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TURKMENISTAN: Two new conscientious objector jailings

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

On 29 October, Ashgabat City Court rejected appeals of two 18-year-old Jehovah's Witnesses, David Petrosov and Selim Taganov, against their one-year jail terms for refusing compulsory military service on grounds of conscience. Nine conscientious objectors are now jailed, six of them in 2019. The United Nations ruled that Turkmenistan violated the rights of three more conscientious objectors jailed in 2013.

In late September and early October, courts in Turkmenistan's capital Ashgabat jailed two more young Jehovah's Witnesses for one year each for refusing to conduct compulsory military service. David Petrosov and Selim Taganov, who are both 18, had told Military Conscription Offices that they were willing to perform an alternative, civilian service. The men are still in the Yashlyk Investigation Prison, but are expecting to be sent to labour camp.

In separate hearings on 29 October, Ashgabat City Court rejected Petrosov and Taganov's appeals against their convictions and one-year jail terms (see below).

Jehovah's Witnesses are conscientious objectors to military service and their beliefs do not allow them to 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 Petrosov and Taganov bring to six the number of conscientious objectors to compulsory military service known to have been convicted and jailed in 2019 so far (all of them Jehovah's Witnesses).

Including three who were jailed in 2018, nine Jehovah's Witness conscientious objectors are known - as of 6 November - to be serving jail terms of between one and four years. Seven of them are imprisoned at the Labour Camp at Seydi in the eastern Lebap Region (see full list below).

Petrosov and Taganov are believed still to be held at the pre-trial detention prison at Yashlyk, 40 kms (25 miles) south-east of Ashgabat. They are expected to be transferred to the labour camp at Seydi (see 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).

Forum 18 could not immediately reach any officials to find out why the regime is not willing to introduce a civilian alternative service. In particular, the specialist at the government's Commission for Work with Religious Organisations and Expert Analysis of Resources Containing Religious Information, Published and Printed Production, Nasrullah ibn Ibadullah, did not answer his phone. The 71-year-old Nasrullah was jailed by former President Saparmurat Niyazov in March 2004, but freed by his successor in August 2007 (see below).

On 17 September, the United Nations Human Rights Committee published its Decision that the human rights of former conscientious objector prisoners Juma Nazarov, Yadgarbek Sharipov and Atamurad Suvhanov had been violated. The Committee reprimanded Turkmenistan for failing to engage with its consideration of the cases (see below).

This brings to 13 the number of Human Rights Committee 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).

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).

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 is the case of Azat Ashirov (see below).

In May 2019, the Military Conscription office in Turkmenabat forcibly conscripted Jehovah's Witness Bahtiyar Atahanov, despite his written declaration that he could not serve in the armed forces because of his religious convictions.

In what appears to have been a show trial, on 15 July a Judge from Tejen City Court came to the military unit and sentenced Atahanov to four years' imprisonment (http://www.forum18.org/archive.php?article_id=2495) under Criminal Code Article 344, Part 2. This punishes "Refusing to perform the duties of military service by simulating illness or other means with the aim of complete freeing from performing the duties of military service" with a jail term of up to seven years. He lost his appeal on 20 August (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)

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.

The UN 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.

Sharipov told the Human Rights Committee that in "temporary quarantine" detention following sentencing in Dashoguz in December 2012, "he was treated 'terribly, beaten up and humiliated' for his convictions every day during his 10-day detention".

In a 21 March 2013 submission to the Human Rights Committee, Suvhanov's brother noted that when he saw Atamurad two days earlier in the Investigation Prison in Dashoguz, "it was clear to him that his brother was treated 'horribly', was beaten, and 'humiliated for his convictions'. [Suvhanov] also knew that the conversation with his brother has been monitored. He told his brother that he will not be sent to a prison soon, because the authorities needed to 'break' him."

Neither Sharipov nor Suvhanov lodged official complaints about being tortured "due to the fear of retaliation and further physical abuse by the prison authorities", the Human Rights Committee noted.

However, the Human Rights Committee ruled that the three men had not been able to document their maltreatment sufficiently to allow a finding that their right not to be tortured had been violated.

One of the Human Rights Committee members, French law professor H  l  ne Tigroudja, argued that the men's prison conditions were enough to justify a finding also that their right not to be tortured had been violated.

Professor Tigroudja pointed out that the Seydi Labour Camp where Nazarov, Sharipov and Suvhanov had served their sentences, "is situated in a desert, with extreme climatic conditions both in winter and in summer, with deplorable hygiene and living conditions, without the possibility of access to such bodies as the ICRC [International Committee of the Red Cross] and, above all, with the complete impossibility for detainees to complain about their treatment without the threat of retaliation". She also noted that sick prisoners – including those who have contracted tuberculosis – are not held separately from other prisoners.

The Human Rights Committee condemned Turkmenistan's government for failing to submit its "detailed observations on the admissibility and merits" of the appeal submitted by Nazarov, Sharipov and Suvhanov, despite repeated requests. The Committee pointed out that 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 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 urges 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 Petrosov and Taganov and the other seven Jehovah's Witness young men, continue to be jailed.

The telephones of the regime-appointed Chair of the Mejlis (Parliament) Human Rights Committee Yusupguly Eshshayev and the regime-appointed Human Rights Ombudsperson Yazdursun Gurbannazarova went unanswered each time Forum 18 called on 5 and 6 November.

The man who answered the phone at the government's Commission for Work with Religious Organisations and Expert Analysis of Resources Containing Religious Information, Published and Printed Production referred Forum 18 to the Commission's specialist, Nasrullah ibn Ibadullah. However, his phone also went unanswered on 5 and 6 November.

The former specialist of the Commission, Gurbanberdy Nursakhatov, was arrested and sentenced for reportedly taking bribes from those seeking to go on the haj pilgrimage to Mecca, state media cited officials as announcing at a government meeting on 13 September. He appeared in handcuffs that evening on state television making a tearful confession.

Two officials from the Muslim Board – Rovshen Allaberdiyev (a 42-year-old former Chief Mufti) and Mukhammetmurad Gurbangeldiyev - were tried and convicted with Nursakhatov, according to state media.

Nasrullah ibn Ibadullah, who is 71, was Chief Mufti and Deputy Chair of the government's then Council (Gengeshi) for Religious Affairs under the previous president Saparmurad Niyazov. Niyazov dismissed him in January 2003 and had him sentenced to 22 years' imprisonment in March 2004 (http://www.forum18.org/archive.php?article_id=271), ostensibly for alleged participation in the November 2002 failed coup attempt.

Niyazov's successor as president Gurbanguly Berdimukhamedov pardoned Nasrullah in August 2007 and he was freed. (http://www.forum18.org/archive.php?article_id=1006)

Many prisoners of conscience

The nine 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)

Ashgabat call-ups, arrests, convictions

As part of the regular call-up, the Military Conscription Office called up Ashgabat resident David Andronikovich Petrosov (born 15 May 2001). He told the Conscription Office he could not perform military service because of his religious beliefs as a Jehovah's Witness and expressed a willingness to perform an alternative, civilian service.

Prosecutors brought a case against Petrosov under Criminal Code Article 219, Part 1. The case was handed to Ashgabat's Kopetdag District Court. On 30 September, Judge Ogultach Yazmamedova at the court convicted him and handed down a one-year ordinary regime jail term.

Petrosov appealed against his conviction and punishment. However, on 29 October Ashgabat City Court rejected his appeal, the Court chancellery told Forum 18 on 6 November.

As part of the regular call-up, the Military Conscription Office called up another Ashgabat resident Selim Yolamanovich Taganov (born 22 March 2001). He told the Conscription Office he could not perform military service because of his religious beliefs as a Jehovah's Witness and expressed a willingness to perform an alternative, civilian service.

Prosecutors brought a case against Taganov under Criminal Code Article 219, Part 1. The case was handed to Ashgabat's Berkararlyk District Court. On 3 October, a judge at the court convicted him and handed down a one-year ordinary regime jail term.

Taganov appealed against his conviction and punishment. However, on 29 October Ashgabat City Court also rejected his appeal, the Court chancellery told Forum 18 on 6 November.

Petrosov and Taganov are being held at the pre-trial detention prison (AH-D/1) at Yashlyk, 40 kms (25 miles) south-east of the capital Ashgabat, Jehovah's Witnesses told Forum 18. Now their appeals have been rejected, they are expected to be transferred to the labour camp at Seydi.

Appeals against July convictions rejected

Two young Jehovah's Witnesses jailed in July for refusing compulsory military service on grounds of conscience have failed to overturn their sentences on appeal.

On 15 July, Tejen City Court sentenced Bahtiyar Amirjanovich Atahanov to four years' ordinary regime labour camp (http://www.forum18.org/archive.php?article_id=2495) under Criminal Code Article 344, Part 2.

Ahal Regional Court rejected Atahanov's appeal on 20 August, Jehovah's Witnesses told Forum 18.

On 31 July, Abadan District Court sentenced Azat Gurbanmuhammedovich Ashirov to two years' ordinary regime labour camp (http://www.forum18.org/archive.php?article_id=2504) under Criminal Code Article 219, Part 2.

After his conviction, Ashirov appealed to Ashgabat City Court. On 8 August, the court informed his mother by phone that it had received his appeal. "Unfortunately, his mother never received the delivery notification from the post office," Jehovah's Witnesses told Forum 18. This means she had no information about whether or not the appeal had been heard and, if so, when.

Ashgabat City Court rejected Ashirov's appeal on 3 September, court chancellery officials told Forum 18. They were unable to say why his mother had not received written notification of the appeal hearing date or whether Ashirov himself had been present for the hearing.

Both Atahanov and Ashirov have been transferred to the labour camp at Seydi, Jehovah's Witnesses told Forum 18.

Seven jailed conscientious objectors in Seydi Labour Camp

Petrosov and Taganov's jailing brings to nine the number of Jehovah's Witness conscientious objectors known - as of 6 November - to be serving jail terms. Seven of them are imprisoned at the harsh Seydi Labour Camp in the desert in Lebap Region.

The address of the Seydi Labour Camp is:

746222 Lebap velayat

Seydi

uchr. LB-E/12

Turkmenistan

In his complaint to the United Nations (UN) Human Rights Committee, former Jehovah's Witness prisoner of conscience Aibek Salayev complained that conditions in the Seydi Labour Camp 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 ruled that the Turkmen authorities 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 UN published the Decision (CCPR/C/125/D/2448/2014) on 18 April 2019.

List of known jailed conscientious objectors

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

- 1) Mekan Orazdurdiyevich Annayev; born 22 June 1999; sentenced 26 June 2018 Turkmenbashi City Court under Criminal Code Article 219, Part 1; no appeal to Balkan Region Court; two years' ordinary regime labour camp.
- 2) Gurbangylych Dovletovich Muhammetgulyyev; born 15 March 2000; sentenced 28 November 2018 Mary City Court under Criminal Code Article 219, Part 1; no appeal to Mary Regional Court; one year ordinary regime labour camp.
- 3) 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.
- 4) Azamatjan Narkulyevich Narkulyev; born 9 November 2000; sentenced 7 January 2019 Danew District Court under Criminal Code Article 219, Part 1; no appeal to Lebap Regional Court; one year ordinary regime labour camp.
- 5) Muhammetali Charygeldiyevich Saparmyradov; born 11 November 1995; sentenced 19 March 2019 Bayramaly City Court under Criminal Code Article 219, Part 1; no appeal to Mary Regional Court; one year ordinary regime labour camp.
- 6) 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.
- 7) Azat Gurbanmuhammedovich 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.
- 8) 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.
- 9) Selim Yolamanovich Taganov, born 22 March 2001; sentenced 3 October 2019 Ashgabat's Berkarylyk District Court under Criminal Code Article 219, Part 1; appeal rejected 29 October 2019 Ashgabat City Court; one year 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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