

23 March 2018

TURKMENISTAN: Jailings of conscientious objectors resume

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

Two conscientious objectors, both Jehovah's Witnesses, were jailed for one year in January. One had just completed a corrective labour sentence. These are the first jailings of conscientious objectors since 2014. No prisoners of conscience are known to have been freed under the Novruz amnesty.

For the first time since 2014, courts in Turkmenistan have again handed down prison terms on young men unable to perform compulsory military service on grounds of religious conscience. At least two conscientious objectors, both Jehovah's Witnesses, are known to have been jailed so far in 2018. For one of them this was the second conviction on the same charges.

Between 2014 and 2017, the authorities punished conscientious objectors with corrective labour or suspended prison terms, rather than imprisonment. In a typical sentence, in February 2017 a court sentenced Jehovah's Witness Vepa Matyakubov to two years' corrective labour, meaning that he lives at home but 20 per cent of his salary is withheld by the state budget (see F18News 27 September 2017 http://www.forum18.org/archive.php?article_id=2318).

In 2017, Eldor Saburov similarly refused to undertake military service on grounds of conscience. On 19 December 2017, Judge Jumamyrad Myradov at Niyazov District Court sentenced him under Criminal Code Article 219, Part 1 ("Rejecting call-up to military service") to two years' corrective labour, with 20 per cent of his wages taken by the State.

In March 2017, the United Nations (UN) Human Rights Committee again called on Turkmenistan to end punishments for conscientious objectors and introduce an alternative, civilian service. Turkmenistan has so far ignored this (see below).

No official would explain to Forum 18 why Turkmenistan has long failed to introduce a civilian alternative to military service (see below).

The UN Human Rights Committee has already found that Turkmenistan violated the human rights of 10 Jehovah's Witnesses by convicting them for conscientious objection to military service. The Committee is considering five further appeals (see below).

Meanwhile, none of the prisoners of conscience known to have been jailed for exercising the right to freedom of religion or belief is known to have been freed in the prisoner amnesty decreed on 20 March.

Many Muslims, as well as a third Jehovah's Witness Bahram Hemdemov, are known to be serving prison terms to punish them for exercising freedom of religion or belief. Many of the Muslims are being held incommunicado in the top security Ovadan-Depe prison, where some have also died of apparent torture or neglect (see below).

No conscientious objection, no alternative service

Turkmenistan offers no alternative to its compulsory military service. Article 58 of the 2016 Constitution describes defence as a "sacred duty" of everyone and states that military service is compulsory for men. Turkmenistan ignored the recommendation of a July 2016 legal review of the draft Constitution by the Organisation for Security and Co-operation in Europe that it should include a provision for alternative, civilian service (see F18News 3 October 2016 http://www.forum18.org/archive.php?article_id=2220).

Military service for men between the ages of 18 and 27 is generally two years. A proposed Alternative Service Law was reportedly drafted in 2013, but officials have been unable to tell Forum 18 if and when it might be adopted (see F18News 29 September 2014 http://www.forum18.org/archive.php?article_id=2002).

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

In March 2017, at the end of its review of Turkmenistan's record under the International Covenant on Civil and Political Rights, the

United Nations (UN) Human Rights Committee again called on the authorities to end punishments for those unable to perform military service on grounds of conscience and introduce an alternative, civilian service (CCPR/C/TKM/CO/2).

"The State party should revise its legislation without undue delay with a view to clearly recognizing the right to conscientious objection to military service," the Committee declared, "provide for alternative service of a civilian nature outside the military sphere and not under military command for conscientious objectors, and halt all prosecutions of individuals who refuse to perform military service on grounds of conscience and release those who are currently serving prison sentences."

Why no implementation of UN call?

Forum 18 was unable to find out why the authorities have chosen not to implement the UN Human Rights Committee's repeated calls to introduce a civilian alternative to compulsory military service and to halt prosecutions.

Pirnazar Hudainazarov, Chair of the Mejlis (Parliament) Human Rights Committee, refused to discuss why Turkmenistan has long failed to introduce a civilian alternative service and has resumed jailings. "Talk to the Foreign Ministry," he told Forum 18 from parliament on 23 March and put the phone down.

Telephones at the Foreign Ministry's International Organisations Department, Press Office and other departments went unanswered each time Forum 18 called the same day.

An official of the government's National Institute for Democracy and Human Rights in the capital Ashgabat [Ashgabat] put the phone down as soon as Forum 18 introduced itself on 23 March.

Forum 18 was unable to reach the Human Rights Ombudsperson Yazdursun Gurbannazarova, who was elected by parliamentary deputies to the new post in March 2017. No contact details are publicly available.

First 2018 jailing

The authorities arrested Jehovah's Witness Arslan Begenchov (born 15 May 1999) on 2 January 2018 in his home region of Lebap in eastern Turkmenistan after he refused to perform compulsory military service on grounds of religious conscience.

On 17 January, Charjew District Court sentenced Begenchov under Criminal Code Article 219, Part 1 to one year's imprisonment, Jehovah's Witnesses told Forum 18. On 29 January, Begenchov's lawyer lodged an appeal against this court decision. However, on 13 February Lebap Regional Court rejected the appeal and upheld the sentence.

The chancellery at Lebap Regional Court refused to discuss Begenchov's case with Forum 18 on 23 March.

A further complaint against the court sentence was sent on Begenchov's behalf to the Prosecutor's Office of Lebap Region's Charjew District, with copies to the General Prosecutor's Office and the government's National Institute for Democracy and Human Rights in Ashgabat. The appeals complained that Begenchov's jailing violated Turkmenistan's international human rights commitments, Jehovah's Witnesses added.

Begenchov is still being held in the pre-trial detention centre LB-D/9 in the regional capital Turkmenabad [Turkmenabat].

Second jailing follows

Less than two weeks after Begenchov was sentenced, the second Jehovah's Witness conscientious objector so far in 2018 was jailed. Kerven Kakabayev (born 9 September 1996), who is from Koneurgench in the northern Dashoguz Region, was called up a year after his earlier criminal conviction expired in December 2016.

Koneurgench City Court convicted Kakabayev on 29 January 2018 under Criminal Code Article 219, Part 1. The judge sentenced him also to one year's imprisonment. The court prevented Kakabayev from presenting UN decisions in favour of the earlier jailed conscientious objectors from Turkmenistan to back his case, Jehovah's Witnesses complained to Forum 18.

An official at Dashoguz Regional Court refused to tell Forum 18 on 23 March if Kakabayev had appealed against his sentence. Jehovah's Witnesses told Forum 18 prison officials had prevented Kakabayev from signing the appeal documents prepared for him by his lawyers within the prescribed ten-day period.

The official who answered the phone at Dashoguz Region Military Prosecutor's Office refused to discuss Kakabayev's case. "We can't give any information by phone," he told Forum 18 on 23 March. Asked why Kakabayev had been jailed because he was unable to perform military service on grounds of conscience, the official responded: "That's how it is. We have an order which we have to fulfil."

This is the second sentence on the same charges for Kakabayev. In December 2014 a court sentenced him to a term of two years' corrective labour under Criminal Code Article 219, Part 1. Twenty per cent of his wages were ordered handed to the state (see F18News 5 July 2016 http://www.forum18.org/archive.php?article_id=2196).

Following his January 2018 conviction, the prison authorities transferred Kakabayev to the general regime labour camp in the desert near Seydi, in the eastern Lebap Region. Many other prisoners of conscience jailed to punish them for exercising the right to freedom of religion or belief have been held in the camp. Among the current prisoners of conscience held there is fellow Jehovah's Witness Bahram Hemdemov (see below).

The address of the Seydi Labour Camp is:

746222 Lebap velayat

Seydi

uchr. LB-K/12

Turkmenistan

UN Human Rights Committee decisions ignored

The UN Human Rights Committee has already issued decisions against Turkmenistan in 10 cases of conviction of Jehovah's Witnesses for conscientious objection to military service.

Six of these decisions were handed down in July 2016, with the UN Committee finding violations not only over the denial of access to an alternative to military service, but over torture in custody and prison conditions which violated the individuals' human rights. In four of the six cases, the UN Committee found that the conscientious objectors had been punished twice for the same "crime" (see F18News 3 October 2016 http://www.forum18.org/archive.php?article_id=2220).

Jehovah's Witnesses lament that the Turkmen government has failed to implement these decisions. They declared on 4 July 2017 that "by prosecuting and punishing conscientious objectors, the Turkmenistan government continues to violate its international commitments to protect human rights". They complained of the then corrective labour sentences, which two young Jehovah's Witnesses were serving. "In other cases, officials subject conscientious objectors to severe pressure in an effort to force them to compromise their sincerely held beliefs."

Among the ten Jehovah's Witness conscientious objectors the violation of whose rights the UN Committee had recognised was the former prisoner Zafar Abdullayev. It found in March 2015 that the authorities should conduct an "impartial, effective and thorough" investigation of his torture while in detention, prosecute "any person(s) found responsible", provide "full reparation, including appropriate compensation", and expunge Abdullayev's criminal record.

The Committee noted in March 2017 a 9 April 2016 submission by Abdullayev's representative that his record "has not been expunged, nor has he received any compensation". The Committee noted: "On 4 April 2016, [Abdullayev] submitted a letter to the Prosecutor General of Turkmenistan and the Ministry of Foreign Affairs of Turkmenistan, requesting a meeting to discuss what steps could be taken to fully implement the Committee's Views. No answer has been received as of yet."

The Committee decided at its March 2017 session to continue "follow-up dialogue" with Turkmenistan over Abdullayev's case (CCPR/C/119/3).

The UN Human Rights Committee is still considering the appeals by four more Jehovah's Witness former imprisoned conscientious objectors: Arslan Dovletov, Juma Nazarov, Yadgarbek Sharipov and Atamurat Suvkhanov. Also awaiting a decision is Jehovah's Witness conscientious objector Danatar Durdyev, who was fined. These appeals were lodged in 2012 and 2013 (see F18News 5 July 2016 http://www.forum18.org/archive.php?article_id=2196).

Amnesty, but no known prisoner of conscience releases

President Gurbanguly Berdimukhamedov signed a prisoner amnesty decree to mark the Novruz spring festival, the government website announced on 20 March 2018. It said that those chosen for amnesty would have their prison terms cut short or requirements to live in certain places quashed.

The announcement of the decree did not say how many prisoners would be freed. The exile news website Alternative Turkmenistan News calculated the same day that about 1,000 prisoners had been included in the amnesty. Some 300 prisoners had been freed from the Seydi Labour Camp and a further 10 from the labour camp in Tejen, including some sentenced for rape or murder. However the news website noted that no prisoner of conscience is known to be among those amnestied.

Forum 18 has received no information that any of the known Muslim or Jehovah's Witness prisoners of conscience have been freed.

Torture, deaths of prisoners of conscience

From early 2013, the authorities arrested more than 100 Muslims in and around the eastern city of Turkmenabad who had participated in an informal Sunni Muslim study group led by Bahram Saparov. Saparov and 19 others were arrested in March 2013 and sentenced to long prison terms in May 2013. Further large groups were sentenced at subsequent closed trials (see F18News 23 January 2017 http://www.forum18.org/archive.php?article_id=2249).

Most or all the prisoners are believed to be held in the isolated top-security prison at Ovadan-Depe (Picturesque Hill) in the Karakum desert 70 kms (45 miles) north of Ashgabat. No outsider is able to establish if they are still alive. Relatives often have no information as to whether they are still alive.

At least three of the Muslims from Turkmenabad have died in Ovadan-Depe prison of illness, starvation, neglect or torture. Lukman Yaylanov died in summer 2016, possibly as a result of torture, and Narkuly Baltayev several months later. Aziz Gafurov died in summer 2017. Gafurov's thin body was covered in bruises when returned to relatives (see F18News 27 September 2017 http://www.forum18.org/archive.php?article_id=2318).

Only one of the imprisoned participants in Saparov's Muslim study group is known to have been freed. Ahmet Mirzayev was released in late 2017, Alternative Turkmenistan News noted on 20 December 2017. He had served his full five-year sentence.

Another Muslim prisoner, Annamurad Atdaev, was punished with a 15-year strict regime prison term after returning to Turkmenistan to renew his passport from Egypt, where he was studying Islam at Al-Azhar University (see F18News 27 September 2017 http://www.forum18.org/archive.php?article_id=2318).

In April 2017 rumours circulated in Ashgabat that Atdaev was held in solitary confinement in Ovadan-Depe prison. The Turkmen government told the UN Working Group on Enforced or Involuntary Disappearances in May 2017 that Atdaev was being held in the labour camp in Tejen. "However, this information has turned out to be inaccurate," the Prove They Are Alive campaign noted in a February 2018 report on disappeared prisoners in Turkmenistan (http://provetheyarealive.org/wp-content/uploads/2018/02/List-of-the-disappeared-in-TM-prisons_Prove_Feb-2018_eng.pdf).

In June and October 2017 in response to a request from the Russian embassy, the Turkmen authorities reported that Atdaev "is in a place of confinement" (without any details), the campaign added.

"According to unconfirmed information, in November or early December 2017 Atdaev's mother and sister were provided a meeting with him in Ashgabat, where he was brought from the Ovadan-Depe prison. Reportedly, the authorities demanded that the relatives not tell anyone about this meeting, including the prisoner's wife."

On 18 October 2016 the UN Working Group on Enforced or Involuntary Disappearances asked Turkmenistan to be allowed to visit. The UN website indicates that Turkmenistan has not agreed to a Working Group visit.

The address of the top-security Ovadan-Depe prison is:

Ahal velayat

Upravlenie politsii Ahalskogo velayata

uchr. AH-T/2

Turkmenistan

Jehovah's Witness prisoner of conscience Bahram Hemdemov, held in Seydi Labour Camp, was arrested during a March 2015 raid on his home, after which he was tortured. He is serving a four year prison term from 19 May 2015 on charges of allegedly inciting religious hatred, which he strongly denies, but his real "crime" seems to have been hosting a meeting for worship.

All Hemdemov's attempts to overturn his sentence on appeal have failed. The Supreme Court in August 2015 denied his appeal because Hemdemov "propagates the religious beliefs of Jehovah's Witnesses" (see F18News 5 April 2016 http://www.forum18.org/archive.php?article_id=2164). (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=2244.

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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