FORUM 18 NEWS SERVICE, Oslo, Norway
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The right to believe, to worship and witness
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22 November 2019

TURKMENISTAN: Latest conscientious objector jailed for three years

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

A court in Mary Region jailed 25-year-old Jehovah's Witness conscientious objector Serdar Dovletov for three years despite his chronic stomach ulcer that requires medical attention. Investigators accused him of "fraudulently" evading compulsory military service. Nine other conscientious objectors are serving jail terms in the Seydi labour camp in eastern Turkmenistan.

On 12 November, a court in Mary Region of south-east Turkmenistan jailed 25-year-old Jehovah's Witness conscientious objector Serdar Dovletov for three years for "fraudulently" evading compulsory military service. He was called up despite suffering from a chronic stomach ulcer that needed medical attention, as three doctors testified in court. The investigator accused Dovletov of referring to his religious beliefs "because he did not find any other reasons to fraudulently deviate from military service".

Dovletov appealed against his conviction to Mary Regional Court. The appeal has not yet reached the Court, officials told Forum 18 on 22 November (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 sentence handed down to Dovletov brings to seven 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 have been serving jail terms since 2018, ten Jehovah's Witness conscientious objectors are known - as of 22 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).

Dovletov is still being held at the pre-trial detention prison in the city of Mary, 300 kms (190 miles) east of the capital Ashgabat. He is expected to be transferred to the labour camp at Seydi, where the other nine jailed conscientious objectors are all being held (see below).

Judge Ogultach Yazmamedova of Ashgabat's Kopetdag District Court, who jailed Jehovah's Witness conscientious objector David Petrosov on 30 September for one year, refused to explain why she jailed him despite his declaration to the Military Conscription Office that he was ready to perform a civilian, alternative service. "We don't answer questions by phone," she told Forum 18 (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 Dovletov was jailed and 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 (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

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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 was the case of Azat Ashirov, while Serdar Dovletov's case is the second (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 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. 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 urged Turkmenistan to meets 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" (http://www.forum18.org/archive.php?article_id=2519).

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

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(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 the ten 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 22 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 22 November.

Many prisoners of conscience

The ten 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)

Called up despite "chronic" medical condition

Jehovah's Witness Serdar Nurmuhammedovich Dovletov (born 2 December 1993) is from the town of Bayramali in Mary Region, 30 kms (18 miles) east of Mary. He is married.

"Over the years Serdar suffered from a serious stomach disease (chronic ulcer) and on this basis he has been getting recurrent draft deferments," Jehovah's Witnesses told Forum 18. "At the moment of calling up to military service in 2019 his disease was in the state of intensification."

The District Military Conscription Office called up Dovletov to regular military service in May 2019. This was the same Conscription Office where he had earlier gained deferment. Officials sent him from there to Mary Regional Military Conscription Office for a decision on whether to call him up to be confirmed.

"However, instead of providing deferment from military service, military officers tried to forcefully take Dovletov to the army despite his serious chronic stomach illness," Jehovah's Witnesses added. "In an attempt to flee from the officers he jumped out of the window from the second floor." Dovletov was placed for some time in a hospital with a broken heel, and was then sent home to complete his medical treatment.

On 23 October, Investigators handed Dovletov an Indictment under Criminal Code Article 219, Part 2 (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"). The investigator threatened to take him into custody if he would not sign the Indictment.

"Fearing for his safety Dovletov signed it, even though he did not agree with everything written in it," Jehovah's Witnesses told Forum 18. "For example, in the Indictment the investigator indicated that Dovletov intentionally injured himself by jumping out of the second floor, and only after that he 'referred to his religious beliefs, because he did not find any other reasons to fraudulently deviate from military service'."

Three-year jail term

Prosecutors handed the case against Dovletov to Bayramali City Court. His trial began on 11 November under Judge Annamyrat Saryyev.

During the hearing on 11 November, three doctors who were part of the medical examination commission in the Conscription Offices testified under oath that Dovletov needs serious medical attention with his disease and for those medical reasons he had to be

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officially suspended from military service for six months.

"The judge was confused," Jehovah's Witnesses told Forum 18. "He adjourned the hearing until the next day. The next day he found Dovletov guilty."

On 12 November, Judge Saryyev sentenced Dovletov to a three-year ordinary regime jail term under Article 219, Part 2.

Dovletov has filed an appeal against the verdict. This would be heard at Mary Regional Court. Officials at the Regional Court chancellery told Forum 18 on 22 November that the appeal has not yet arrived from Bayramali City Court.

Dovletov is still being held in the pre-trial detention prison (MR/E-14) in the city of Mary, Jehovah's Witnesses told Forum 18.

Judge: "We don't answer questions by phone"

Judge Ogultach Yazmamedova of Ashgabat's Kopetdag District Court jailed Jehovah's Witness conscientious objector David Petrosov on 30 September for one year (http://www.forum18.org/archive.php?article_id=2519) under Criminal Code Article 219, Part 1. Ashgabat City Court upheld the conviction on 29 October.

Judge Yazmamedova refused to explain why she jailed Petrosov despite his declaration to the Military Conscription Office that he was ready to perform a civilian, alternative service. "We don't answer questions by phone," she told Forum 18 from the court on 22 November. She then put the phone down.

Nine jailed conscientious objectors in Seydi Labour Camp

Dovletov's jailing brings to ten the number of Jehovah's Witness conscientious objectors known - as of 22 November - to be serving jail terms. Nine 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

Ten 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 and Dovletov 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.

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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 Berkararlyk District Court under Criminal Code Article 219, Part 1; appeal rejected 29 October 2019 Ashgabat City Court; one year ordinary regime labour camp.

10) Serdar Nurmuhammedovich Dovletov, born 2 December 1993; sentenced 12 November 2019 Bayramali City Court under Criminal Code Article 219, Part 2; appealed to Mary Regional Court; three years' 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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