

23 July 2019

TURKMENISTAN: Conscientious objector jailed for four years

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

In the third jailing of a conscientious objector in 2019, 19-year-old Jehovah's Witness Bahtiyar Atahanov was jailed for four years. This is the longest jail term known to have been handed to a conscientious objector, because the authorities deemed him a soldier after forcibly conscripting him. Other prisoners of conscience have received far longer jail terms.

Bahtiyar Atahanov, a 19-year-old Jehovah's Witness from the eastern city of Turkmenabat, became the third conscientious objector to be jailed so far in 2019 when he was sentenced on 15 July in the southern town of Tejen. But unlike all nine other jailed conscientious objectors, who were sentenced for refusing military service, Atahanov was forcibly conscripted first. This means he was punished as a soldier trying to avoid his obligations and received a four-year ordinary regime jail term.

This is the longest jail term known to have been handed to a conscientious objector, though other prisoners of conscience have received far longer jail terms to punish their exercise of the right to freedom of religion or belief (see below).

"Since Bahtiyar Atahanov was forcefully brought to the military unit, the authorities view him as a serviceman avoiding performing his duties," Jehovah's Witnesses told Forum 18. "This was despite the fact that he clearly expressed his beliefs in his written statement on 19 April 2019 and until now has been refusing to take the military oath and wear military uniform."

In an unusual move, Atahanov's trial was held at the military unit in Tejen to which he had been forcibly sent (see below).

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>).

Atahanov's jailing brings to 10 the number of Jehovah's Witness conscientious objectors known - as of 23 July - to be serving jail terms. Nine of them, all jailed under Criminal Code Article 219, Part 1 ("Rejecting call-up to military service"), are imprisoned in Seydi Labour Camp (see below).

Turkmenistan has ignored repeated international calls to introduce an alternative to compulsory military service (see below).

No alternative to compulsory military service

Turkmenistan offers no alternative to its compulsory military service (http://www.forum18.org/archive.php?article_id=2244). Military service for men between the ages of 18 and 27 is generally two years. Article 58 of the 2016 Constitution describes defence as a "sacred duty" of everyone and states that military service is compulsory for men.

Young men who refuse military service on grounds of conscience generally 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 (http://www.forum18.org/archive.php?article_id=2244), rather than imprisonment. However, jailings resumed in January 2018. Courts jailed 12 conscientious objectors in 2018, two of them for two years and 10 for one year. (http://www.forum18.org/archive.php?article_id=2443)

Turkmenistan has ignored repeated international calls to introduce an alternative to compulsory military service.

The United Nations Human Rights Committee has issued 12 decisions in favour of conscientious objectors from Turkmenistan, all of them Jehovah's Witnesses. In its most recent such decision, published on 4 April 2019 (CCPR/C/125/D/2316/2013), it ruled that the human rights of former conscientious objector Arslan Dawletov (Dovletov), who was jailed for 18 months from December

2012, had been violated. (http://www.forum18.org/archive.php?article_id=2476)

The man who answered the phone on 23 July 2019 of the regime-appointed Chair of the Mejlis (Parliament) Human Rights Committee Yusupguly Eshshayev immediately put the phone down.

Neither the regime-appointed Human Rights Ombudsperson Yazdursun Gurbannazarova, nor Gurbanberdy Nursakhatov, a Deputy Chair of the government's Commission for Work with Religious Organisations and Expert Analysis of Resources Containing Religious Information, Published and Printed Production, answered Forum 18's phone calls.

Many prisoners of conscience

The 12 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 (http://www.forum18.org/archive.php?article_id=2399), where prisoners have suffered torture and death from abuse or neglect.

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 at 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)

Call-up, forcible conscription, arrest

In the spring call-up, Turkmenabat City Military Conscription Office called up local resident Bahtiyar Amirjanovich Atahanov (born 17 June 2000) for compulsory military service.

On 19 April Atahanov sent a statement to Lebap Regional Conscription Office (seen by Forum 18) setting out his refusal to perform such service because "according to God's command not to take up weapons and not to learn how to fight, I consider it impossible to go to military service and learn to fight". He asked for the possibility to do an alternative civilian service instead.

On 20 May, officials of Turkmenabat City Conscription Office "fraudulently" took Atahanov to the Conscription Office, Jehovah's Witnesses stated. They then forcibly transferred him the following day to Military Unit No. 37243 in the southern town of Tejen in Ahal Region. On 22 May, the unit commander formally accepted Atahanov into the unit, despite his refusal to swear the military oath in front of the country's flag or put on a military uniform.

On 30 May, the Military Prosecutor's Office opened a case against Atahanov under Criminal Code Article 344, Part 2. This punishes "Refusing to perform the duties of military service by simulating illness or other means with the aim of complete freeing from performing the duties of military service" with a jail term of up to seven years.

Atahanov was transferred from the military unit to pre-trial detention prison AH-D/1 at Yashlyk, 40 kms (25 miles) south-east of Ashgabat.

Show trial?

On 15 July, a Judge from Tejen City Court came to the military unit to conduct the trial. Atahanov was sentenced to four years' ordinary regime imprisonment under Criminal Code Article 344, Part 2, Jehovah's Witnesses told Forum 18.

This is the second known occasion when a conscientious objector has been sentenced at a trial held in a military location.

Ikhlosbek Rozmetov was jailed for one year in July 2018 at a trial held in the conference hall of Gurbansoltan eje District Military Conscription Office in the northern Dashoguz Region. The court verdict said that the trial was open, but gave no reason for the decision to hold the trial in the Conscription Office. (http://www.forum18.org/archive.php?article_id=2402) It is unknown if the trial was meant to send a signal to local young men of what happens to those who refuse compulsory military service.

In February 2012, senior school students were taken to a courtroom in the capital Ashgabat to watch Jehovah's Witness conscientious objector Akmurad Nurjanov being sentenced to a one-year suspended prison sentence. One fellow Jehovah's Witness described it as a "show trial". (http://www.forum18.org/archive.php?article_id=1668)

Within days of his 15 July 2019 sentence, Atahanov lodged an appeal to Ahal Regional Court. He appears still to be held at the Yashlyk pre-trial detention prison.

Grandmother's appeals ignored

On 6 and 7 June, after the Military Prosecutor's Office opened the criminal case against Atahanov, his grandmother Raima Atahanova appealed against the charges to the Presidential Administration and to Turkmenistan's General Prosecutor. She argued that the arrest of her grandson and the criminal charges were illegal, insisting that he had never joined the army as he had refused military service.

Atahanova's appeals were sent on to Ahal Regional Military Prosecutor's Office, where Senior Investigator Maksat Dangatarov rejected them. In his 14 June decision, seen by Forum 18, he claimed that Atahanov had known of his obligation to conduct military service and had deliberately refused to do so. He dismissed Atahanova's assertions, claiming that they had been investigated and that "numerous testimonies" back up the prosecution case.

Senior Investigator Dangatarov wrote to Atahanova on 14 June, informing her that her appeals had been rejected.

Forum 18 reached Ahal Regional Military Prosecutor's Office on 23 July, where officials seemed to be aware of the prosecution of Atahanov. However each time it called, officials said Senior Investigator Dangatarov was out and no one else was available to explain why the criminal case had been brought against Atahanov.

Nine jailed conscientious objectors in Seydi Labour Camp

Atahanov's jailing brings to 10 the number of Jehovah's Witness conscientious objectors known - as of 23 July - to be serving jail terms. Nine of them, all jailed under Criminal Code Article 219, Part 1, are imprisoned at the harsh Seydi Labour Camp in the desert in Lebap Region.

The address of the Seydi Labour Camp is:

746222 Lebap velayat

Seydi

uchr. LB-E/12

Turkmenistan

Three Jehovah's Witnesses were freed from Seydi Labour Camp after serving their full one-year ordinary regime jail sentences handed down in July 2018 (http://www.forum18.org/archive.php?article_id=2400). Veniamin Genjiyev was freed on 25 June, Ikhlosbek Rozmetov on 11 July and Maksat Jumadurdiyev on 17 July, Jehovah's Witnesses told Forum 18.

In his complaint to the United Nations (UN) Human Rights Committee, former Jehovah's Witness prisoner of conscience Aibek Salayev stated that conditions in the Seydi Labour Camp where he was held were "inhuman".

Salayev noted that the Camp was "known for its overcrowdedness, harsh climatic conditions, scarce supplies of food, medication and personal hygiene products, and for tuberculosis, skin diseases, its very high mortality rate, and physical abuse" (http://www.forum18.org/archive.php?article_id=2244). He was also threatened by officials with rape in the Camp.

The UN Human Rights Committee found that Turkmenistan jailed Salayev and another Jehovah's Witness former prisoner of conscience Vladimir Nuryllayev on fabricated charges to punish them for exercising their right to freedom of religion and belief, and that Salayev was tortured in pre-trial detention (http://www.forum18.org/archive.php?article_id=2476). The UN published the Decision (CCPR/C/125/D/2448/2014) on 18 April 2019.

List of known jailed conscientious objectors

Ten conscientious objectors to compulsory military service (listed below) – all of them Jehovah's Witnesses – are known to be serving prison sentences. Nine were jailed under Criminal Code Article 219, Part 1 ("Rejecting call-up to military service"), Atahanov under Criminal Code Article 344, Part 2:

- 1) 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.
- 2) 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.
- 3) 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.

4) 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.

5) 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.

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

7) 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.

8) Azamatjan Narkulyevich Narkulyev; born 9 November 2000; sentenced 7 January 2019 Danew District Court; no appeal to Lebap Regional Court; one year ordinary regime labour camp.

9) Muhammetali Charygeldiyevich Saparmyradov; born 11 November 1995; sentenced 19 March 2019 Bayramaly City Court; no appeal to Mary Regional Court; one year ordinary regime labour camp.

10) Bahtiyar Amirjanovich Atahanov; born 17 June 2000; sentenced 15 July 2019 Tejen City Court under Criminal Code Article 344, Part 2; appeal lodged to Ahal Regional Court; four years' 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 and belief commitments (http://www.forum18.org/archive.php?article_id=1351)

A printer-friendly map of Turkmenistan
(<http://www.nationalgeographic.org/education/classroom-resources/mapping/outline-map/?map=Turkmenistan>)

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