

5 September 2019

TURKMENISTAN: Fourth known 2019 conscientious objector jailing

By Felix Corley, Forum 18

An Ashgabat court jailed 20-year-old Jehovah's Witness Azat Ashirov for two years on 31 July for refusing compulsory military service on grounds of conscience. He had set out his objections in writing and offered to perform an alternative civilian service. Instead prosecutors claimed he had evaded his obligation fraudulently. Seven Jehovah's Witness conscientious objectors are now jailed, four of them in 2019.

In the fourth known jailing of a conscientious objector in 2019, 20-year-old Jehovah's Witness Azat Ashirov was jailed for two years by a court in Abadan in the capital Ashgabat in late July. However, unlike with previous conscientious objectors, prosecutors claimed he had evaded his obligation fraudulently. Ashirov rejects the charges. He had written to the Military Conscription Office setting out his religious objections to performing compulsory military service and offering to perform an alternative civilian service.

Ashirov's jailing brings to seven the number of Jehovah's Witness conscientious objectors known - as of 5 September - to be serving jail terms of between one and four years. Six of them are imprisoned at the Labour Camp at Seydi in the eastern Lebap Region (see below).

Ashirov is awaiting his appeal hearing. He is believed still to be held at the pre-trial detention prison at Yashlyk, 40 kms (25 miles) south-east of the capital Ashgabat. He is expected to be transferred to the labour camp at Seydi (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>).

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

Other prisoners of conscience jailed for exercising the right to freedom of religion or belief – all of them Muslims – are serving far longer jail terms (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.

Criminal Code Article 219, Part 2 punishes refusal to serve in the armed forces in peacetime "by means of inflicting injury to oneself, or by simulation of illness, by means of forgery of documents, or other fraudulent ways". Punishment is a jail term of one to four years. The first known use of Article 219, Part 2 to punish a conscientious objector is the case of Azat Ashirov (see below).

In May 2019, the Military Conscription office in Turkmenabat forcibly conscripted Jehovah's Witness Bahtiyar Atahanov, despite his written declaration that he could not serve in the armed forces because of his religious convictions.

In what appears to have been a show trial, on 15 July a Judge from Tejen City Court came to the military unit and sentenced Atahanov to four years' imprisonment (http://www.forum18.org/archive.php?article_id=2495) 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.

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)

Calls for alternative civilian service ignored

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)

Forum 18 was unable to find out why the authorities will not introduce an alternative civilian service and why conscientious objectors who are willing to perform such an alternative service, like Ashirov and the other six Jehovah's Witness young men, continue to be jailed.

The telephones of the regime-appointed Chair of the Mejlis (Parliament) Human Rights Committee Yusupguly Eshshayev, the regime-appointed Human Rights Ombudsperson Yazdursun Gurbannazarova, and 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, went unanswered each time Forum 18 called on 4 and 5 September.

Many prisoners of conscience

The seven 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.

More than 60 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, trial, jail term

In the spring 2019 call-up, the Military Conscription Office called up Jehovah's Witness Azat Gurbanmuhammedovich Ashirov (born 7 January 1999) for compulsory military service. Like all the other Jehovah's Witness conscientious objectors, he submitted a written declaration explaining his reasons for being unable to perform compulsory military service and setting out his readiness to perform an alternative civilian service.

However, officials rejected Ashirov's request for an alternative civilian service. They claimed he had used fraudulent methods to evade his obligation to perform compulsory military service. Prosecutors at Abadan District Prosecutors' Office prepared a case against him under Criminal Code Article 219, Part 2, which punishes refusal to serve in the armed forces in peacetime "by means of inflicting injury to oneself, or by simulation of illness, by means of forgery of documents, or other fraudulent ways".

The Prosecutor's Office then presented the case to Ashgabat's Abadan District Court. Ashirov rejected the charges against him. However, on 31 July, the Judge convicted him and handed down a two-year ordinary regime prison sentence, Jehovah's Witnesses told Forum 18.

In early August, Ashirov lodged his appeal against his conviction, which is due to be heard at Ashgabat City Court. Abadan District Court confirmed to his mother on about 22 August that it had received the appeal, Jehovah's Witnesses told Forum 18. No date has yet been set for the appeal.

Ashirov is being held at the pre-trial detention prison (AH-D/1) at Yashlyk, 40 kms (25 miles) south-east of the capital Ashgabat. He is expected to be transferred to the labour camp at Seydi.

Six jailed conscientious objectors in Seydi Labour Camp

Ashirov's jailing brings to seven the number of Jehovah's Witness conscientious objectors known - as of 5 September - to be serving jail terms. Six of them 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

In his complaint to the United Nations (UN) Human Rights Committee, former Jehovah's Witness prisoner of conscience Aibek Salayev complained 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". He was also threatened by officials with rape in the Camp.

The UN Human Rights Committee ruled that the Turkmen authorities had violated the rights of Salayev and another Jehovah's Witness former prisoner of conscience Vladimir Nuryllayev. (http://www.forum18.org/archive.php?article_id=2476) The UN published the Decision (CCPR/C/125/D/2448/2014) on 18 April 2019.

Freed on completing sentences

Four Jehovah's Witness conscientious objectors are known to have been freed from Seydi Labour Camp in August 2019 after completing their full one year jail terms (http://www.forum18.org/archive.php?article_id=2495):

Isa Muslimovich Sayayev (born 14 May 1994) was freed on 9 August 2019, exactly one year since he was jailed by Koneurgench City Court.

Ruslan Khadynyaz oglu Artykmuradov (born 24 May 2000) was freed on 12 August 2019, one day short of a year since he was jailed by Sayat District Court.

Sokhbet Rejepmyradovich Agamyradov (born 4 January 2000) was freed on 27 August 2019, exactly one year since he was jailed by Mary City Court.

Serdar Annamyradovich Atayev (born 9 June 2000) was freed on 28 August 2019, exactly one year since he was jailed by Mary City Court.

List of known jailed conscientious objectors

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

1) Mekan Orazdurdiyevich Annayev; born 22 June 1999; sentenced 26 June 2018 Turkmenbashi City Court under Criminal Code Article 219, Part 1; no appeal to Balkan Region Court; two years' ordinary regime labour camp.

2) Gurbangylych Dovletovich Muhammetgulyyev; born 15 March 2000; sentenced 28 November 2018 Mary City Court under Criminal Code Article 219, Part 1; no appeal to Mary Regional Court; one year ordinary regime labour camp.

3) Eziz Dovletmuradovich Atabayev; born 15 March 1998; sentenced 19 December 2018 Dashoguz City Court under Criminal Code Article 219, Part 1; appeal rejected 15 January 2019 Dashoguz Regional Court; two years' ordinary regime labour camp.

4) Azamatjan Narkulyevich Narkulyev; born 9 November 2000; sentenced 7 January 2019 Danew District Court under Criminal Code Article 219, Part 1; no appeal to Lebap Regional Court; one year ordinary regime labour camp.

5) Muhammetali Charygeldiyevich Saparmyradov; born 11 November 1995; sentenced 19 March 2019 Bayramaly City Court under Criminal Code Article 219, Part 1; no appeal to Mary Regional Court; one year ordinary regime labour camp.

6) 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.

7) Azat Gurbanmammedovich Ashirov, born 7 January 1999; sentenced 31 July 2019 Abadan District Court under Criminal Code Article 219, Part 2; appeal lodged to Ashgabat City Court; two 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)

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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY