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TURKMENISTAN: Four-year prison sentence after "secret trial"

By Felix Corley, Forum 18

After a "secret trial" in the capital Ashgabad on 18 January which his family and friends knew nothing about, Jehovah's Witness Vladimir Nuryllayev was sentenced to four years' imprisonment on charges of "spreading pornography", a court official told Forum 18 News Service. "All this has been done because he is a Jehovah's Witness," fellow Jehovah's Witnesses told Forum 18. "Vladimir is a highly moral and deeply devout person and has nothing to do with pornography." The Investigator refused to discuss the case. An unverified report says a Muslim may have been sentenced in 2011 on similar charges for distributing religious discs. Eight other religious prisoners of conscience are known to be in labour camp. Recently freed prisoners have testified of beatings and punishments of solitary confinement. "A member of the Special Police Force (OMON) entered my cell on two occasions and beat me on the head and neck with his baton," one recalled. A Deputy Justice Minister claimed to a United Nations Committee in November 2011 that Turkmenistan has no political prisoners. The UN Committee called on Turkmenistan to end the "various restrictions impacting negatively on the freedom of religion".

Two months after his arrest, Jehovah's Witness Vladimir Nuryllayev has been given a four-year prison term at a "secret trial" in Turkmenistan's capital Ashgabad [Ashgabat] on charges his community insists are fabricated. The court sentenced Nuryllayev on 18 January on charges of "spreading pornography", a court official, who did not give her name, told Forum 18 News Service from Ashgabad on 24 January. "All this has been done because he is a Jehovah's Witness," fellow Jehovah's Witnesses told Forum 18. "Vladimir is a highly moral and deeply devout person and has nothing to do with pornography." Community members complain that the trial was held in secret, preventing them from attending to support Nuryllayev. An unverified report indicates that a Muslim may have been imprisoned on similar charges for distributing religious discs.

Forum 18 knows of eight other men serving sentences as religious prisoners of conscience, seven of them Jehovah's Witness conscientious objectors and one Protestant pastor. Former prisoners have testified that they were beaten and maltreated while in labour camp.

Four-year sentence

Judge Iskander Bekdurdyev of Ashgabad's Azatlyk District Court sentenced Nuryllayev on 18 January under Criminal Code Article 164, Part 2, the court official told Forum 18. This Article punishes "production or distribution of pornographic items" more than once or by a group of people. The maximum penalty is five years' imprisonment.

The court official added that the written verdict has already been issued (something Forum 18 has been unable to verify) and that Nuryllayev has ten days in which to appeal if he chooses.

The court official could not say if Nuryllayev was present at the trial or not. He has been held at the detention centre at Yashlyk, 40 kms (25 miles) south-east of Ashgabad, since his arrest on 15 November 2011. Officials indicated after his trial that he is likely to remain there for a further two weeks or so before being transferred to a labour camp.

Religious literature confiscated, "fine", beating and arrest

The 39-year-old Nuryllayev is a building worker who earns his living by renovating private homes. He lives in a small Ashgabad flat with his mother and other relatives.

Nuryllayev's prosecution began after a conflict with a member of his family who lives in the same flat. The family member who does not share his faith reportedly went to the police in late September 2011 to tell them he is a Jehovah's Witness and that he kept some religious literature in a cupboard in the flat. The local police officer then arrived and, going straight to the cupboard, confiscated the literature.

On 18 October 2011, the officer ordered Nuryllayev to pay a "fine" of 375 Manats (773 Norwegian Kroner, 101 Euros or 132 US Dollars). Nuryllayev paid the fine the following day, hoping that this would end the case. Although the officer gave him a receipt, neither he nor the receipt indicated what the "fine" was for or what Article of the Code of Administrative Offences it was supposed

to relate to.

Two officials who claimed to be from the hyakimlik (local administration) came to Nuryllayev's flat in the evening of 20 October 2011, insisting that they needed to take away his notebook computer. Because they gave no reason or warrant for the seizure, Nuryllayev tried to cling on to it. However, after he wrote down the two officials' names, they got angry and began to beat him, sources told Forum 18.

Nuryllayev's mother, who is incapacitated after an accident, came into the room and saw the blood from her son's injuries, triggering heart problems.

Police came to Nuryllayev's home to arrest him on 15 November 2011, after which he was transferred to Yashlyk.

Fabricated accusations?

On 16 November 2011, the day after Nuryllayev's arrest, the criminal case under Article 164, Part 2 was opened against him by Azatlyk District Police's Investigation Department with the approval of the District Prosecutor. The investigation was led by Investigator Rejepmurat Kurbanov. The accusation against him was formally lodged on 19 November 2011.

Jehovah's Witnesses allege that the prosecution assertion that Nuryllayev gave a disc containing pornographic material to two named individuals on two separate occasions in Ashgabad – near a market in September 2011 and in a park in October 2011 – was a fabrication. "Vladimir had never seen the two people before," Jehovah's Witnesses told Forum 18. Moreover, they say the notebook computer was the only computer he had, and the disc drive on it had broken.

Investigator Kurbanov refused absolutely to discuss the way he had conducted the investigation or the Jehovah's Witness claims that the accusation had been fabricated. "It's good to hear from you," he told Forum 18 from Ashgabad on 24 January. But he kept repeating "You must ask your questions of the court," before putting the phone down.

The telephones of the Interior Ministry in Ashgabad were engaged or went unanswered each time Forum 18 called on 24 January.

Muslim sentenced on similar charges?

In early January, as Nuryllayev was awaiting trial, an anonymous message to Radio Liberty's Turkmen Service – seen by Forum 18 – claimed that an unnamed Muslim man had been imprisoned "last year" merely for distributing religious audio and video discs. The message said that officials had used the accusation of distributing pornography to imprison the Muslim. The message asked that the news be brought to the attention of international human rights organisations.

It has not yet been possible to confirm the message's statement.

Seydi's eight religious prisoners of conscience

The eight other known religious prisoners of conscience are all being held at the general regime labour camp in the desert near Seydi in Lebap Region of eastern Turkmenistan.

The seven imprisoned Jehovah's Witness conscientious objectors are: Aziz Roziev, 18 months, Seydi Court, August 2010; Dovleyet Byashimov 18 months, Turkmenabad (formerly Charjew) Court, August 2010; Ahmet Hundaybergenov, 18 months, Turkmenabad Court, September 2010; Sunet Japbarov, 18 months, Turkmenabad Court, December 2010; Matkarim Aminov, 18 months, Dashoguz Court, December 2010; Dovran Matyakubov, 18 months, Boldumsaz Court, December 2010; and Mahmud Hundaybergenov, 2 years, Dashoguz Court, August 2011 (see F18News 22 September 2011 http://www.forum18.org/Archive.php?article_id=1616).

Turkmenistan has no alternative to military service, which is compulsory for all young men. All seven are serving sentences 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. Turkmenistan has ignored international calls for conscientious objector prisoners to be freed and a civilian alternative service to be introduced (see F18News 29 April 2011 http://www.forum18.org/Archive.php?article_id=1566).

The eighth known religious prisoner of conscience in Seydi is Pastor Ilmurad Nurliev, who leads Light to the World Protestant Church in the town of Mary east of Ashgabad. Arrested in August 2010, he was given a four-year labour camp term in October 2010 with "forcible medical treatment" on charges of swindling. His community insist the charges were fabricated to punish him for his religious activity. He had tried in vain to register his church. In December 2010 he was transferred to the Seydi Labour Camp (see F18News 22 December 2010 http://www.forum18.org/Archive.php?article_id=1525).

Nurliev's friends have expressed renewed concern over his continued imprisonment. "So many prisoner amnesties, but he never comes out!" one told Forum 18 in frustration. Officials insisted to several of his friends in December 2011 that he would be freed in

that month's amnesty, but it did not happen.

Nurliev's wife Maya has been able to visit him in Seydi camp, his friends note. Each 30 days a 30-minute visit is allowed. A 24-hour visit is now possible more frequently. Such visits used to be allowed once every 60 days. In late 2011 this was changed to once every 45 days. However, the journey for Maya from their home in Mary to the camp takes nearly a full day on public transport.

The address of Seydi Labour Camp is:

Turkmenistan,

746222 Lebap vilayet,

Seydi,

uchr. LB-K/12

Another Jehovah's Witness is still believed to be serving a suspended sentence under Article 219, Part 1: Denis Petrenko, given a two year suspended sentence in Ashgabad in April 2010. This required him to live under some restrictions at home and report regularly to the authorities (see F18News 29 April 2011 http://www.forum18.org/Archive.php?article_id=1566).

Prison beatings

Three former religious prisoners of conscience – who all served their sentences at the Seydi camp - reveal that solitary confinement and beatings were routine treatment within the camp.

"The cell was cold. I could only sleep in a seated position and I was barely fed," Jehovah's Witness conscientious objector Sakhemurad Annamamedov, who was freed from the Seydi camp in May 2011 at the end of his two-year sentence, testified. "A member of the Special Police Force (OMON) entered my cell on two occasions and beat me on the head and neck with his baton."

Sakhemurad's brother, Mukhammedmurad Annamamedov endured similar treatment during his two years of imprisonment, which also ended in May 2011. "I spent six consecutive days in solitary confinement," Jehovah's Witnesses quoted him as testifying. "There was nothing in the cell, only bare concrete. Officers threatened that if I did not renounce my religion, they would put me in a much stricter prison regime."

Shadurdy Ushotov, who was freed from the Seydi camp in July 2011 after completing a two-year sentence, sustained head injuries from a beating he received from an OMON officer. "I needed six stitches to close the wound," Jehovah's Witnesses quoted him as testifying.

Prisoners and their families have long noted the harsh conditions in the camp, where it is very hot in summer and freezing in winter. "It is set in the desert and is close to several chemical works," the family of then Baptist prisoner of conscience Vyacheslav Kalataevsky told Forum 18 in 2007. "Of course conditions are not easy. It is like something from the Middle Ages" (see F18News 3 July 2007 http://www.forum18.org/Archive.php?article_id=986).

United Nations' criticism

Turkmen officials have repeatedly denied that anyone is punished for religious or political reasons. Speaking at the 18 November 2011 session in Geneva of the United Nations Committee on Economic, Social and Cultural Rights to consider Turkmenistan's report, a member of the Turkmen delegation First Deputy Justice Minister Batyr Arniyazov "said that there were no political prisoners or politically motivated prosecutions in Turkmenistan", according to the UN summary of the session (E/C.12/2011/SR.38). "All prisoners had been convicted of criminal offences. Due process was guaranteed and court proceedings were open to the public except in specific cases provided for under the law; all decisions were, however, made public."

In its 2 December 2011 conclusions (E/C.12/TKM/CO/1), the Committee expressed concern that members of some religious groups in Turkmenistan "do not fully enjoy the right to cultural expression in the field of religion and that some religious confessions remain unregistered on account of undue registration criteria. The Committee is also concerned about the ban on worship in private homes and on the public wearing of religious garb, except by religious leaders, as contained in the 2003 Religion Law."

The Committee urged Turkmenistan "to uphold the freedom of religion enshrined in the State party's Constitution and respect the right of members of registered and unregistered religious groups to freely exercise their religion and culture." It also called on the country to amend the Religion Law "to remove undue registration criteria pertaining to certain religious groups as well as various restrictions impacting negatively on the freedom of religion".

Forum 18 was unable to find any official at the Justice Ministry in Ashgabad prepared to discuss the UN recommendations on 24

and 25 January. The telephone of Gurbanberdy Nursakhatov, Deputy Chair of the government's Gengesh (Council) for Religious Affairs in Ashgabad, went unanswered each time Forum 18 called.

Border confiscations of religious literature and prayer mats

Meanwhile, members of a variety of religious communities complained to Forum 18 of continuing confiscation of religious literature individuals try to bring with them when returning to the country by air, land or sea. In 2010 and 2011, Forum 18 learnt of numerous cases when Muslim and Christian literature – including Korans and Bibles - was confiscated from Turkmen returning from abroad.

One Turkmen who had moved to Istanbul had her one religious book – a copy of the Koran – confiscated from her at Ashgabad airport in late 2010. In early 2011, a Protestant was strip-searched at the airport after one Bible was found in his luggage.

In August 2011, three Muslims who returning by bus from Iran on the road up to Serdar each had a Muslim prayer mat they had bought in Iran confiscated from them, eyewitnesses to the confiscation told Forum 18. The three had decided not to bring back copies of the Koran as they knew they too would have been confiscated.

Lowest haj numbers since at least 2002 (apart from 2009)

One of the significant restrictions on the religious freedom of Muslims is the severe state limitation on the number that can travel on the annual haj pilgrimage to Mecca. The pilgrimage is an obligation for all able-bodied Muslims who can afford it at least once in their lifetime. On 29 November 2011, the government website reported the return to Turkmenistan after completing the haj of 186 pilgrims. This represents the lowest number of pilgrims since at least 2002, with the exception of 2009, when no pilgrims were allowed to travel.

The quota for the haj allocated by the Saudi Arabian authorities to Turkmenistan is believed to be about 5,000. Since the 1990s, the Turkmen government has tightly controlled its citizens' participation, allowing no more than one state-sponsored aeroplane of pilgrims each year and banning pilgrims from travelling independently. Between 2004 and 2008, and again in 2010, only 188 people – including pilgrims and their government minders – were allowed to travel each time. In November 2009, the government abruptly cancelled the group's departure, allegedly to prevent infection with the H1N1 virus (see F18News 22 September 2011 http://www.forum18.org/Archive.php?article_id=1616). (END)

For a personal commentary by a Protestant within Turkmenistan, on the fiction - despite government claims - of religious freedom in the country, and how religious communities and the international community should respond to this, see http://www.forum18.org/Archive.php?article_id=728.

For a personal commentary by another Turkmen Protestant, arguing that "without freedom to meet for worship it is impossible to claim that we have freedom of religion or belief," see http://www.forum18.org/Archive.php?article_id=1128.

More reports on freedom of thought, conscience and belief in Turkmenistan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=32>.

For more background information see Forum 18's religious freedom survey of Turkmenistan at http://www.forum18.org/Archive.php?article_id=1512.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

A printer-friendly map of Turkmenistan is available at <http://education.nationalgeographic.com/education/mapping/outline-map/?map=Turkmenistan>.

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