

29 August 2013

TURKMENISTAN: New prisoner of conscience; police raid children's camp

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

Yet again a court in Turkmenistan has imprisoned a young man whose conscience will not allow him to conduct the compulsory military service. Amirlan Tolkachev, who is 20, was given an 18-month prison term in Turkmenabad on 10 July, Jehovah's Witnesses told Forum 18 News Service. He is one of nine current known imprisoned conscientious objectors, all of them Jehovah's Witnesses. Fifteen sentenced conscientious objectors – many of them still in prison - have lodged complaints to the UN Human Rights Committee in Geneva, three of them today (29 August). Meanwhile, police raided a summer children's camp run by the Baptist church in the town of Mary. Fifteen police plus health and other officials questioned the children, took food samples and ordered the camp closed. Two fines were then handed down. The man who answered the phone of Mary's police chief refused to discuss why the camp had been raided and shut down. "Who are you?" he kept asking Forum 18.

Yet another young Jehovah's Witness in Turkmenistan has been imprisoned for refusing to perform compulsory military service because he believes it would go against his conscience, Forum 18 News Service has learnt. Twenty-year old Amirlan Tolkachev's 18-month prison sentence handed down in early July brings to nine the number of known imprisoned conscientious objectors, all of them Jehovah's Witnesses. Others have been fined or received suspended sentences. All would be ready to perform an alternative civilian service, were one to exist.

Fifteen sentenced conscientious objectors – many of them still in prison - have lodged complaints to the UN Human Rights Committee in Geneva, three of them today (29 August) (see below).

Tolkachev's imprisonment came just days after police raided and broke up a Baptist children's summer camp in the south-eastern town of Mary. Two fines were handed down. Police refused to explain to Forum 18 why they raided the children's camp (see below).

No comment

No officials were prepared to comment on why conscientious objectors are still being imprisoned and why religious communities' summer camps are raided. The man who answered the telephone of Gurbanberdy Nursakhatov, Deputy Chair of the government's Gengesh (Council) for Religious Affairs in the capital Ashgabad [Ashgabat], put the phone down on 29 August before Forum 18 could even begin to put its questions.

Pirnazar Hudainazarov, Chair of the Mejlis (Parliament) Committee on the Protection of Human Rights and Freedoms, insisted the same day before Forum 18 had even asked any question that it should call the Foreign Ministry as it is a foreign press organisation. Asked what difference it made whether Forum 18 was based inside or outside Turkmenistan, he responded: "There's a great difference if you are the foreign press." Without explaining, he put the phone down.

18-month prison sentence

A criminal case was lodged against Tolkachev, a Jehovah's Witness from the eastern town of Turkmenabad [Turkmenabat] (formerly Charjou), after he refused compulsory military service. He was accused of violating 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.

Turkmenistan's refusal to recognise the right to refuse military service, which is part of the right to freedom of religion or belief, breaks the country's international human rights commitments, and was criticised in March 2012 by the UN Human Rights Committee (see F18News 18 April 2012 http://www.forum18.org/Archive.php?article_id=1691).

Tolkachev, who will mark his 21st birthday on 25 October, was tried at Turkmenabad City Court and sentenced on 10 July to 18-months' imprisonment, Jehovah's Witnesses told Forum 18. Telephones at the court – as well as at Lebap Regional Court - went unanswered each time Forum 18 called on 29 August. Forum 18 was thus unable to find out if Tolkachev has appealed against the conviction and, if so, whether the appeal has been heard.

Nine imprisoned conscientious objectors

Tolkachev's imprisonment brought to ten the number of known imprisoned Jehovah's Witness conscientious objectors. However in early August, a month after Tolkachev's sentencing, one of the other prisoners, Mahmud Hudaybergenov, was freed and is back at home, Jehovah's Witnesses told Forum 18. Sentenced to two years' imprisonment at Dashoguz Court in August 2011, he had served his full sentence before being released. After his trial, he had been prevented from appealing against his conviction (see F18News 22 September 2011 http://www.forum18.org/archive.php?article_id=1616).

The current known imprisoned conscientious objectors are: Zafar Abdullaev, 2 years, Dashoguz Court, March 2012; Navruz Nasyrlyayev, 2 years, Dashoguz Court, May 2012; Juma Nazarov, 18 months, Ashgabad Court, July 2012; Dovran Matyakubov, 2 years, Dashoguz Court, December 2012; Yadgarbek Sharipov, one year, Dashoguz Court, December 2012; Matkarim Aminov, 2 years, Dashoguz Court, January 2013; Arslan Dovletov, 18 months, Dashoguz Court, January 2013; Atamurat Suvkhanov, one year, Dashoguz Court, March 2013; and Amirlan Tolkachev, 18 months, Turkmenabad Court, July 2013.

Forum 18 has not been able to find out if Tolkachev has already been sent to serve his sentence in a labour camp. Nasyrlyayev, Matyakubov and Aminov received strict regime labour camp terms and are all believed to be in the strict regime section of the Labour Camp in the desert near Seydi in eastern Lebap Region. The other five are in the general regime section of the Camp.

The address of the general regime Seydi Labour Camp is:

Turkmenistan,

746222 Lebap vilayet,

Seydi,

uchr. LB-K/12

The special regime camp has the same address, but with the code:

uchr. LB-K/11

UN complaints

In September 2012, ten Jehovah's Witness conscientious objectors lodged applications to the United Nations (UN) Human Rights Committee protesting against their imprisonment and maltreatment. The complaints note that especially in the Seydi Labour Camp, where most of the conscientious objector prisoners are held, they have regularly been subjected to spells in the punishment cell and some have been brutally beaten (see F18News 18 February 2013 http://www.forum18.org/Archive.php?article_id=1802).

The decision to prosecute one of the applicants, Atamurat Suvkhanov, for a second time despite his poor medical condition, harsh pressure on the other young men who reject military service on grounds of conscience since then, a raid on the family home of another applicant Navruz Nasyrlyayev and close surveillance of their families, is state retaliation for the UN appeals, Jehovah's Witnesses believe (see F18News 25 March 2013 http://www.forum18.org/archive.php?article_id=1817).

Undeterred, two further Jehovah's Witness conscientious objectors filed similar appeals to the UN Human Rights Committee on 1 May 2013, Danatar Durdyev and Arslan Davletov. While Davletov is a current prisoner, Durdyev, convicted on the same charges in January 2013, was instead given a heavy fine (see F18News 18 February 2013 http://www.forum18.org/Archive.php?article_id=1802).

Three further complaints were lodged on 29 August on behalf of three more of the current prisoners, Juma Nazarov, Yadgarbek Sharipov and Atamurat Suvkhanov, Jehovah's Witnesses told Forum 18.

Dialogue sought

"The Human Rights Committee has already communicated 11 of those applications to Turkmenistan and we are waiting on receiving their response, which should be provided to us in the coming weeks," Jehovah's Witnesses involved in the applications told Forum 18 on 29 August. "We will then have about two months to reply to the observations of Turkmenistan and the matter will then go to the Committee for decision."

However, Jehovah's Witnesses stress that they would like to resolve the problem of the continuing arrests and imprisonment of conscientious objectors through dialogue with Turkmenistan's government. "We are optimistic that this issue could be resolved within Turkmenistan, in view of the fact that the right to conscientious objection to military service is universally recognized as a

fundamental human right," they told Forum 18.

At the end of the review of Turkmenistan's human rights record during the Universal Periodic Review (UPR) at the UN Human Rights Council in Geneva in April 2013, the Turkmen delegation promised to respond to the Human Rights Council by September 2013 on many UPR recommendations submitted by other governments, including one to "protect the rights of conscientious objectors" (see F18News 23 May 2013 http://www.forum18.org/archive.php?article_id=1840).

Forum 18 was unable on 29 August to reach Deputy Foreign Minister Vepa Hajyiev – who led the Turkmen delegation to the UPR at the UN – to find out what response it was going to make to the UN on this and other religious freedom concerns raised during the UPR.

Children's camp raided

Meanwhile, the Baptist church in the town of Mary tried to hold a children's summer camp on its premises from 25 June. However, the camp was "suddenly raided" by 15 police officers on 28 June, Baptists who asked not to be identified for fear of state reprisals complained to Forum 18. Police were soon followed by two medical personnel and other officials.

"Everyone and everything was noted down," Baptists told Forum 18. Among the officials was one with a camera. "Despite our indignation over the filming he was actively rushing around filming all the rooms and places where the children were or something was underway, including the kitchen, sleeping room, lessons, shower, toilet – in fact anything that could be filmed." Officials took some of the food – including meat, vegetables, bread and jam – allegedly for testing.

Police questioned all the children present for three hours. They also phoned the children's parents and demanded that they immediately come and collect them. "The parents were in a panic and began to ring us to find out what was going on," Baptists told Forum 18. Police insisted that the local children be sent home, while children from other places had to leave by the following day.

Church leaders were summoned to the local court on 1 July. The church's local leader was given two fines under the Code of Administrative Offences. One fine punished holding an unregistered religious meeting under Article 205, Part 4 ("violation of procedures established by law for organising and holding religious meetings"). The fine was 750 Manats (1,600 Norwegian Kroner, 200 Euros or 265 US Dollars). The second fine was 300 Manats for failure to comply with sanitary norms. "Officials insisted the fines were paid immediately, otherwise they would confiscate property," Baptists told Forum 18.

Baptists reject the basis of the fines, insisting that the church has registration as a branch of the registered Baptist Church in Ashgabad. They also insist that hygiene standards were maintained, pointing out that about 80 per cent of the food came from local shops and the market.

Baptists also fear that the film taken by the official could be edited "in any way they like" to be used to discredit the church.

By contrast, Baptists noted to Forum 18 that another of their summer camps in a different city took place without incident.

No police comment

As is often the case in Turkmenistan, no official was prepared to explain why the Baptist children's summer camp in Mary was raided and fines were handed down. Because Nursakhatov of the Gengesh for Religious Affairs in Ashgabad put the phone down, Forum 18 was unable to ask him. Similarly, parliamentary human rights committee head Hudainazarov was unwilling to discuss anything with Forum 18.

Forum 18 tried to find out also from the head of Mary police. However, the man who on 29 August answered his phone – who refused to say if he was or was not the police chief – refused absolutely to discuss the raid. "Who are you?" he kept asking Forum 18. He then insisted the questions should be addressed to the Interior Ministry in Ashgabad "or the higher organs", which he did not identify. He then put the phone down.

Earlier harassment of summer camps

Summer camps for families and young people have long been popular among religious communities in the region. But authorities have often targeted them.

A Christian youth summer camp organised by two registered Pentecostal churches in the village of Sekiz-Yab north-west of Ashgabad was raided in July 2010. Protestants who were at the event, but asked not to be identified for fear of state reprisals, told Forum 18 that camp participants were insulted, pressured, and threatened. Some were subsequently fired from their state jobs (see F18News 3 August 2010 http://www.forum18.org/archive.php?article_id=1474).

About forty members of Path of Faith Baptist Church in Dashoguz who travelled to the resort of Avaza on the Caspian Sea for an

August 2011 holiday were detained, questioned and insulted by the police and the local imam because of their faith. They were forced to abandon their holiday (see F18News 5 September 2011 http://www.forum18.org/Archive.php?article_id=1609). (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=1676.

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.

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