

11 September 2020

TURKMENISTAN: 24th conscientious objector jailed since 2018

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

A court in Mary Region jailed 18-year-old Myrat Orazgeldiyev for one year on 3 September, the 24th Jehovah's Witness conscientious objector to military service to be imprisoned since January 2018. Eleven – including Orazgeldiyev – are now jailed, eight of them at the harsh Seydi Labour Camp, where a former prisoner of conscience described conditions as "inhuman". All 24 young men offered to do an alternative civilian service, but none exists.

A court in Mary Region of eastern Turkmenistan handed down a one-year jail term to 18-year-old Jehovah's Witness conscientious objector to military service Myrat Orazgeldiyev on 3 September. He had told the Military Conscription Office he was ready to do an alternative civilian service, but Turkmenistan has rejected repeated United Nations calls to introduce such a service. He is appealing against his conviction to Mary Regional Court.

Orazgeldiyev's jailing brings to five the number of conscientious objectors to military service, all Jehovah's Witnesses, known to have been imprisoned so far in 2020. It also brings to 24 the number of known criminal convictions and jailings for conscientious objection since January 2018 (see below).

Jehovah's Witnesses are conscientious objectors to military service and do not 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>).

The sentences handed down to Orazgeldiyev brings to 11 the number of conscientious objectors to compulsory military service known - as of 11 September 2020 - to be serving sentences. All of them are Jehovah's Witnesses. Three of them are serving second sentences (see full list below).

On 1 September, Dashoguz Regional Court rejected the appeals by two brothers – 26-year-old Sanjarbek Saburov and 21-year-old brother Eldor Saburov – against their two-year jail sentences for refusing compulsory military service on grounds of conscience, handed down on 6 August (see below).

Including Eziz Dovletmuradovich Atabayev (born 15 March 1998), who has been serving a jail term since 2018, 11 Jehovah's Witness conscientious objectors are serving jail terms of between one and four years. Eight of them are imprisoned in Seydi Labour Camp in the eastern Lebap Region, and the two Saburov brothers and Orazgeldiyev are expected to be transferred to the same labour camp (see full list below).

Turkmenistan has ignored repeated international calls, for example by the United Nations Human Rights Committee, to introduce a genuine civilian alternative to compulsory military service, to stop prosecuting and punishing conscientious objectors, and to compensate those it has punished (http://www.forum18.org/archive.php?article_id=2476).

The telephone of the regime-appointed Chair of the Mejlis (Parliament) Human Rights Committee Yusupguly Eshshayev went unanswered between 2 and 11 September.

The official who answered the phone at the office of the regime-appointed Human Rights Ombudsperson Yazdursun Gurbannazarova on 2 September refused to put Forum 18 through or to answer Forum 18's questions.

Asked why the regime is not willing to introduce a civilian alternative service in line with repeated United Nations (UN) recommendations, and why young men continue to be imprisoned, Ata (last name unknown) of the Foreign Ministry's International Organisations Department told Forum 18 in August that Turkmenistan "is dealing with these bodies, including the UN". He said he did not agree that Turkmenistan was failing to implement UN human rights recommendations (see below).

The UN Human Rights Committee has published 13 Decisions in favour of 15 conscientious objectors from Turkmenistan, all of them Jehovah's Witnesses (see below).

Another Jehovah's Witness conscientious objector former prisoner, Arslan Begenchov, lodged a case to the UN Human Rights Committee in 2018 and is awaiting a decision (see below).

Jehovah's Witnesses filed a complaint with the UN Working Group on Arbitrary Detention in May 2020 on behalf of 19 current or former jailed conscientious objectors. The 19 men are the eight currently imprisoned in Seydi Labour Camp, plus others who have been released after serving earlier sentences (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).

Refuses military service, ready to do alternative

The Military Conscription Office in Mary Region summoned Myrat Baymukhammedovich Orazgeldiyev (born 6 May 2002) in June 2020, one month after his 18th birthday. He provided his written statement refusing military service on grounds of conscience and asking to perform an alternative civilian service, Jehovah's Witnesses told Forum 18.

On 1 July, three representatives of the military tried to take Orazgeldiyev from his home. He refused to go with them. Later that day, he underwent a medical examination. He was found to be fit for military service.

The Prosecutor's Office summoned Orazgeldiyev for questioning on 14 July. Prosecutors charged him under Article 219, Part 1 of the Criminal Code. This punishes refusal to serve in the armed forces in peacetime with a maximum penalty of two years' imprisonment or two years' corrective labour. Orazgeldiyev received a copy of the indictment on 20 August. Prosecutors handed the case to Vekilbazar District Court, several kilometres to the east of the city of Mary.

Jailed for one year

On 3 September Judge Nursahet Yusupov at Vekilbazar District Court convicted Orazgeldiyev and sentenced him to one year's imprisonment in an ordinary regime labour camp under Criminal Code Article 219, Part 1, a court official told Forum 18 on 11 September.

"The hearing was conducted by the judge who was wearing a mask and spoke in a very low voice," Jehovah's Witnesses noted. "Only 5 to 7 persons were allowed to enter. Since they were sitting at the back of the court room, they were not able to hear everything that was said."

Orazgeldiyev is appealing against his conviction to Mary Regional Court. A court official told Forum 18 on 11 September that no appeal has yet been received.

"As an only child in a family, Orazgeldiyev worked hard to support his family financially, working as a waiter," Jehovah's Witnesses told Forum 18. "Besides, he helps his disabled mother a lot. Undoubtedly, his imprisonment would be a heavy burden for his family, especially in current critical circumstances amid the pandemic."

Brothers' appeals rejected

Jehovah's Witness Sanjarbek Davranbekovich Saburov (born 12 August 1994), from the northern city of Dashoguz, and his younger brother Eldor Davranbekovich Saburov (born 9 April 1999) have lost their appeals against their convictions for refusing compulsory military service on grounds of conscience. Both had told the Military Conscription Office that they were prepared to undertake an alternative, civilian service.

On 1 September, Dashoguz Regional Court rejected the Saburov brothers' appeals, Jehovah's Witnesses told Forum 18. The official who answered the phone at Dashoguz Regional Court on 4 September refused to discuss the cases with Forum 18.

On 6 August, Niyazov District Court in Dashoguz Region jailed the then 25-year-old Sanjarbek Saburov and his 21-year-old brother Eldor Saburov under Criminal Code Article 219, Part 1. Each was handed the maximum punishment of a two-year jail term for refusing compulsory military service on grounds of conscience (http://www.forum18.org/archive.php?article_id=2590). For both brothers, this is their second criminal conviction on the same charges.

The Saburov brothers were arrested in the courtroom at the end of their trial and were taken to the Temporary Detention Prison (DZ-E/7) in Dashoguz Region, from where they lodged their appeals. Now their appeals have been rejected, they are expected to be transferred to the labour camp at Seydi, where the other eight jailed conscientious objectors are all being held.

Brothers' earlier convictions

For both Sanjarbek and Eldor Saburov, their 2020 convictions were the second on the same charges.

Sanjarbek Saburov refused military service during the spring 2016 call-up. On 17 July 2016 he was placed in preventive detention while awaiting trial. On 9 August 2016, a Judge handed him a two-year suspended sentence under Criminal Code Article 219, Part 1. He was released in the courtroom after more than three weeks' detention (http://www.forum18.org/archive.php?article_id=2220).

In 2017, Eldor Saburov similarly refused to undertake military service on grounds of conscience. On 19 December 2017, Niyazov District Court sentenced him under Criminal Code Article 219, Part 1 to two years' corrective labour, with 20 per cent of his wages taken by the State (http://www.forum18.org/archive.php?article_id=2363).

Like the Saburov brothers, many other conscientious objectors have been convicted twice on the same charges when they continue to refuse renewed call-up to compulsory military service after completing their first sentences.

In February 2020, Vepa Bahromovich Matyakubov (born 19 August 1998), a Jehovah's Witness from the northern Dashoguz Region's ethnic Uzbek minority, was convicted for a second time for refusing compulsory military service on grounds of conscience. He was given a two-year jail term (http://www.forum18.org/archive.php?article_id=2547). In February 2017 he had been convicted under Criminal Code Article 219, Part 1 for refusing military service. The sentence allowed him to live at home under restrictions, but during the two years the state took 20 per cent of his wages (http://www.forum18.org/archive.php?article_id=2318).

Matyakubov's older brother Dovran was convicted and imprisoned twice for his conscientious objection to military service, in December 2010 and again in December 2012. Dovran Matyakubov was released from his second sentence under amnesty in October 2014. (http://www.forum18.org/archive.php?article_id=2009)

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 was the case of Azat Ashirov, while Serdar Dovletov's case was the second (see below).

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) Courts jailed 7 conscientious objectors in 2019, one of them for four years, one for three years, one for two years and four for one year. (http://www.forum18.org/archive.php?article_id=2522)

Calls for alternative civilian service ignored

Turkmenistan has ignored repeated international calls to introduce an alternative to compulsory military service. The most recent call came in the latest United Nations (UN) Human Rights Committee Decision, published in September 2019.

The Human Rights Committee has issued 13 Decisions in favour of 15 conscientious objectors from Turkmenistan, all of them Jehovah's Witnesses. In its most recent such Decision, published on 17 September 2019 (CCPR/C/126/D/2302/2013 (<http://undocs.org/CCPR/C/126/D/2302/2013>)), it ruled that the right to freedom of religion or belief of former conscientious objectors Juma Nazarov, Yadgarbek Sharipov, and Atamurad Suvhanov had been violated by their jailing.

Nazarov (http://www.forum18.org/archive.php?article_id=1733) and Sharipov were jailed in 2012 (http://www.forum18.org/archive.php?article_id=1802), and Suvhanov (for the second time) in 2013 (http://www.forum18.org/archive.php?article_id=1817). The men had lodged their Human Rights Committee appeals in August 2013.

All three men also complained of "inhuman and degrading treatment" after their arrests. The Human Rights Committee stressed that Turkmenistan is under an obligation to make reparation to Nazarov, Sharipov and Suvhanov for the violations of their rights under the International Covenant on Civil and Political Rights, including to "expunge their criminal records and to provide them with

adequate compensation. The State party is also under an obligation to avoid similar violations of the Covenant in the future".

The Committee therefore urged Turkmenistan to meet its obligations to avoid similar violations such as by changing the law, "for instance, by providing the possibility of exemption from service or alternative service of a civilian nature".

Another conscientious objector former prisoner, Arslan Begenchov, lodged a case to the UN Human Rights Committee on 20 June 2018 and is awaiting a decision, Jehovah's Witnesses told Forum 18. When sentenced in Charjew to one year's imprisonment in January 2018, Begenchov was the first conscientious objector to be sentenced to prison since 2014 (http://www.forum18.org/archive.php?article_id=2363).

Why no alternative civilian service?

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 the 11 Jehovah's Witness young men, continue to be jailed.

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Ata said he did not agree that Turkmenistan is failing to implement UN human rights recommendations. "Our Department is dealing with difficult issues, including with the United Nations, the World Trade Organisation, the World Health Organisation and the OSCE," he claimed. "We are trying to do our best."

Many prisoners of conscience

The 11 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)

Eight conscientious objectors currently in Seydi Labour Camp

The jailing of Orazgeldiyev brings to 11 the number of Jehovah's Witness conscientious objectors known - as of 11 September - to be serving jail terms. Eight of them are currently imprisoned at the harsh Seydi Labour Camp (http://www.forum18.org/archive.php?article_id=2244) in the desert in Lebap Region. The two Saburov brothers and Orazgeldiyev are expected to be transferred to this camp.

The address of the Seydi Labour Camp is:

746222 Lebap velayat

Seydi

uchr. LB-E/12

Turkmenistan

A prisoner died of coronavirus on 14 August in the neighbouring strict-regime labour camp (LB-E/11), Turkmen.news noted on 24 August. Government officials claim that the country has no coronavirus infections.

In his complaint to the United Nations (UN) Human Rights Committee, former Jehovah's Witness prisoner of conscience Aibek Salayev stated that conditions in Seydi Labour Camp LB-E/12, 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". Officials also threatened him with rape in the Camp.

The UN Human Rights Committee found that Turkmenistan 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 Views of the Committee on the case (CCPR/C/125/D/2448/2014 (<http://www.undocs.org/CCPR/C/125/D/2448/2014>)) were adopted on 18 April 2019. It stated that Turkmenistan "is also under an obligation to take all steps necessary to prevent similar violations from occurring in the future".

Relatives who want to send food or other parcels to prisoners at either of the Seydi Labour Camps must bring the parcel to the marble arch in the remote village of Uchajy in neighbouring Mary Region, 150 kms (95 miles) away. Three times a month, prison guards collect the parcels to take them to the Labour Camps, Turkmen.news notes. Prisoners complain that parcels often are not handed over, or if they are fresh food has gone off, the news service added. Money can now be sent in parcels, but often is missing when a parcel is handed over.

Further UN complaint

On 20 May 2020, Jehovah's Witnesses filed a complaint with the United Nations Working Group on Arbitrary Detention on behalf of 19 current or former jailed conscientious objectors, Jehovah's Witnesses told Forum 18. The 19 men are the eight currently imprisoned in Seydi Labour Camp, plus others who have been released after serving earlier sentences.

List of known jailed conscientious objectors

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

- 1) 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.
- 2) Bahtiyar Amirjanovich Atahanov; born 17 June 2000; sentenced 15 July 2019 Tejen City Court under Criminal Code Article 344, Part 2; appeal rejected 20 August 2019 Ahal Regional Court; four years' ordinary regime labour camp.
- 3) Azat Gurbanmammedovich Ashirov, born 7 January 1999; sentenced 31 July 2019 Abadan District Court under Criminal Code Article 219, Part 2; appeal rejected 3 September 2019 Ashgabat City Court; two years' ordinary regime labour camp.
- 4) David Andronikovich Petrosov, born 15 May 2001; sentenced 30 September 2019 Ashgabat's Kopetdag District Court under Criminal Code Article 219, Part 1; appeal rejected 29 October 2019 Ashgabat City Court; one year ordinary regime labour camp.
- 5) Selim Yolamanovich Taganov, born 22 March 2001; sentenced 3 October 2019 Ashgabat's Berkarlyk District Court under Criminal Code Article 219, Part 1; appeal rejected 29 October 2019 Ashgabat City Court; one year ordinary regime labour camp.
- 6) Serdar Nurmammedovich Dovletov, born 2 December 1993; sentenced 12 November 2019 Bayramali City Court under Criminal Code Article 219, Part 2; appealed rejected 3 December 2019 Mary Regional Court; three years' ordinary regime labour camp.
- 7) Kamiljan Ergashovich Ergashov, born 27 June 2001; sentenced 13 January 2020 Niyazov District Court under Criminal Code Article 219, Part 1; appeal rejected 4 February 2020 Dashoguz Regional Court; two years' ordinary regime labour camp.
- 8) Vepa Bahromovich Matyakubov, born 19 August 1998; sentenced 17 February 2020 Boldumsaz District Court under Criminal Code Article 219, Part 1; appeal rejected 17 March 2020 Dashoguz Regional Court; two years' ordinary regime labour camp (second sentence).
- 9) Sanjarbek Davranbekovich Saburov, born 12 August 1994; sentenced 6 August 2020 Niyazov District Court, under Criminal Code Article 219, Part 1; appeal rejected 1 September 2020 Dashoguz Regional Court; two years' ordinary regime labour camp (second sentence).
- 10) Eldor Davranbekovich Saburov, born 9 April 1999; sentenced 6 August 2020 Niyazov District Court, under Criminal Code Article 219, Part 1; appeal rejected 1 September 2020 Dashoguz Regional Court; two years' ordinary regime labour camp (second sentence).

sentence).

11) Myrat Baymukhammedovich Orazgeldiyev, born 6 May 2002; sentenced 3 September 2020 Vekilbazar District Court, under Criminal Code Article 219, Part 1; appeal expected to Mary Regional Court; one year's 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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