

13 February 2025

TURKMENISTAN: Second conscientious objector sentenced to corrective labour

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

A second Jehovah's Witness conscientious objector is serving a corrective labour sentence, where the state takes a fifth of his wages. On 27 January, a Dashoguz Region court sentenced 20-year-old Agabek Rozbayew to 18 months' corrective labour. The indictment shows he informed the Military Conscription Office in September 2022 that he could not perform compulsory military service on grounds of conscience. More than 10 others appear to be under criminal investigation. An assistant to regime-appointed Ombudsperson Yazdursun Gurbannazarowa told Forum 18: "I have never heard of such kinds of problems." Muslim prisoner of conscience Myratdurdy Shamyradow is paralysed in prison hospital.

On 27 January, Shabat District Court in the north-eastern Dashoguz Region sentenced 20-year-old Jehovah's Witness conscientious objector Agabek Rozbayew to one year and six months' corrective labour. This means that while he does not have to go to prison, he must pay the State 20 per cent of his salary from his employment during that period. Rozbayew did not appeal and the verdict has entered into force, a court official told Forum 18.

Rozbayew's verdict marks the second time since December 2024 that a court has convicted a Jehovah's Witness conscientious objector for refusing compulsory military service. On 18 December 2024, the regime imposed a punishment on a conscientious objector for the first known time since 2021, when 16 jailed conscientious objectors were freed under amnesty (see below).

On 18 December 2024, Bayramaly City Court handed down the maximum two-year jail term to 21-year-old Jehovah's Witness conscientious objector Arslan Wepayew. On 7 January 2025, Mary Regional Court changed his sentence on appeal to two years' corrective labour (see below).

"We are deeply concerned that this is the second criminal case against a conscientious objector in recent times," Jehovah's Witnesses told Forum 18. "We are greatly saddened that, after a brief period of calm since May 2021, Turkmenistan has resumed prosecuting and imprisoning conscientious objectors, in violation of Article 18 of the International Covenant on Civil and Political Rights (ICCPR), to which it acceded on 1 May 1997. The government has consistently ignored the UN Human Rights Committee's Views censuring Turkmenistan for violating the ICCPR and obligating it to provide a genuine alternative civilian service not under military command" (see below).

More than 10 other Jehovah's Witness conscientious objectors appear to be under criminal investigation, Jehovah's Witnesses told Forum 18.

An assistant to the regime-appointed Human Rights Ombudsperson Yazdursun Gurbannazarowa – who did not give his name – told Forum 18 from the capital Ashgabat: "I have never heard of such kinds of problems." Asked why young men who cannot perform military service on grounds of conscience cannot perform an alternative civilian service, the assistant responded: "I'm not a lawyer. I need to clarify this" (see below).

Yusupguly Eshshayew, the regime-appointed Chair of the Mejlis (lower chamber of Parliament) Human Rights Committee, did not answer his phone each time Forum 18 called (see below).

Since autumn 2022, Rozbayew has repeatedly received summonses to appear at the Military Conscription Office. "Each time he was summoned, he respectfully explained his Bible-based beliefs and why he refused to perform military service," Jehovah's Witnesses noted (see below).

On 20 December 2024, the Prosecutor's Office summoned Rozbayew. Officials told him verbally that a criminal case had been initiated against him. On 6 January 2025, Shabat District Prosecutor's Office issued the indictment against him. The indictment – seen by Forum 18 – quotes Wepa Cholukow of Shabat District Military Conscription Office confirming that when Rozbayew was first called up in September 2022, the young man had told officials that his religious beliefs as a Jehovah's Witness do not allow him to serve in the military (see below).

Rozbayew's older brother Rasul was twice sentenced for refusing military service on grounds of conscience (see below).

The 51-year-old Muslim prisoner of conscience Myratdurdy Shamyradow remains in poor health in strict-regime labour camp MR-E/16 in Bayramaly. He is one of five readers of the works of the late Muslim theologian Said Nursi jailed for 12 years in 2017. Three of the group are also held in the same labour camp (see below).

"Myratdurdy Shamyradow has serious problems with his health," an individual familiar with his case told Forum 18 in January. "He can't stand and is almost paralysed. Health care in the camp is inadequate." His family have repeatedly asked for his sentence to be reduced. "These pleas have been ignored" (see below).

When in January Forum 18 asked an official at Labour Camp MR-E/16 – who did not give his name – about Shamyradow's poor health, the official put the phone down (see below).

Shamyradow remains paralysed in prison hospital. "He lies in bed," the individual familiar with his case told Forum 18 on 12 February (see below).

Asked why individuals like Shamyradow and the other Muslims have been jailed on long sentences, the assistant to the regime-appointed Human Rights Ombudsperson Gurbannazarowa told Forum 18: "I need to clarify this." He declined to answer any other questions (see below).

The 42-year-old Muslim prisoner of conscience Bahram Saparow is also held in Labour Camp MR-E/16 in Bayramaly (https://www.forum18.org/archive.php?article_id=2951). He is being punished for leading a Muslim study group in the eastern city of Turkmenabat. The regime arrested and jailed more than 60 of the group's participants from 2013. At least three are known to have died in prison of torture or neglect. At least four others are known to have been freed after completing their sentences.

No alternative to compulsory military service

Turkmenistan offers no alternative to its compulsory military service (https://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 241, Part 1 ("Evasion of conscription for military service in the absence of legal grounds for exemption from this service"). This punishes refusal to serve in the armed forces in peacetime with a maximum penalty of two years' imprisonment or two years' corrective labour.

(Article 241 replaced the almost identically-worded Article 219 (https://www.forum18.org/archive.php?article_id=2786) when the new Criminal Code came into force on 1 January 2023.)

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

The UN Human Rights Committee has published 14 Decisions in favour of 16 conscientious objectors from Turkmenistan, all of them Jehovah's Witnesses. The most recent – in March 2022 – was in the case of Arslan Begenchow (see below).

Jehovah's Witnesses filed a complaint with the UN Working Group on Arbitrary Detention in May 2020 on behalf of 19 then-current or former jailed conscientious objectors (https://www.forum18.org/archive.php?article_id=2590).

Legally-binding international human rights obligations

The UN Office of the High Commissioner for Human Rights (OHCHR) has noted that conscientious objection to military service comes under International Covenant on Civil and Political Rights (ICCPR) Article 18 ("Freedom of thought, conscience and religion") and has recognised (<https://www.ohchr.org/en/conscientious-objection>) "the right of everyone to have conscientious objection to military service as a legitimate exercise of the right to freedom of thought, conscience and religion."

The OHCHR has also noted in its Conscientious Objection to Military Service (<https://www.ohchr.org/en/publications/special-issue-publications/conscientious-objection-military-service>) guide that Article 18 is "a non-derogable right .. even during times of a public emergency threatening the life of the nation."

In 2022 the UN Working Group on Arbitrary Detention stated (WGAD-HRC50 (<https://www.ohchr.org/sites/default/files/2022-05/WGAD-HRC50.pdf>)) that "the right to conscientious objection to military service

is part of the absolutely protected right to hold a belief under article 18 (1) of the Covenant [the ICCPR], which cannot be restricted by States." The Working Group also stated: "States should refrain from imprisoning individuals solely on the basis of their conscientious objection to military service, and should release those that have been so imprisoned." It added: "All States should adopt appropriate legislative or other measures to ensure that conscientious objector status is recognized."

Second conscientious objector corrective labour sentence

Jehovah's Witness conscientious objector Agabek Ruslanowich Rozbayew (born 1 October 2004) is from a village in Shabat District of the north-eastern Dashoguz Region. He refused military service when first called up in autumn 2022 and on subsequent occasions, most recently on 9 December 2024 (https://www.forum18.org/archive.php?article_id=2951). He explained to Shabat District Military Conscription Office why on grounds of conscience he could not take up arms and swear the military oath.

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.

On 19 December 2024, the Military Conscription Office sent Rozbayew's case to Shabat District Prosecutor's Office, which launched a preliminary investigation (https://www.forum18.org/archive.php?article_id=2951) and questioned witnesses.

On 6 January, prosecutors issued the indictment against Rozbayew. Deputy Prosecutor R. Rozymuradow prepared the indictment, which was counter-signed by District Prosecutor Shyly Pellayew. They brought charges against Rozbayew under Criminal Code Article 241, Part 1 ("Evasion of conscription for military service in the absence of legal grounds for exemption from this service"), according to the indictment seen by Forum 18. This punishes refusal to serve in the armed forces in peacetime with a maximum penalty of two years' imprisonment or two years' corrective labour.

"The Holy Scriptures that Jehovah's Witnesses read state that one must not take up arms and participate in war, nor take a military oath," the indictment quotes Rozbayew as telling investigators.

The indictment quotes Wepa Cholukow of Shabat District Military Conscription Office confirming that on 9 September 2022, when Rozbayew was first called up, the young man had told officials that his religious beliefs as a Jehovah's Witness do not allow him to serve in the military.

Rozbayew tried to challenge the opening of the criminal case in court. Forum 18 was unable to reach Shabat District Military Conscription Office or the Prosecutor's Office.

Rozbayew's older brother Rasul was convicted twice for refusing military service on grounds of conscience. Niyazov District Court sentenced him for a second time to two years' imprisonment on 16 March 2021. He was freed under the general amnesty (https://www.forum18.org/archive.php?article_id=2656) on 8 May 2021.

On 27 January, Shabat District Court convicted Rozbayew. The Judge sentenced him to one year and six months' corrective labour. "He has been given the written decision," a court official – who did not give his name - told Forum 18 on 12 February. This means that while he does not have to go to prison, he must pay the State 20 per cent of his salary from his employment during that period.

Rozbayew did not appeal and the verdict has entered into force, the court official added.

Under the Criminal Implementation Code, those serving a corrective labour sentence live at home but are assigned to a place of work. They must report any change of address or place of work within 10 days, and must report to the authorities twice a month. The place of work is responsible for making the deductions from earnings and handing the money to the state.

Jehovah's Witnesses "deeply concerned" over second criminal case

"We are deeply concerned that this is the second criminal case against a conscientious objector in recent times," Jehovah's Witnesses told Forum 18. "We are greatly saddened that, after a brief period of calm since May 2021, Turkmenistan has resumed prosecuting and imprisoning conscientious objectors, in violation of Article 18 of the International Covenant on Civil and Political Rights (ICCPR), to which it acceded on 1 May 1997. The government has consistently ignored the UN Human Rights Committee's Views censuring Turkmenistan for violating the ICCPR and obligating it to provide a genuine alternative civilian service not under military command"

An assistant to the regime-appointed Human Rights Ombudsperson Yazdursun Gurbannazarowa – who did not give his name – told Forum 18 from the capital Ashgabat on 13 February that she was out of the office. Asked why two conscientious objectors have been sentenced to corrective labour, the assistant responded: "I have never heard of such kinds of problems." Asked why young men who cannot perform military service on grounds of conscience cannot perform an alternative civilian service, the assistant responded: "I'm not a lawyer. I need to clarify this."

Gurbannazarowa's annual report for 2023 – her most recent available – makes no mention of any attempts to introduce an alternative civilian service for those who cannot serve in the military on grounds of conscience.

Yusupguly Eshshayew, the regime-appointed Chair of the Mejlis (lower chamber of Parliament) Human Rights Committee, did not answer his phone each time Forum 18 called on 13 February.

Court jails conscientious objector for two years

Arslan Wepayew (born 7 February 2003) is a Jehovah's Witness conscientious objector from Bayramaly, Mary Region, east of the capital Ashgabat.

In October 2024, the Military Conscription Office ordered Wepayew to report for military service on 19 December 2024. On 17 October, he submitted a written statement of conscientious objection to military service "based on sincere religious beliefs", Jehovah's Witnesses told Forum 18. He made clear to the Military Conscription Office that he was prepared to undertake alternative civilian service.

On 19 October, prosecutors opened a criminal case (https://www.forum18.org/archive.php?article_id=2951) against Wepayew under Criminal Code Article 241, Part 1 ("Evasion of conscription for military service in the absence of legal grounds for exemption from this service").

Formal charges were laid on 31 October 2024, but prosecutors did not inform Wepayew. Officials took him into custody on 13 November.

On 18 December 2024, Bayramaly City Court handed Wepayew the maximum two-year jail term (https://www.forum18.org/archive.php?article_id=2951) under Criminal Code Article 241, Part 1 ("Evasion of conscription for military service in the absence of legal grounds for exemption from this service"). Wepayew appealed against his conviction.

Sentence changed to corrective labour

On 7 January 2025, a panel of three judges at Mary Regional Court heard Arslan Wepayew's appeal. The court changed his sentence to two years' corrective labour (https://www.forum18.org/archive.php?article_id=2951), with 20 per cent of his earnings to be taken by the regime. This is the maximum corrective labour punishment under Criminal Code Article 241, Part 1 ("Evasion of conscription for military service in the absence of legal grounds for exemption from this service")

Wepayew was then released from the detention centre (https://www.forum18.org/archive.php?article_id=2951), where he had been held since November 2024.

Forum 18 is unaware of any previous cases where a conscientious objector's jail sentence was changed on appeal to corrective labour, However, from 2014 courts punished conscientious objectors with corrective labour or suspended prison terms (https://www.forum18.org/archive.php?article_id=2244), rather than imprisonment.

However, jailings resumed in January 2018 (https://www.forum18.org/archive.php?article_id=2443). In May 2021, the regime freed all the 16 then-jailed known conscientious objectors (https://www.forum18.org/archive.php?article_id=2656).

This was the first known criminal conviction of a conscientious objector in Turkmenistan since May 2021, when the last 16 imprisoned conscientious objectors – all of them Jehovah's Witness young men - were released under a general amnesty (https://www.forum18.org/archive.php?article_id=2656).

UN Committee notes regime's failure to implement 2022 decision

On 4 November 2024, the United Nations Human Rights Committee reviewed implementation of its March 2022 decision in the case of another former jailed Jehovah's Witness conscientious objector, Arslan Begenchow. The Committee had found that the regime had violated his human rights (CCPR/C/134/D/3272/2018 (https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2F134%2FD%2F3272%2F2018&Lang=en)). In February 2023, Begenchow's lawyer had noted that neither he nor Begenchow "were aware of any steps taken by the State party to implement the Committee's Views".

The UN Committee's November 2024 progress report on individual communications (CCPR/C/142/2 (https://ccprcentre.org/files/media/Follow-up_report_on_Views-_to_be_sent_to_States-clean.docx)) reviewed how the regime had responded to the Committee's three key recommendations:

- Expunging Begenchow's criminal record;

- Providing Begenchow with adequate compensation, including by reimbursing any legal costs he has incurred;
- Non-repetition, including by reviewing the legislation of the State party with a view to ensuring the effective guarantee of the right to conscientious objection under Article 18 (1) of the International Covenant on Civil and Political Rights, "for instance by providing for the possibility of alternative service of a civilian nature".

In all three provisions, the UN Committee found: "Information or measures taken are contrary to or reflect rejection of the recommendation." The Committee noted: "One Expert noted there was no convincing evidence that the State party had contemplated compensation of any kind to [Begenchow]." The Committee decided: "Close the follow-up dialogue, with a note of unsatisfactory implementation of the Committee's recommendation."

Paralysed religious prisoner of conscience "lies in bed" in prison hospital

Muslim prisoner of conscience Myratdurdy Shamyradow (born 7 May 1973) is one of five Sunni Muslims punished for meeting with others to pray and study their faith using the works of the late Turkish Muslim theologian Said Nursi. The authorities arrested the group in May and June 2017.

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

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

Four of the five - Shamyradow, Meret Hydyrowich Owezow, Ahmet Bayramberdiyewich Mammeturdyew and Begejik Begejikow – initially served their sentences in the isolated top-security prison at Ovadan-Depe (Picturesque Hill) in the Karakum desert 70 kms (45 miles) north of Ashgabat. They were transferred in mid-2022 to the strict-regime labour camp MR-E/16 (https://www.forum18.org/archive.php?article_id=2786) on the north-eastern edge of Bayramaly in Mary Region, where they remain.

The fifth member of the group, Jumanazar Yuldashowich Hojambetow, is being held in the labour camp BL-E/6 in Balkan Region (https://www.forum18.org/archive.php?article_id=2786). The camp houses former police officers and other former officials.

"Myratdurdy Shamyradow has serious problems with his health," an individual familiar with his case told Forum 18 in January (https://www.forum18.org/archive.php?article_id=2951). "He can't stand and is almost paralysed. Health care in the camp is inadequate."

In view of his poor health, Shamyradow's family have repeatedly asked for his sentence to be reduced. "These pleas have been ignored," the individual told Forum 18.

The duty officer at Labour Camp MR-E/16 put Forum 18 through on 8 January to a colleague. When Forum 18 asked about Shamyradow's poor health, the official – who did not give his name – put the phone down (https://www.forum18.org/archive.php?article_id=2951).

Shamyradow remains paralysed in prison hospital. "He lies in bed," the individual familiar with his case told Forum 18 on 12 February.

An assistant to the regime-appointed Human Rights Ombudsperson Yazdursun Gurbannazarowa – who did not give his name – told Forum 18 from Ashgabat on 13 February that she was out of the office. Asked why individuals like Shamyradow and the other Muslims have been jailed on long sentences, the assistant responded: "I need to clarify this." He declined to answer any other questions.

The address of Bayramaly Labour Camp is:

Mary velayat

Bayramaly

MR-E/16

Turkmenistan

(END)

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

For background information, 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 or belief commitments (https://www.forum18.org/archive.php?article_id=1351)

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