FORUM 18 NEWS SERVICE, Oslo, Norway
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25 March 2013

TURKMENISTAN: Ninth imprisoned conscientious objector

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

Despite hospital documents testifying to various health problems, Jehovah's Witness conscientious objector Atamurat Suvkhanov was deemed medically fit for conscription. When he refused compulsory military service, he was again given a one-year prison term, his second. The Military Prosecutor's Office and the court refused to discuss his case with Forum 18 News Service. While awaiting his appeal, Suvkhanov "told his relatives that the authorities intend to keep him for quite a long time in the investigation prison trying to break his will," Jehovah's Witnesses told Forum 18. Another of Turkmenistan's nine imprisoned conscientious objectors – sentenced in January - was beaten by fellow prisoners on secret police orders in the same investigation prison, Jehovah's Witnesses added.

Just months before reaching his 27th birthday, the upper age limit in Turkmenistan for compulsory military service for men, and despite poor health, Jehovah's Witness conscientious objector Atamurat Suvkhanov has again been imprisoned, Forum 18 News Service has learned. The Military Prosecutor's Office in the northern Dashoguz [Dasoguz] Region refused to discuss his case with Forum 18. Jehovah's Witnesses told Forum 18 Suvkhanov is under "strong pressure" in Dashoguz Investigation Prison, where another conscientious objector prisoner was beaten earlier this year.

Suvkhanov's one-year prison sentence brings to nine the number of known imprisoned conscientious objectors, eight of them from Dashoguz Region. A further four are serving suspended prison sentences. Another young Jehovah's Witness in the capital Ashgabad [Ashgabat], Danatar Durdyyev, was convicted on the same charges in January, but was instead given a heavy fine (see F18News 18 February 2013 http://www.forum18.org/Archive.php?article_id=1802).

In 2012, ten Jehovah's Witness conscientious objectors filed appeals against their treatment to the United Nations (UN) Human Rights Committee. The complaints note that especially in the Seydi Labour Camp, where eight of the nine current conscientious objector prisoners are held, they have regularly been subjected to spells in the punishment cell and some have been brutally beaten (see F18News 18 February 2013 http://www.forum18.org/Archive.php?article_id=1802).

Jehovah's Witnesses believe that the harsh punishments meted out to Suvkhanov and their other young men who reject military service on grounds of conscience since then, and close surveillance of their families, is state retaliation for the UN appeals.

No alternative service

All the conscientious objectors were sentenced 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.

Turkmenistan offers no alternative to compulsory military service. Article 41 of the Constitution describes defence as a "sacred duty" of everyone and states that military service is compulsory for men. Military service for men between the ages of 18 and 27 is generally two years.

Turkmenistan's refusal to recognise the right to refuse military service, which is part of the right to freedom of religion or belief, breaks the country's international human rights commitments, and was criticised in March 2012 by the UN Human Rights Committee (see F18News 18 April 2012 http://www.forum18.org/Archive.php?article_id=1691).

Health problems ignored

The latest sentenced conscientious objector, Suvkhanov, who will be 27 in July, has already served one prison sentence for refusing military service. In December 2004, Dashoguz City Court handed him an 18-month sentence under Criminal Code Article 219, Part 1. However, he was freed in April 2005 under amnesty (see F18News 22 April 2005 http://www.forum18.org/Archive.php?article_id=548).

Suvkhanov was suddenly called up again in the late 2012 conscription drive. On 5 December 2012 he presented himself to the Conscription Commission in Dashoguz for a medical examination. After its officials ignored his medical condition, he noted in a

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later complaint seen by Forum 18, he went two days later to the hospital, which diagnosed osteochondrosis and problems with his heart and pancreas. On 10 December 2012 he was admitted to the hospital as an in-patient, making him unable to attend the Conscription Commission three days later.

Even though Suvkhanov said he had informed the Conscription Commission in writing that he would be unable to attend on the appointed day, his case was handed over to the Military Prosecutor's Office. A new criminal case under Article 219, Part 1 was launched.

On 12 December 2012, Suvkhanov sent the Defence Ministry and the Regional Military Prosecutor's Office copies of his medical diagnosis. He complained that the medical commission had not even examined him, but had approved him for service on the orders of the head of the Military Commission.

In replies of 25 and 26 December 2012, seen by Forum 18, both the Defence Ministry and the Regional Military Prosecutor's Office told Suvkhanov that they found no violations in the actions of the Conscription Commission.

K. Bayramov, the official at the Regional Military Prosecutor's Office who drafted the reply on behalf of the office head B. Jumagylyjov, refused to discuss Suvkhanov's case. "We don't give information by telephone," he told Forum 18 from Dashoguz on 25 March. He then put the phone down.

Equally uncommunicative was one of the Military Prosecutors, J. Khanova. As soon as Forum 18 had asked about Suvkhanov and the other Jehovah's Witness conscientious objectors prosecuted in Dashoguz Region she put the phone down. The same happened each time Forum 18 called back.

One-year imprisonment

On 13 March, Judge Italmaz Bayhanov of Dashoguz City Court found Suvkhanov guilty of violating Criminal Code Article 219, Part 1. He handed down a one-year general regime labour camp term.

That same day, Sukhanov signed and filed an appeal against his conviction to Dashoguz Regional Court. In the appeal, seen by Forum 18, he argues that Article 6, Part 2 of Turkmenistan's Constitution declares that "generally recognised norms of international law" – including the country's international human rights obligations - override other provisions of domestic law. He also argues that Article 18 of Turkmenistan's Religion Law guarantees the right to freedom of conscience.

Suvkhanov also complained to the Regional Court that the Military Conscription Office had not taken account of his medical condition.

Judge Bayhanov was not available when Forum 18 called on 25 March. His secretary at the City Court – who did not give his name – refused to discuss Suvkhanov's case. "Come here to the court to discuss it," he told Forum 18. "I can't speak by phone."

The woman who answered the phone of the Regional Court on 25 March refused to give any information about when Suvkhanov's appeal was or will be heard. She also refused to put Forum 18 through to any other court official who could give this information. "We can't give information by telephone," she said, before putting the phone down.

Judge Bayhanov of Dashoguz City Court had sentenced another of the Jehovah's Witness conscientious objectors in January (see below). He had also handed down administrative fines on some of the eleven local Baptists punished for their religious activity in October 2012 (see F18News 2 October 2012 http://www.forum18.org/Archive.php?article_id=1749).

"Strong pressure", secret police surveillance

Suvkhanov and his family have been kept under close Ministry of State Security (MSS) secret police surveillance ever since the case against him was launched in December 2012, Jehovah's Witnesses complained to Forum 18. When family members visited Suvkhanov in the Investigation Prison in Dashoguz they were followed. Officers covertly listened in to their conversations with Suvkhanov in the prison. "The relatives reported that their telephones are also tapped."

"From Atamurat's behaviour, it was obvious that they put strong pressure on him in the prison," Jehovah's Witnesses complained to Forum 18. "He told his relatives that the authorities intend to keep him for quite a long time in the investigation prison trying to break his will."

Beaten, then transferred

Meanwhile, two other imprisoned Jehovah's Witness conscientious objectors sentenced in January have been transferred from Dashoguz Investigation Prison to the labour camp where they will serve their sentences. Matkarim Aminov and Arslan Dovletov were transferred on 25 February from Dashoguz to the labour camp in the desert near Seydi in eastern Lebap Region.

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Relatives of Aminov reported that they learned from him that, while he was in cell No. 39 of the Investigation Prison, his fellow inmates beat him under MSS secret police orders, Jehovah's Witnesses complained to Forum 18. "The purpose was to break his faith and force him to participate with the rest of the prisoners in a Muslim prayer, raising his hands."

Aminov, who will be 22 on 17 April, was convicted by Judge Bayhanov of Dashoguz City Court on 8 January and sentenced to two years' imprisonment in a strict regime camp. He served an 18-month prison term on the same charges between December 2010 and June 2012 (see F18News 18 February 2013 http://www.forum18.org/Archive.php?article_id=1802).

Dovletov, who is 20, is serving his first sentence for refusing military service on conscientious grounds. He was convicted in Dashoguz on 9 January and sentenced to 18 months' imprisonment (see F18News 18 February 2013 http://www.forum18.org/Archive.php?article_id=1802).

"Danger to society"?

According to the court verdict, seen by Forum 18, Aminov refused military service in December 2012 after he had again been called up, citing his faith as a Jehovah's Witness. He told the court that "he understood that the people of God should not take up weapons (arm themselves), fight or take the oath. On the basis of this, he cannot enter the ranks of Turkmenistan's armed forces for temporary military service, take weapons in his hands or put on a military uniform."

B. Gurbanbayev, head of the 2nd Division of Dashoguz Military Conscription Office, confirmed to the court that Aminov had declared in writing on 15 December 2012 that he was unable to serve in the armed forces for religious reasons. However, the verdict records, Gurbanbayev added that Aminov had no lawful basis to be exempted from military service. The court noted Aminov's written willingness to perform an alternative to military service.

The verdict declares that in handing down the two-year strict regime prison term to Aminov, the court took into account "the level and character of his danger to society". He was arrested in the courtroom when the sentence was delivered.

Appeal rejected

Sharofot Aminova, Aminov's mother, lodged a complaint against the sentence to Dashoguz Regional Court. However, in a 29 January response, seen by Forum 18, P. Bayramov, chair of the Regional Court, rejected her appeal.

Bayramov insisted that Aminov had "recognised his guilt" and that "his criminal actions had been correctly formulated". He rejected Aminov's mother's insistence that her son had the right to have his conscientious objection recognised in line with Turkmenistan's Constitutional guarantees of freedom of conscience.

The woman who answered the phone of the Regional Court on 25 March refused to put Forum 18 through to Judge Bayramov.

Harsh camp conditions

With the transfer of Aminov and Dovletov to labour camp in Seydi, eight of the nine known imprisoned conscientious objectors – all Jehovah's Witnesses – are now being held there.

The imprisoned conscientious objectors are: Mahmud Hudaybergenov, 2 years, Dashoguz Court, August 2011; Zafar Abdullaev, 2 years, Dashoguz Court, March 2012; Navruz Nasyrlayev, 2 years, Dashoguz Court, May 2012; Juma Nazarov, 18 months, Ashgabad Court, July 2012; Dovran Matyakubov, 2 years, Dashoguz Court, December 2012; Yadgarbek Sharipov, one year, Dashoguz Court, December 2012; Matkarim Aminov, 2 years, Dashoguz Court, January 2013; Arslan Dovletov, 18 months, Dashoguz Court, January 2013; and Atamurat Suvkhanov, one year, Dashoguz Court, March 2013.

Nasyrlayev, Matyakubov and Aminov received strict regime labour camp terms and are all believed to be in the strict regime section of Seydi Labour Camp. The other five are in the general regime section of the Camp.

In addition to the Jehovah's Witnesses' complaints to the UN of maltreatment at the Seydi Camp, several former prisoners held in the general regime section of the Camp in recent years to punish them for their religious activity have complained to Forum 18 of conditions there. "If the guards find a reason they can beat you," one complained to Forum 18. "They can easily find an excuse, such as forgetting the badge you must wear, which carries your name, Criminal Code Article you were sentenced under and barrack number. I was beaten and kicked for my faith on my arrival."

The main work at the camp is at the nearby brick factory. "In the past it was even worse there," another former prisoner told Forum 18. "The administration gave norms as to how many bricks you should make. Even if you reached it they never acknowledged it."

The address of the general regime Seydi Labour Camp is:

Copyright Forum18 News Service 2013 - Page 3/5

Turkmenistan,

746222 Lebap vilayet,

Seydi,

uchr. LB-K/12

The strict regime camp has the same address, but with the code:

uchr. LB-K/11

Ilmurad Nurliev is a Protestant pastor from Mary held there until his release in February 2012 (see F18News 20 February 2012 http://www.forum18.org/Archive.php?article_id=1669).

Nurliev told Forum 18 in the wake of his release that "very many letters" for him from around the world – perhaps as many as 500 - had reached the labour camp. However, guards only gave him two of them – one from Norway and one from the United Kingdom.

"The first letter arrived about six months after I arrived, and they summoned me to hand it over," Nurliev told Forum 18. "The second came after that. But when more arrived, they stopped handing them over. Yet even knowing that people had not forgotten me was a great encouragement."

Discrimination over amnesty?

Another current prisoner in Seydi Labour Camp is Protestant Christian Umid Gojayev. He was arrested in Dashoguz on 19 April 2012 and sentenced on 16 May 2012 to four years' imprisonment on charges of hooliganism under Article 279 of the Criminal Code. The 30-year-old Gojayev is married with three children.

Gojayev's arrest followed an argument with four neighbours over access to a well in the yard where they live in Dashoguz. Protestants told Forum 18 that during the fight, he was forced to defend himself against the four men. Gojayev hit one on the head with a brick, causing injury. Several days later, he and his family reconciled with the victim and paid him for hospital expenses.

However, when the police learned that the case involved a Protestant Christian, they insisted that the case should be brought to court, despite the withdrawal of the complaint by the victim. Protestants told Forum 18 that they believe the prosecution was disproportionate and point out that none of the four men were prosecuted. "The investigator told one of Umid's relatives that because he is a believer, they wouldn't forgive him," one Protestant told Forum 18.

In June 2012, Gojayev was transferred to the general regime Seydi Labour Camp, Protestants told Forum 18. They complain that despite four prisoner amnesties since his imprisonment – which have included other prisoners sentenced under the same Criminal Code Article – Gojayev has not been freed because of his faith.

"This is discrimination," one Protestant who knows Gojayev told Forum 18. "Umid was told in the labour camp he is not being included in the amnesties because he reads the Bible."

No comment - as usual

As is usually the case over such human rights violations, no official at the national level in Ashgabad was prepared to comment to Forum 18 on the new conscientious objector prisoner or the treatment of the existing prisoners.

Gurbanberdy Nursakhatov, Deputy Chair of the government's Gengesh for Religious Affairs, identified himself when Forum 18 called on 25 March. However, he put the phone down as soon as Forum 18 identified itself. Subsequent calls went unanswered.

Pirnazar Hudainazarov, Chair of the Mejlis (Parliament) Committee on the Protection of Human Rights and Freedoms, insisted to Forum 18 on 25 March before it had even asked any question that it should call the Foreign Ministry. He then put the phone down. (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.

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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=1676.

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.

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