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TURKMENISTAN: "Principles of mercy, justice and humanism" fail to free religious prisoners of conscience

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

None of the nine known religious prisoners of conscience in Turkmenistan was freed in the February amnesty decreed "on the principles of mercy, justice and humanism". Nor were three Jehovah's Witnesses serving suspended sentences. Sentenced in December 2010 to an 18-month prison term for refusing compulsory military service was 19-year-old Jehovah's Witness Matkarim Aminov, Jehovah's Witnesses told Forum 18 News Service. One year after the United Nations wrote an "urgent appeal" to the Turkmen government over the continued imprisonment of conscientious objectors, the government has failed to respond to the UN. Ata, an aide to Foreign Minister Rashid Meredov, said the Ministry is "not competent" to explain why it has not responded. Imprisoned Protestant Pastor Ilmurad Nurliev is still being denied a Bible. His wife Maya Nurlieva told Forum 18 she treasures his personal Bible at home as something precious to him which she can hold in his absence.

At least one more young Jehovah's Witness has been imprisoned for refusing compulsory military service on grounds of religious conscience, Jehovah's Witnesses told Forum 18 News Service. The imprisonment of Matkarim Aminov in December 2010 brought to five the number of young men known to have been sentenced in 2010 for refusing military service on religious grounds. Aminov and three others were imprisoned, while the fifth was given a suspended sentence. A further seven are still serving sentences imposed in 2009. Other Jehovah's Witnesses are believed also to have been imprisoned on the same charges at about the same time as Aminov. Turkmenistan's government has failed to respond to questions from the United Nations on the continued imprisonment of conscientious objectors.

Jehovah's Witness conscientious objectors make up eight of the nine current known religious prisoners of conscience. As well as Aminov, there are: Sakhetmurad and Mukhammedmurad Annamamedov, two years each, Serdar Court, May 2009; Shadurdi Ushotov, two years, Dashoguz [Dashhowuz] Court, July 2009; Navruz Nasyrlayev, two years, Dashoguz Court, December 2009; Aziz Roziev, 18 months, Seydi Court, August 2010; Dovleyet Byashimov 18 months, Turkmenabad (formerly Charjew) Court, August 2010; Ahmet Hudaybergenov, 18 months, Turkmenabad Court, September 2010 (see F18News 22 December 2010 http://www.forum18.org/Archive.php?article_id=1525).

The ninth known religious prisoner of conscience is Ilmurad Nurliev, a Protestant Pastor from the town of Mary east of Ashgabat [Ashgabat] (see below).

Three other Jehovah's Witness conscientious objectors are serving suspended sentences: Zafar Abdullaev and Dovran Kushmanov, two years each, Dashoguz, April 2009; Denis Petrenko, two years, Ashgabat, April 2010.

Jehovah's Witnesses confirmed to Forum 18 that conscientious objector Akmurat Egendurdiev was freed from the labour camp near Seydi in Lebap Region of eastern Turkmenistan on 29 January 2011 on completion of his sentence. He had been sentenced to 18 months' imprisonment in July 2009.

However, none of the religious prisoners of conscience was freed in the prisoner amnesty decreed "on the principles of mercy, justice and humanism" by President Gurbanguly Berdymukhamedov on 18 February for Flag Day.

Turkmenistan does not offer non-combat alternatives to those who cannot serve in the military on grounds of conscience. Article 41 of the Constitution describes defence as a "sacred duty" of everyone and states that military service is compulsory for men. Military service for men between the ages of 18 and 27 is generally two years. Conscientious objectors face trial under Article 219, Part 1 of the Criminal Code, which punishes refusal to serve in the armed forces with a maximum penalty of two years' imprisonment. Young Jehovah's Witnesses insist they would be willing to do any form of alternative, non-military service, were it to be introduced.

Latest imprisonment

Aminov, a 19-year-old Jehovah's Witness from the north-eastern city of Dashoguz, was sentenced at Dashoguz Cty Court on 29 December 2010 to an 18-month prison term under Criminal Code Article 219, Part 1. He immediately appealed to the Regional

Court, but on 18 January 2011 his appeal was rejected.

Since his conviction, Aminov is believed to have been transferred to the general regime labour camp in the desert near the town of Seydi, where all eight of the other known religious prisoners of conscience are being held.

The address of the camp is:

Seydi Labour Camp

Turkmenistan

746222 Lebap vilayet

Seydi

uchr. LB-K/12

UN letter ignored

On 12 February 2010, the then United Nations Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, and the Chair of the UN Working Group on Arbitrary Detention, El Hadji Malick Sow, wrote an "urgent appeal" to the Turkmen government about the imprisoned Jehovah's Witness conscientious objectors.

As of 2 February 2011, the Turkmen government had failed to respond to the UN urgent appeal, Jahangir's successor as Special Rapporteur, Heiner Bielefeldt, noted with regret in his 14 February 2011 report to the Human Rights Council (A/HRC/16/53/Add.1). He appealed to the Turkmen Government "to ensure the right to freedom of thought, conscience and religion of the above mentioned Jehovah's Witnesses in accordance with article 18 of the International Covenant on Civil and Political Rights." He pointed to declarations by the then UN Human Rights Committee and the Commission on Human Rights affirming the right on grounds of conscience to undertake a civilian alternative to any compulsory military service.

Bielefeldt also noted Opinion No. 16/2008 of the Working Group on Arbitrary Detention (A/HRC/10/21/Add.1) "in which concerns are expressed that the arrest and imprisonment of Mr. Navruz Nasyrlaev, Mr. Sakhetmurad Annamamedov, Mr. Mukhammedmurad Annamamedov, Mr. Shadurdi Ushotov, and Mr. Akmurat Egendurdiev might represent an unlawful restriction of their right to freedom of thought, conscience, and religion or belief. In its Opinion, the Working Group declared arbitrary the imprisonment – including the first term in case of repeated convictions – of a conscientious objector as being in violation of the rights guaranteed by article 18 of the International Covenant on Civil and Political Rights."

Why hasn't government responded to UN?

Forum 18 was unable to find out why the Turkmen government has failed to respond in over a year to the UN appeal over the imprisoned conscientious objectors. Officials at the Foreign Ministry in Ashgabad referred Forum 18 to Ata, an aide to Foreign Minister Rashid Meredov. They declined to give his surname, explaining "he's young".

Ata himself (who also declined to give his surname) told Forum 18 on 9 March that he is "not competent" to state why the letter was not answered. He added that the Foreign Ministry as a whole is not competent to respond either, as all correspondence with the UN human rights mechanisms in Geneva is handled by the Turkmen Embassy in Vienna. Ata refused to explain the Turkmen government's attitude more widely to the UN's human rights bodies.

An official of the Turkmen Embassy in Vienna asked Forum 18 to submit its questions to Ambassador Esen Aydogdyev in writing. Forum 18 asked on 9 March why the February 2010 UN appeal has not been answered more than a year later, what response he will be giving the UN about why Jehovah's Witness conscientious objectors are unable to perform a civilian alternative service and why they are being imprisoned. Ambassador Aydogdyev had not responded by the end of the working day on 9 March.

Also unwilling to answer questions was the government's Gengesh (Council) for Religious Affairs in Ashgabad. The man who on 9 March answered the telephone of Gurbanberdy Nursakhatov, the Deputy Chair, put the phone down as soon as Forum 18 asked about the religious prisoners of conscience. The woman who the same day answered the phone of Yazdursun Gurbannazarova, Director of the government's National Institute for Democracy and Human Rights in Ashgabad, told Forum 18 it was a wrong number.

Why was Pastor imprisoned?

In October 2010, Pastor Nurliev, who leads Light to the World Protestant Church in Mary, was given a four-year labour camp term with "forcible medical treatment" on charges his community insist have been fabricated. He had tried in vain to register his church.

In December 2010 he was transferred to the labour camp at Seydi (see F18News 28 January 2011 http://www.forum18.org/Archive.php?article_id=1534).

Several Protestants familiar with his case have told Forum 18 separately that they believe Pastor Nurliev was arrested in August 2010 and subsequently imprisoned to distract attention from the arrest at about the same time of the Chief Mufti of Mary Region or to show that the authorities were not singling out Muslims for arrest. The Chief Mufti was reportedly accused of involvement in or failing to prevent the alleged sexual abuse of boys at a local madrasa (Islamic school). He too was subsequently imprisoned, first in Mary and then in the Seydi labour camp, where he remains.

The abuse scandal is also reportedly the reason why Nurmukhamed Gurbanov was removed as Deputy Chair of the Gengesh for Religious Affairs in November 2010 (see F18News 20 December 2010 http://www.forum18.org/Archive.php?article_id=1523). Similarly removed from office in late 2010 – reportedly as a result of the scandal - were several officials in the department of the Justice Ministry which handles registration of religious organisations.

Officials in Mary have repeatedly refused to discuss the scandal with Forum 18 or to say whether Pastor Nurliev was arrested to distract attention from it.

Denied amnesty again, imprisoned Pastor calls for transfer

Protestants close to Pastor Nurliev have lamented that he was not freed in the February 2011 prisoner amnesty, just as he had not been included in the December 2010 amnesty. "The camp chief at Seydi told him he would be freed under amnesty if he acknowledged his guilt," one Protestant told Forum 18. "But he refused." They say that Pastor Nurliev has asked to be transferred back to Mary to be closer to his wife, daughter and two grandchildren.

Protestants told Forum 18 with relief that although the court ordered that Pastor Nurliev be subjected to "forcible medical treatment" for drug addiction (his friends insist he has not touched drugs since he became a Christian some years ago), no treatment has been forced on him. Yet his friends complain that he has not been given any treatment for his diabetes. They fear that in his weakened state he may catch tuberculosis from his brigade leader or from other prisoners.

Pastor Nurliev has also been spared the work in the labour camp's brick factory, said by former prisoners to be tough and exhausting. Instead he has been allowed to work at his trade as a barber, for both camp staff and fellow prisoners. However, they say his hairdressing tools, provided by friends since his imprisonment, have been stolen inside the camp.

Prisoners at Seydi are allocated a two-hour visiting slot for close relatives every other month, alternating with a 24-hour visit in the following month. Pastor Nurliev's wife Maya was allowed the 24-hour visit in late January. However, at the end of February she was refused permission to see him again or to pass on any food to him.

Maya Nurlieva told Forum 18 that her husband is still being denied permission to have a copy of the Bible or any other religious text. She said she treasures his personal Bible at home as something precious to him which she can hold in his absence. (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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