

22 January 2019

TURKMENISTAN: New year, new jailed conscientious objector

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

With the 7 January one-year jailing of 18-year-old Azamatjan Narkulyev, 12 conscientious objectors – all Jehovah's Witnesses – are now jailed for refusing compulsory military service on grounds of conscience. No officials would comment on why, in defiance of United Nations calls, Turkmenistan jails these young men.

On 7 January, a court in the eastern Lebap Region handed 18-year-old Azamatjan Narkulyev a one-year jail term for refusing compulsory military service on grounds of conscience. He is one of 12 conscientious objectors – all of them Jehovah's Witnesses – known to be jailed. All had told Conscription Offices they were ready to conduct an alternative, civilian service, but the authorities do not offer this.

The new jailing came weeks after two other conscientious objectors were jailed in late 2018. A court handed Gurbangylych Muhammetgulyyev a one-year prison term in the south-eastern city of Mary in November. A court handed Eziz Atabayev a two-year prison term in the northern city of Dashoguz in December (see below).

The jailing of Muhammetgulyyev and Atabayev brought to twelve the number of conscientious objectors known to have been jailed in Turkmenistan in 2018 for refusing compulsory military service on grounds of conscience. Of these, only one – Arslan Begenchov – has completed his prison term and been freed. Begenchov was the first conscientious objector to be sentenced to prison since 2014 (see below).

Two of the current conscientious objector prisoners of conscience are serving two-year jail terms and the other ten a one-year sentence (see list at foot of article).

Jehovah's Witnesses are conscientious objectors to military service and their beliefs do not allow them to undertake any kind of activity supporting any country's military. But they are willing to undertake an alternative, totally civilian form of service, as is the right of all conscientious objectors to military service under international human rights law (<http://www.quno.org/sites/default/files/resources/QUNO%202015%20RB%20Conscientious%20Objection%20FINAL.pdf>).

Jehovah's Witnesses expressed concern that conscription offices are now calling back some young men earlier exempted from military service on grounds of health. Protestants have expressed concern that in autumn 2018 the conscription office in Dashoguz summoned two young men who had already completed military service. There officials insulted them because of their faith (see below).

On 20 September 2018, a Turkmen diplomat again rejected to the United Nations Human Rights Council in Geneva a call in the Universal Periodic Review (UPR) of the country to introduce a civilian alternative to compulsory military service. Turkmenistan also rejected a UPR call for independent visits to prisons, including those where Muslim and Jehovah's Witness prisoners of conscience are being held (see below).

No officials would comment on why Turkmenistan jails those who cannot perform military service on grounds of conscience (see below).

Many prisoners of conscience

The twelve jailed conscientious objectors are among the many people Turkmenistan has jailed for exercising freedom of religion or belief. (http://www.forum18.org/archive.php?article_id=2244)

Five Muslims who met to study the works of theologian Said Nursi failed to overturn their 12-year jail terms at Turkmenistan's Supreme Court in July 2018. Four of the five are in the top-security prison at Ovadan-Depe, where prisoners have suffered torture and death from abuse or neglect. (http://www.forum18.org/archive.php?article_id=2399)

Dozens of Muslims from in and around the eastern city of Turkmenabat were imprisoned in 2013 and after to punish them for their

involvement in a Muslim study group. Most or all the prisoners are believed to be held in Ovadan-Depe. Relatives often have no information as to whether they are still alive. Three of the group are known to have died in prison. (http://www.forum18.org/archive.php?article_id=2318)

Jehovah's Witness Bahram Hemdemov is serving a four-year jail term to punish him for hosting a religious meeting (see below).

Government rejects alternative service call at UN

During the review of Turkmenistan by the United Nations (UN) Human Rights Council in the Universal Periodic Review (UPR) in Geneva in May 2018, other governments presented 191 recommendations of how the country could improve its human rights record (A/HRC/39/3).

Argentina recommended: "Adopt the necessary measures in order to recognize the right to conscientious objection to compulsory military service." However, this was among the 19 recommendations the Turkmen government rejected.

The Turkmen government rejected the call to introduce an alternative to compulsory military service in its written response to the UPR (A/HRC/39/3/Add.1), made public by the UN on 13 September 2018. It repeated its rejection at a meeting of the Human Rights Council in Geneva on 20 September 2018. (http://www.forum18.org/archive.php?article_id=2417)

"We refer to Article 58 of the Constitution of Turkmenistan which provides that the protection of Turkmenistan is a sacred duty of every citizen," Ahmetyar Kulov, First Secretary at Turkmenistan's Permanent Mission to the UN in Geneva, told the meeting. "Under the Constitution, military service is compulsory for all male citizens."

Another UPR recommendation given in May 2018 was: "Provide those who are imprisoned, including in the Ovadan-Depe and Seydi prisons, access to independent inspectors and other visitors and permit those visitors to conduct private and fully confidential interviews with prisoners, consistent with the United Nations Standard Minimum Rules for the Treatment of Prisoners."

The Turkmenistan government's written response also rejected this recommendation, with no explanation.

Many Muslim prisoners of conscience are held at Ovadan-Depe prison (see above), while eleven jailed Jehovah's Witness prisoners of conscience are being held at Seydi Labour Camp (see below).

No answers

Forum 18 again tried to call the Human Rights Ombudsperson Yazdursun Gurbannazarova, who was named by the government-appointed parliament, to find out why young men are being jailed for refusing military service on grounds of conscience and why Turkmenistan rejected the call in the UPR to introduce an alternative to military service.

An official told Forum 18 on 22 January that Gurbannazarova was on a work trip until 28 January. The official referred Forum 18 to Maysa Muradova, head of the department, asking it to call back in one hour. All subsequent calls went unanswered.

Forum 18 also again tried to call Yusupguly Eshshayev, Chair of the Mejlis (Parliament) Human Rights Committee, to find out if the authorities will ever introduce a law to allow those with conscientious objections to compulsory military service to perform an alternative civilian service. The man who answered his phone on 22 January hung up as soon as Forum 18 asked if it was Eshshayev. Subsequent calls went unanswered.

No conscientious objection, no alternative service

In defiance of repeated calls by the United Nations and the Organisation for Security and Co-operation in Europe, Turkmenistan offers no alternative to its compulsory military service. Military service for men between the ages of 18 and 27 is generally two years. Call-up is decreed each spring and autumn. (http://www.forum18.org/archive.php?article_id=2400)

Young men who refuse military service on grounds of 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.

From 2014, courts punished conscientious objectors with corrective labour or suspended prison terms, rather than imprisonment. However, jailings resumed with the two prison terms in January 2018. (http://www.forum18.org/archive.php?article_id=2363)

One-year jail term

On his call-up in autumn 2018, Azamatjan Narkulyevich Narkulyev (born 9 November 2000), a Jehovah's Witness from the city of Seydi in Lebap Region, told officials that he was unable to perform military service on grounds of conscience. He offered to perform

an alternative, civilian service.

Prosecutors brought a case against Narkulyev under Criminal Code Article 219, Part 1 ("Rejecting call-up to military service"). They handed his case to Danew District Court. At his trial on 7 January 2019, the Judge sentenced him to one year's ordinary regime labour camp, Jehovah's Witnesses told Forum 18.

The telephone went unanswered at Lebap Regional Court on 22 January, so Forum 18 was unable to find out if Narkulyev had appealed against his conviction.

Narkulyev is currently being held in the Temporary Detention Prison (LB-D/9) in the city of Turkmenabat. He is likely to be sent to serve his sentence at the labour camp in Seydi, where other jailed conscientious objectors are being held.

Two further 2018 sentences

Two more young men were jailed in late 2018 for refusing compulsory military service, despite offering to perform an alternative, civilian service.

Gurbanglych Dovletovich Muhammetgulyyev (born 15 March 2000) is a Jehovah's Witness from the city of Mary who was called up in the autumn 2018 conscription round. On 17 and 23 October 2018 he failed to arrive at the Mary Regional Conscription Office to begin his military service, despite having been approved for service by a medical commission, according to the subsequent court verdict.

Prosecutors brought a case against Muhammetgulyyev under Criminal Code Article 219, Part 1 ("Rejecting call-up to military service") and he had to sign a pledge not to leave his home town without prosecutors' permission. Prosecutor B. Myradov then handed the case to Mary City Court.

On 28 November 2018, Judge Gulher Aminova found Muhammetgulyyev guilty. She sentenced him to one year's imprisonment in ordinary regime labour camp, according to the verdict seen by Forum 18. He was arrested in the court room after the verdict was handed down, with his sentence to run from that date.

The court rejected Muhammetgulyyev's insistence that his faith bans taking up arms and that he "could not go against the word of Jehovah", the verdict records. His parents and sister also spoke up for him in court.

Curiously, the verdict notes that Muhammetgulyyev is not a member of a political party.

Both Judge Aminova and her assistant refused to discuss the case with Forum 18 on 22 January 2019. Mary Regional Court told Forum 18 the same day that Muhammetgulyyev had not appealed against the sentence.

Following his sentence, the authorities transferred Muhammetgulyyev to the labour camp in Seydi.

Eziz Dovletmuradovich Atabayev (born 15 March 1998) is a Jehovah's Witness from the city of Dashoguz. On 19 December 2018, Judge Shamyrat Gummanov of Dashoguz City Court found him guilty under Criminal Code Article 219, Part 1 ("Rejecting call-up to military service"). He sentenced him to two years' imprisonment in ordinary regime labour camp.

On 15 January 2019, Atabayev's father learned that Dashoguz Regional Court had rejected his son's appeal, Jehovah's Witnesses told Forum 18. Dashoguz Regional Court refused to give Forum 18 any information by phone on 22 January.

Atabayev is currently being held in the Temporary Detention Prison (DZ-D/7) in Dashoguz Region. However, the authorities are expected to transfer him soon to the labour camp in Seydi.

Freed on completing sentence

On 17 December 2018 conscientious objector Arslan Begenchovich Begenchov (born 15 May 1999) was released from Seydi Labour Camp after completing his full term of imprisonment, Jehovah's Witnesses told Forum 18.

The authorities arrested Begenchov 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. Charjew District Court sentenced him to one year's imprisonment on 17 January 2018. Lebap Regional Court rejected his appeal on 13 February 2018.

Begenchov served eleven and a half months in prison, as each day of pre-trial detention counts as the equivalent of two days' imprisonment.

Begenchov was the first conscientious objector to be sentenced to prison since 2014.

Ten jailed conscientious objectors in one labour camp

Narkulyev and Atabayev, the two conscientious objectors jailed in December 2018 and January 2019, are likely to be sent to serve their sentences at the ordinary regime labour camp in the desert near Seydi, in Lebap Region. (The prison now seems to use the designation LB-E/12, not LB-K/12.) 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.

The ten jailed conscientious objectors sentenced between January and November 2018 - Kerven Kakabayev, Mekan Annayev, Ikhlosbek Rozmetov, Veniamin Genjiyev, Maksat Jumadurdiyev, Isa Sayayev, Ruslan Artykmuradov, Sokhbet Agamyradov, Serdar Atayev, and Gurbangylych Muhammetgulyyev – are all serving their sentences at the Seydi camp.

Also held at Seydi Labour Camp is fellow Jehovah's Witness Bahram Hemdemov. He 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.
(http://www.forum18.org/archive.php?article_id=2164)

No amnesty

None of these prisoners of conscience have been included in prisoner amnesties periodically approved by the president.

On 24 September 2018, ahead of the presidential amnesty, officials at Seydi Labour Camp told Kakabayev, Annayev, and Genjiyev that they would be granted amnesty and released. Even though their names were on the publicly announced list of prisoners to be amnestied, the three men were not among the 1,722 prisoners released the following day, Jehovah's Witnesses told Forum 18.

The address of the Seydi Labour Camp is:

746222 Lebap velayat

Seydi

uchr. LB-E/12

Turkmenistan

Conscription offices reopening cases?

Jehovah's Witnesses expressed concern that Conscription Offices are now calling back some young men earlier exempted from military service on grounds of health, insisting that they are medically fit to serve. Jehovah's Witnesses fear those now re-classified as fit could be called up and face possible imprisonment.

Protestants have expressed concern that in autumn 2018 the Conscription Office in Dashoguz summoned two young men who had already completed military service. There officials complained that the young men "read the Book" (a reference to the Bible) and insulted them because of their faith, fellow Protestants told Forum 18.

List of known jailed conscientious objectors

Twelve conscientious objectors to compulsory military service (listed below) – all of them Jehovah's Witnesses – are known to be serving prison sentences under Criminal Code Article 219, Part 1 ("Rejecting call-up to military service"):

- 1) Kerven Arslanovich Kakabayev; born 9 September 1996; sentenced 29 January 2018 Koneurgench City Court; appeal denied due to missed appeal deadline 27 June 2018 Dashoguz Regional Court; one year ordinary regime labour camp.
- 2) Mekan Orazdurdiyevich Annayev; born 22 June 1999; sentenced 26 June 2018 Turkmenbashi City Court; no appeal to Balkan Region Court; two year ordinary regime labour camp.
- 3) Ikhlosbek Valijon oglu Rozmetov; born 26 November 1997; sentenced 11 July 2018 Gurbansoltan eje District Court; appeal rejected 23 July 2018 Dashoguz Regional Court; one year ordinary regime labour camp.
- 4) Veniamin Muslimovich Genjiyev; born 12 May 2000; sentenced 17 July 2018 Danew District Court; no appeal to Lebap Regional Court; one year ordinary regime labour camp.
- 5) Maksat Jumadurdiyevich Jumadurdiyev; born 15 May 2000; sentenced 17 July 2018 Danew District Court; no appeal to Lebap

Regional Court; one year ordinary regime labour camp.

6) Isa Muslimovich Sayayev; born 14 May 1994; sentenced 9 August 2018 Koneurgench City Court; appeal rejected 11 September 2018 Dashoguz Regional Court; one year ordinary regime labour camp.

7) Ruslan Khadynyaz oglu Artykmuradov; born 24 May 2000; sentenced 13 August 2018 Sayat District Court; appeal rejected 11 September 2018 Lebap Regional Court; one year ordinary regime labour camp.

8) Sokhbet Rejepmyradovich Agamyradov; born 4 January 2000; sentenced 27 August 2018 Mary City Court; appeal lodged to Mary Regional Court but city court refuses to hand it on; one year ordinary regime labour camp.

9) Serdar Annamyradovich Atayev; born 9 June 2000; sentenced 28 August 2018 Mary City Court; appeal lodged to Mary Regional Court but city court refuses to hand it on; one year ordinary regime labour camp.

10) Gurbangylych Dovletovich Muhammetgulyyev; born 15 March 2000; sentenced 28 November 2018 Mary City Court; no appeal; one year ordinary regime labour camp.

11) Eziz Dovletmuradovich Atabayev; born 15 March 1998; sentenced 19 December 2018 Dashoguz City Court; appeal rejected 15 January 2019 Dashoguz Regional Court; two year ordinary regime labour camp.

12) Azamatjan Narkulyevich Narkulyev; born 9 November 2000; sentenced 7 January 2019 Danew District Court; one year ordinary regime labour camp.

(END)

Full reports on freedom of thought, conscience and belief in Turkmenistan
(<http://www.forum18.org/archive.php?query=&religion=all&country=32>)

For more background, see Forum 18's Turkmenistan religious freedom survey
(http://www.forum18.org/archive.php?article_id=2244)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments
(http://www.forum18.org/archive.php?article_id=1351)

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