

28 October 2022

TURKMENISTAN: Muslim prisoners of conscience transferred to new labour camps

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

Five Sunni Muslims jailed in Balkanabat for 12 years each in August 2017 for meeting to study the works of the theologian Said Nursi were transferred recently to new labour camps. The strict-regime labour camp at Bayramali in Mary Region, where four of the five are held, also holds another jailed Nursi reader, 47-year-old Begench Dadebayew. At least two among more than 60 men jailed from 2013 for participating in a Sunni Muslim group in Turkmenabat have been freed after completing their jail terms.

Five Sunni Muslims jailed for meeting to study the works of the late Turkish Muslim theologian Said Nursi are now being held in the strict-regime labour camp at Bayramali in Mary Region. A sixth is being held at the labour camp in Balkan Region for former police officers. Five of the six were jailed in Balkan Region for 12 years each in August 2017 and were transferred recently to the new labour camps.

The five men jailed in August 2017 are Myratdurdy Shamyradow, Meret Owezow, Ahmet Mammedurdyyew, Begejik Begejikow and Jumanazar Hojambetow. It is not known when and where the sixth Nursi reader – 47-year-old Begench Dadebayew, also jailed in Bayramali labour camp - was sentenced (see below).

At least two of the more than 60 Sunni Muslims from in and around the city of Turkmenabat in the eastern Lebap Region imprisoned in 2013 and after to punish them for their involvement in a Muslim study group have been freed. Both had completed not only their original five-year jail terms but extra sentences of five years added to their terms (see below).

"The boys did nothing bad," an individual familiar with the group told Turkmen.news in early October 2022. "They didn't drink alcohol or smoke, didn't steal and didn't deal in drugs. Their only 'guilt' was their faith in Allah and their observance of the canons of Islam" (see below).

The leader of the Turkmenabat group, Bahram Saparow, is among members of the group believed to be held in the high-security Ovadan-Depe prison. Other prisoners in Ovadan-Depe are known to have been tortured, and some have died from maltreatment or neglect. Relatives of other prisoners held there often have no information as to whether they are still alive. Three other members of the group have already died in prison of neglect or torture (see below).

The regime offers no alternative civilian service for those unable to undertake compulsory military service on grounds of conscience, despite repeated calls including from the United Nations human rights bodies (see below).

All 16 conscientious objector prisoners of conscience (all of them Jehovah's Witnesses) were freed in a prisoner amnesty in May 2021 and no criminal cases are known to have been launched since then to punish those unable to undertake compulsory military service on grounds of conscience.

However, Military Conscription Offices continue to summon young Jehovah's Witness men, including in the autumn 2022 call-up. Some of these have submitted written statements on their religious-based refusal to serve in the military and their readiness to undertake a civilian alternative service, were one to be offered (see below).

On 9 June, the United Nations Human Rights Committee published its Decision that the regime had violated the rights of yet another conscientious objector, Arslan Begenchow, who had served a one-year jail term from January 2018. The Human Rights Committee has now issued 14 Decisions in favour of 16 conscientious objectors from Turkmenistan, all of them Jehovah's Witnesses. However, the regime has not honoured its obligation to expunge their criminal records and provide compensation for their jailing (see below).

The new Criminal Code which takes effect from 1 January 2023 retains the same punishment of up to two years' imprisonment for refusing compulsory military service on grounds of conscience (see below).

Justice Minister Merettagan Taganow did not answer his phone each time Forum 18 called on 27 October.

Yusupguly Eshshayew, Chair of the Human Rights Committee of parliament's lower chamber, did not answer his phones each time Forum 18 called on 27 October.

The regime-appointed Human Rights Ombudsperson Yazdursun Gurbannazarowa did not answer her phone on 27 October. The woman who answered the phone at the Ombudsperson's office the same day put the phone down as soon as Forum 18 began to introduce itself. Subsequent calls went unanswered.

Five Nursi readers serving 12-year jail terms

In May and June 2017, the authorities arrested five Sunni Muslims who met with others to pray and study their faith using the works of the late Turkish Muslim theologian Said Nursi.

On 15 August 2017, a panel of three judges at Balkan Regional Court in the regional capital Balkanabat in western Turkmenistan sentenced the five men to 12-year jail terms each in strict regime labour camps (https://www.forum18.org/archive.php?article_id=2393). The court ordered that religious literature, mobile phones and cash be seized from them.

The five Muslims jailed were:

- 1) Jumanazar Yuldashowich Hojambetow, born 17 April 1981, ethnic Uzbek, single, unemployed, lived in Koneurgench and Balkanabat
- 2) Begejik Begejikow, born 23 January 1963, ethnic Turkmen, married with 4 children, unemployed, lived in Balkanabat
- 3) Ahmet Bayramberdiyewich Mammetdurdyew, born 13 August 1978, ethnic Turkmen, married with 2 children, worked as guard at oil company, lived in Balkanabat
- 4) Meret Hydyrowich Owezow, born 16 February 1960, ethnic Turkmen, married with 4 children, unemployed, lived in village of Gokje in Mary Region
- 5) Myraturdy Shamyradow, born 7 May 1973, ethnic Turkmen, married, businessman, lived in Mollanepes in Mary Region

Balkan Regional Court convicted the five men under three Criminal Code Articles:

Criminal Code Article 177, Part 3 punishes "Incitement of social, ethnic or religious hatred with the use or threat of physical violence , or conducted by an organised group" with prison terms of between three and eight years.

Criminal Code Article 275, Part 2 punishes "Participation in the activity of criminal structures" with prison terms of between five and 12 years with confiscation of property.

Criminal Code Article 275.1, Part 2 punishes "Storage or distribution of property of criminal structures and planning the financing of them" with prison terms of between five and 10 years with confiscation of property.

The five failed to overturn their 12-year strict-regime jail terms at the Supreme Court in Ashgabat on 11 July 2018 (https://www.forum18.org/archive.php?article_id=2399).

Despite the verdict that states that the five men were to serve their terms at a strict regime labour camp, four of the five men - Shamyradow, Owezow, Mammetdurdyew and Begejikow - were transferred to the much harsher Ovadan-Depe prison.

The isolated top-security prison is located in the Karakum Desert 70 kms (45 miles) north of Ashgabat. Other prisoners in Ovadan-Depe are known to have been tortured, and some have died from maltreatment or neglect. Relatives of other prisoners held there often have no information as to whether or not they are still alive.

The fifth prisoner, Jumanazar Hojambetow – apparently a former police officer or other official – was sent to serve his sentence at the special labour camp for former law-enforcement officials at Akdash near Turkmenbashi (formerly Krasnovodsk) in Balkan Region (BL-K/4).

Nursi readers transferred to new prisons

Four of the five Nursi readers jailed in Balkan Region in 2017 - Shamyradow, Owezow, Mammetdurdyew and Begejikow – were transferred out of Ovadan-Depe Prison. They are now being held in the strict-regime labour camp MR-E/16 at Bayramali in Mary Region, fellow Muslims told Forum 18.

The fifth of the group, Jumanazar Hojambetow, is now being held in the labour camp BL-E/6 in Balkan Region, fellow Muslims told Forum 18. The camp houses former police officers and other former officials.

Another Nursi reader in Bayramali labour camp

Also serving a prison term in the strict-regime labour camp MR-E/16 at Bayramali in Mary Region is Begench Dadebayew (born 1 January 1975), fellow Muslims told Forum 18. He too was jailed for meeting to study the works of Said Nursi. It remains unknown when he was jailed or the length of his jail term.

Turkmenabat Muslim jailings from 2013

More than 60 Sunni Muslims from in and around the city of Turkmenabat in the eastern Lebap Region were imprisoned in 2013 and after to punish them for their involvement in a Muslim study group (https://www.forum18.org/archive.php?article_id=2218). At the first trial of 21 group members in May 2013, 20 were convicted and jailed. The leader of the group, Bahram Jumanazarowich Saparow (born 31 May 1982), received his first 15-year sentence.

While in prison, Saparow was handed his second 15-year prison sentence in July 2014 and his third in June 2016. The three prison terms were combined into a 15-year sentence (https://www.forum18.org/archive.php?article_id=2236).

After the May 2013 trial, further trials of other members of the Sunni Muslim group were held, with many more Muslims jailed.

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. At least three are known to have died in prison, while at least three are known to have been freed on completing their sentences (see below).

"The boys did nothing bad," an individual familiar with the group told Turkmen.news in early October 2022. "They didn't drink alcohol or smoke, didn't steal and didn't deal in drugs. Their only 'guilt' was their faith in Allah and their observance of the canons of Islam."

At least two Muslims freed on completing sentences

At least two Muslims who were among dozens jailed between 2013 and 2016 for taking part in a Sunni Muslim group in the eastern city of Turkmenabat were freed at the end of their sentences, the exile Turkmen.news noted on 12 October.

Atajan Imitjanovich Reyimow and Sultan Ahmetovich Bebitov (https://www.forum18.org/archive.php?article_id=2249) were freed in summer 2022 after completing their full original prison terms and extra terms of five years added later.

"This is a usual practice in Turkmen prisons: they accuse a prisoner that they do not want to release of attacking a guard or some other new crime and add a further term," Turkmen.news observed. It said Reyimow and Bebitov were apparently given the extra jail terms for refusing to collaborate with the Ministry of State Security (MSS) secret police.

Another member of the group, Ahmet Ergeshevich Mirzayev, was released in late 2017 after completing his full five-year sentence.

However, at least three members of the Muslim group are known to have died in prison. Lukman Yaylanov died in summer 2016, possibly as a result of torture, and Narkuly Baltayev several months later. Both men were in their thirties (https://www.forum18.org/archive.php?article_id=2249).

Although the two men's bodies were handed over to their families for burial, relatives had to sign a document banning them from revealing what they saw. However, Baltayev's body showed that at death he weighed no more than 25 kilogrammes (55 pounds). In his lifetime he had been a large man.

Aziz Gafurov – who was in his mid-thirties - died in the top-security Ovadan-Depe prison in summer 2017 (https://www.forum18.org/archive.php?article_id=2318). His thin body - returned for burial to relatives in his home village near Turkmenabat - was covered in bruises.

Other members of the group are said to have attempted suicide because of the torture and harsh prison conditions, Turkmen.news noted. It said prison guards mocked them, asking where Allah was and why he did not help them.

Still no alternative civilian service

Turkmenistan offers no alternative to its compulsory military service. 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.

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 (https://www.quino.org/sites/default/files/resources/QUNO%20Conscientious%20Objection%20-%20International%20Standards_Revised%202021_FINAL.pdf).

Turkmenistan has ignored repeated international calls, for example by the UN 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.

Conscientious objectors not currently jailed, but still summoned to conscription offices

All 16 conscientious objector prisoners of conscience (all of them Jehovah's Witnesses) were freed in a prisoner amnesty on 8 May 2021 (https://www.forum18.org/archive.php?article_id=2656). Fifteen of them were freed from the two labour camps in Seydi in Lebap Region and one from the Temporary Detention Centre in Dashoguz.

The 16 freed conscientious objectors were included in the amnesty at the initiative of the authorities and no bribes were paid. Nor were they pressured to swear any oaths or submit to any other obligation to gain release. All had to report to the police within three days of arriving home.

No conscientious objectors are known to have been convicted and punished since the release from prison of the 16 Jehovah's Witnesses under amnesty in May 2021. Nor are any criminal cases known to have been launched.

However, Military Conscription Offices have continued to summon young Jehovah's Witnesses, including in the autumn 2022 call-up, Jehovah's Witnesses told Forum 18. Some of these young men have submitted written statements on their religious-based refusal to serve in the military and their readiness to undertake a civilian alternative service, were one to be offered.

UN again says jailing conscientious objectors violates their rights

On 9 June, the United Nations Human Rights Committee published its Decision that the regime had violated the rights of yet another former jailed conscientious objector, Arslan Begenchow (CCPR/C/134/D/3272/2018 (https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f134%2fD%2f3272%2f2018&Lang=en)). When sentenced in Charjew District in the eastern Lebap Region to one year's imprisonment (https://www.forum18.org/archive.php?article_id=2363) in January 2018, Begenchow was the first conscientious objector to be sentenced to prison since 2014. He lodged a case to the UN Human Rights Committee on 20 June 2018, while he was still in prison.

Begenchow continued to face harassment after his release from prison in January 2019. On 23 February 2019, Charjew District Police summoned him and questioned him about his religious beliefs. An officer then took Begenchow to his home, seized his electronic tablet and personal notebook and escorted him back to the police station.

On 10 May 2019, Charjew District Court fined Begenchow 200 Manats (https://www.forum18.org/archive.php?article_id=2534) (one week's average wage) under Administrative Code Article 76, Part 1 ("Violation of the Religion Law"). On 20 May 2019, he appealed against the decision. On 24 May 2019, Charjew District Court responded, claiming that he had missed the deadline for lodging the appeal.

In its 2022 Decision on Begenchow's case, the Human Rights Committee found that "imprisoning him as punishment for refusing to perform military service amounts to arbitrary detention" in violation of the International Covenant on Civil and Political Rights. It pointed out that "deprivation of liberty as punishment for the legitimate exercise of a right protected under the Covenant, including freedom of religion and conscience as guaranteed by article 18 of the Covenant, is ipso facto arbitrary in nature".

The Human Rights Committee also found that the decision to place Begenchow in pre-trial detention in January 2018 "without a need to do so" had violated his rights, given that he had not tried to abscond. "The Committee notes that neither the Office of the Prosecutor nor any other law enforcement officers stated why it was necessary to have detained [Begenchow], or whether alternatives to deprivation of liberty had been considered in [Begenchow's] case."

The Human Rights Committee noted that states are required "to make full reparation to individuals whose Covenant rights have been violated. Accordingly, the State party is obligated, inter alia, to expunge [Begenchow's] criminal record and to provide him with adequate compensation, including by reimbursing any legal costs incurred by [Begenchow]. The State party is also under an obligation to take steps to prevent similar violations from occurring in the future."

The Human Rights Committee expressed regret that Turkmenistan had failed to respond to three requests for its comments on

Begenchow's case. It pointed out that under the Optional Protocol to the International Covenant on Civil and Political Rights, Turkmenistan "is required to submit to the Committee written explanations or statements clarifying the matter and indicating the measures, if any, that have been taken by the State to remedy the situation".

The Human Rights Committee has now issued 14 Decisions in favour of 16 conscientious objectors from Turkmenistan, all of them Jehovah's Witnesses.

In its most recent previous such Decision, published in September 2019 (CCPR/C/126/D/2302/2013 (<https://undocs.org/CCPR/C/126/D/2302/2013>)), the Human Rights Committee 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 (https://www.forum18.org/archive.php?article_id=2519). Nazarov and Sharipov were jailed in 2012, and Suvhanov (for the second time) in 2013. The men had lodged their Human Rights Committee appeals in August 2013.

In none of these cases of the 16 formerly jailed conscientious objectors has the regime expunged their criminal record or provided compensation, despite the UN Human Rights Committee's calls.

Further UN complaint over jailed conscientious objectors pending

Another complaint is pending with the United Nations. On 20 May 2020, Jehovah's Witnesses filed a complaint with the UN Working Group on Arbitrary Detention (https://www.forum18.org/archive.php?article_id=2590) on behalf of 19 convicted conscientious objectors. Of the 19 men, 8 were imprisoned at that time in Seydi Labour Camp, while 11 had been released after serving earlier sentences.

New Criminal Code retains punishments for conscientious objection

Since the current Criminal Code came into force in July 2010, those unable to undertake military service on grounds of conscience have faced prosecution under Criminal Code Article 219 (https://www.forum18.org/archive.php?article_id=2244).

Criminal Code Article 219, Part 1 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 regime adopted a new Criminal Code on 17 April 2022, which was officially published in government newspapers on 22 April. The new Code comes into force on 1 January 2023.

In the new Criminal Code, Parts 1 and 2 of Article 219 are transferred unchanged to Parts 1 and 2 of Article 243.

Article 243 of the new Criminal Code adds an extra Part 3, which punishes refusal to perform military service in wartime with a jail sentence of between 3 and 10 years.

Other provisions of new Criminal Code

The new Criminal Code which comes into force on 1 January 2023 continues to include almost unchanged an Article punishing "Obstructing the legal activity of religious organisations" (Article 154 in the current Criminal Code, Article 152 in the new). Forum 18 is unaware of any officials or individuals being punished under this Article.

The new Criminal Code also continues to include almost unchanged an Article punishing "Illegally creating public or other organisations or participation in their activity" (Article 212.1 in the current Criminal Code, Article 232 in the new). This broadly-framed Article not only punishes creating political, religious or other organisations calling for violence or the overthrow of the regime, it also punishes creating such organisations "inciting in individuals a desire to refuse to carry out their civil obligations or undertake other illegal actions". (END)

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

For more background, see Forum 18's Turkmenistan religious freedom survey (https://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 (https://www.forum18.org/archive.php?article_id=1351)

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