularly vulnerable to pressure from the authorities to sign accusations prepared by police.

Church members vigorously refute the accusations made, and strongly question the credibility of prosecution witnesses (see F18News 18 October 2010 http://www.forum18.org/Archive.php?article_id=1499).

Confiscated certificate

The verdict also states that the certificate Nurliev gained from a Bible College in the Ukrainian town of Ternopil in March 2006, his ordination certificate from Ternopil later in March 2006 and a list of marks he received for specific subject during studies there in March 2003 are not to be returned. It says they are to be retained in his file.

Verdict raises irrelevant issues – and doesn't state these accurately

The verdict repeatedly insists that Nurliev led "his sect" which it calls, wrongly, "Orthodox Christian" - meaning members of the Russian Orthodox Church instead of their actual affiliation as Pentecostal Protestants. It also cites "witnesses" as claiming that Nurliev insulted Islam and its prophet Muhammad. One claimed he had said that Islam had brought nothing to the people apart from mosques, while another alleged he had said that Islam cannot help people. However, the verdict does record Nurliev as having told the court that he had said nothing negative about Islam.

Both issues are irrelevant to the charges the state brought.

"One thing shines through from this sordid tale.."

A human rights defender based in the capital Ashgabad, Natalya Shabunts, in an article published on 2 November by the exiled Turkmen Initiative for Human Rights described Nurliev's conviction as "illegal". She also detailed many of the questionable elements of the prosecution case and the trial (see <http://www.chrono-tm.org/?id=2813>).

"One thing shines through from this sordid tale: no church member betrayed their pastor and almost all came to the court," she said praising church members' courage. "In a country where fundamental human rights are violated on a daily basis and an atmosphere of fear prevails before the unpunished actions of the 'law-enforcement agencies', this is a very bold move."

Police applied heavy pressure – including threats that her husband would be fired from his job – against another church member to falsely testify against Pastor Nurliev, but she refused to do this. 15 church members who came to the Church's Sunday worship service on 29 August signed an appeal to the Prosecutor's Office testifying to Nurliev's innocence (see F18News 30 August 2010 http://www.forum18.org/Archive.php?article_id=1481). Of the 15 church members present in the courtroom who wanted to speak up on Nurliev's behalf, only three – including herself – were allowed to do so (see F18News 21 October 2010 http://www.forum18.org/Archive.php?article_id=1501).

Human rights defender Shabunts also praised other Protestant leaders who came to the trial to support Nurliev.

"I hope to draw the attention of international organisations to the arbitrary judicial activity, when any person on a false accusation can be given an extended sentence," Shabunts added. "I hope that under pressure from the world community this innocent person will be freed, and those guilty of persecuting him will be punished."

Still held in investigation prison

Nurlieva told Forum 18 that her husband is still being held at the investigation prison in Mary. She was able to see him in the investigation prison on 23 October. However, she said she could see him only through a glass window and they had to talk on a telephone.

No international observers at trial

Maya Nurlieva complained that a diplomat from the United States Embassy, who had come from the capital Ashgabad, was not allowed into the courtroom (see F18News 21 October 2010 http://www.forum18.org/Archive.php?article_id=1501).

She also stated that, despite her repeated requests to the Ashgabad Centre of the Organisation for Security and Co-operation in Europe (OSCE), no observer from the Centre was present at the trial.

The OSCE Centre told Forum 18 on 19 October, two days before the trial, that it had requested permission from the Foreign Ministry to observe the trial. In September the Centre stated that it was "closely following" the trial (see F18News 10 September 2010 http://www.forum18.org/Archive.php?article_id=1487). The Centre declined to state by telephone on 8 October whether or not it had attended the trial. No answer has been received to a written enquiry sent by Forum 18 asking the Centre whether it attended the trial, and if not what the reason for this was. (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://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=turkme>.

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