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TURKMENISTAN: Four new conscientious objector prisoners of conscience

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

Six months after each completing 18-month jail sentences in Turkmenistan for refusing compulsory military service on grounds of conscience, Jehovah's Witnesses Dovran Matyakubov and Matkarim Aminov have been sentenced in Dashoguz to two more years' jail on the same charges. Two other conscientious objectors from Dashoguz were jailed for the first time in December 2012 and January 2013, Forum 18 News Service has learnt. In the same period, a conscientious objector in the capital Ashgabad was given a large fine. These latest sentences bring to eight the number of known conscientious objector prisoners of conscience, with a further four men serving suspended prison sentences. In the Seydi Labour Camp, where most conscientious objector prisoners of conscience are held, they have regularly been subjected to spells in the punishment cell and some have been brutally beaten. One of the former prisoners contracted tuberculosis in the Camp. The family and friends of a conscientious objector prisoner of conscience who exercised their right to complain to the UN have faced a raid by about 30 police, detentions, torture, beatings, interrogations, threats, and fines.

Six months after each completing 18-month prison sentences in Turkmenistan for refusing compulsory military service on grounds of conscience, Jehovah's Witnesses Dovran Matyakubov and Matkarim Aminov have been sentenced in the northern city of Dashoguz [Dasoguz] to a further two years' imprisonment on the same charges. Two other conscientious objectors from Dashoguz were imprisoned for the first time in December 2012 and January 2013, Forum 18 News Service has learnt. In the same period, a conscientious objector in the capital Ashgabad [Ashgabat] was given a large fine.

These latest sentences bring to eight the number of known conscientious objector prisoners of conscience in Turkmenistan, all of them Jehovah's Witnesses. A further four are serving suspended prison sentences. Seven of the eight prisoners are from Dashoguz Region, where punishments for conscientious objectors have been generally harsher than elsewhere in the country.

The sentences come as the complaints of ten Turkmen Jehovah's Witness conscientious objectors – including Matyakubov and Aminov - are being considered by the United Nations (UN) Human Rights Committee. The complaints note that especially in the Seydi Labour Camp, where most of the conscientious objectors are held, they have regularly been subjected to spells in the punishment cell and some have been brutally beaten. One of the former prisoners contracted tuberculosis in the Camp (see below).

In what Jehovah's Witnesses think was a punishment for exercising the right to complain to the UN, the lead complainant's family home in Dashoguz was raided by about 30 police officers and other officials on 24 January. Two family members and four guests were detained for up to 40 hours. All were beaten and tortured, one of them severely, while one detainee was threatened with being raped on a table in the police station. Three were then fined. Religious literature was confiscated (see F18News 14 February 2013 http://www.forum18.org/Archive.php?article_id=1801).

Dashoguz convictions

Two of the new Jehovah's Witness conscientious objector prisoners of conscience - Matyakubov and Aminov – had been freed from the Seydi Labour Camp, in eastern Lebap Region, in late June 2012 after completing 18 month sentences (see F18News 17 August 2012 http://www.forum18.org/Archive.php?article_id=1733).

Matyakubov, who is now 20, was convicted in Dashoguz on 24 December 2012, and sentenced to two years' imprisonment. He is likely to be imprisoned in a strict regime prison, as this is his second conviction.

Aminov, who is now 21, was convicted in Dashoguz on 8 January 2013 and sentenced to two years' imprisonment. He is likely to be imprisoned in a strict regime prison, as this is his second conviction.

The two first-time prisoners are Yadgarbek Sharipov and Arslan Dovletov.

Sharipov, who is 20, was convicted in Dashoguz on 25 December 2012, and sentenced to one year's imprisonment. His call up for

military service had been deferred in early 2012 because of health problems. It is not clear why the military authorities then decided to prosecute him.

Dovletov, who is 20, was convicted in Dashoguz on 9 January 2013 and sentenced to 18 months' imprisonment.

Officials of Dashoguz City Court, where at least some of the new prisoners were sentenced, refused to discuss the cases with Forum 18 on 18 February. "We don't discuss cases by telephone – send us a letter," an official of the court chancellery told Forum 18.

All four of the new prisoners were transferred after their convictions to Dashoguz Detention Centre. The telephone at the Detention Centre was not working each time Forum 18 called between 13 and 18 February.

Ashgabad fine

Meanwhile in Ashgabad, the 20-year-old Jehovah's Witness conscientious objector Danatar Durdyev was convicted at the city's Kopetdag District Court on 28 January. He was fined 6,000 Manats (11,700 Norwegian Kroner, 1,575 Euros or 2,100 US Dollars).

Durdyev has appealed against his conviction. Ashgabad City Court refused to tell Forum 18 on 15 February when his appeal will be heard. "He will be informed in writing," an official of the Court chancellery – who did not give her name – declared, before putting the phone down.

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).

Current prisoners of conscience

Including the latest cases, the eight current imprisoned Jehovah's Witness conscientious objectors are: Mahmud Hudaybergenov, 2 years, Dashoguz Court, August 2011; Zafar Abdullaev, 2 years, Dashoguz Court, March 2012; Navruz Nasyrlyayev, 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; and Arslan Dovletov, 18 months, Dashoguz Court, January 2013.

Hudaybergenov, Abdullaev and Nazarov are being held in the general regime section of the labour camp in the desert near Seydi in Lebap Region. Nasyrlyayev is being held in the strict regime section of the same camp.

The address of the general regime Seydi Labour Camp is:

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

Harsh conditions, beatings and tuberculosis in Seydi Labour Camp

Prisoners of conscience who have experienced Seydi Labour Camp document harsh conditions. Shadurdy Uchetov was sentenced in July 2009 to two years' imprisonment (see F18News 30 September 2009 http://www.forum18.org/Archive.php?article_id=1356). He has noted in a 27 June 2012 complaint to the UN that during his detention in Seydi Labour Camp between August 2009 and July

2011, he was "three times put in the punishment cell, for three days each time, on fabricated grounds because of their animosity toward my religious views". The floor and walls were concrete. "When they put me in there in winter, it was very cold. They did not give me a bed, so I had to sit, lie, and sleep right on the concrete."

After each spell in the punishment cell he was transferred to a stricter regime barrack for one month. "One time, about seven or eight officers from the special police forces (OMON) entered my cell, wearing masks," Uchetov complained to the UN. "One of them asked about my faith, asked several questions, Who am I? What do I believe? Then they beat me, they inflicted serious head injuries with their batons."

Uchetov noted that after his July 2011 release, he suffered from insomnia for a month. He had to report regularly to the police in his home city of Dashoguz. He also expressed serious concern that he could be arrested and imprisoned again.

Navruz Nasyrlyayev's complaint to the UN had to be filed by his father Tahir, as he had already been re-imprisoned in May 2012 by the time the complaint had been prepared. His first term of imprisonment lasted from his trial in Dashoguz in December 2009 until his release from Seydi Labour Camp in December 2011 (see F18News 17 May 2012 http://www.forum18.org/Archive.php?article_id=1702).

Tahir Nasyrlyayev noted in his 27 June 2012 statement attached to the complaint that during his time in Seydi during his first sentence, his son had been placed in the punishment cell on four occasions, three times for three days and once for two days. "It was very cold for him in the punishment cell, since it was winter and he had to lie on the concrete floor."

Navruz Nasyrlyayev spent one spell of one month in a stricter regime barrack. "All of the violations for which he was put into the punishment cell were fabricated, due to the labour camp administration's animosity toward his convictions." On one occasion a knife was planted in his bag as an excuse to punish him.

Navruz Nasyrlyayev was also subjected to violence. "In the punishment cell, four officers from the Ashgabad special police forces (OMON) entered his cell wearing masks and severely beat my son," Tahir Nasyrlyayev told the UN.

Tahir Nasyrlyayev expressed his fears that conditions for his son during his second imprisonment "may become more severe". The complaint notes that Navruz Nasyrlyayev is also at risk of contracting tuberculosis in labour camp, as happened to another of the complainants, Sunet Japbarov, while he was in Seydi Labour Camp.

Suspended sentences

The four Jehovah's Witnesses serving suspended sentences are: Merdan Tachmuradov, Dashoguz Court, 2 years, May 2012; Nazargeldy Chariyev, Bereket (formerly Gazanjyk), 2 years, June 2012; Jamshid Kurbanov, Dashoguz Court, 2 years, July 2012; and Begench Nabatov, Ashgabad Court, 2 years, August 2012. A further Jehovah's Witness, Akmurad Nurjanov, completed a one-year suspended prison sentence on 13 February (see F18News 17 August 2012 http://www.forum18.org/Archive.php?article_id=1733).

During their suspended sentences, the young men are under tight restrictions. They must be home each night, cannot travel outside their home city without special permission, and one fifth of their income is handed to the state.

Harassment of those who have completed their sentences appears to be increasing. Three of the current prisoners (Nasyrlyayev, Matyakubov and Aminov) have already each served a prison term, while a fourth (Abdullaev) has already served a suspended sentence.

One conscientious objector who completed a suspended sentence in 2009 told Forum 18 that he was repeatedly called back to the Conscription Office. Summonses seen by Forum 18 required him to bring his identity documents as well as medical records on specified dates. However, although he failed to attend, the authorities have not so far prosecuted him again.

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 prisoners. Gurbanberdy Nursakhatov, Deputy Chair of the government's Gengesh for Religious Affairs, identified himself when Forum 18 called on 13 February. 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 13 February that its questions on the conscientious objector prisoners "should be addressed not to me but to the Foreign Ministry". And he added: "I'm not authorised to deal with such questions", before putting the phone down.

Shemshat Atajanova, a Head of Department at the government's National Institute for Democracy and Human Rights in Ashgabad,

declined to discuss the new prisoners. However, she insisted to Forum 18 on 13 February that "under our Constitution, all young men must serve – we can't violate the law".

Asked who would suffer if the young men were allowed to conduct a civilian service instead in an institution like a hospital, Atajanova repeated her insistence that the law has to be upheld.

Yet Atajanova maintained that introducing an alternative service is one of "many reforms" which are underway. "Everything doesn't happen at once," she told Forum 18. "The government has to work out what is a priority." Asked what help the repeated claims by government officials over some years that an alternative service will be introduced are to the conscientious objector prisoners, she repeated her insistence that the authorities have to abide by the law.

Officials have occasionally claimed since 2008, especially to foreigners, that some kind of unspecified alternative service may be introduced. But such claims are always made without any specific detail or timetable (see F18News 31 July 2008 http://www.forum18.org/Archive.php?article_id=1166). It is more usual for officials to deny any intent of implementing their human rights obligations (see eg. F18News 18 April 2012 http://www.forum18.org/Archive.php?article_id=1691).

Complaints to the UN Human Rights Committee

Ten Jehovah's Witness conscientious objectors – led by Navruz Nasyrlyayev - filed their complaints of torture and violation of their rights to freedom of religion or belief with the UN Human Rights Committee on 3 September 2012.

"The prosecution, conviction and imprisonment of the Complainant for his conscientious objection to military service have violated Articles 7 and 18, paragraph 1, of the International Covenant on Civil and Political Rights [ICCPR]," each of the complaints – seen by Forum 18 - declares. The UN Human Rights Committee registered their complaints (UN reference G/SO 215/51 TKM (10)-(19)).

Article 7 of the ICCPR states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Article 18, paragraph 1 states: "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching." Turkmenistan acceded to the ICCPR on 1 May 1997.

One of the ten complainants was Shadurdy Uchetov from Dashoguz (see above). Officials prevented his family from filing a supervisory appeal against his sentence (see F18News 30 September 2009 http://www.forum18.org/Archive.php?article_id=1356).

In his complaint to the UN, Uchetov notes that he repeatedly told the Conscription Office and the courts why he could not in conscience conduct military service. "I told the court that, given my respect for my country and my duty to the state, I was willing to perform alternative civilian service," he declared in his 23 June 2012 statement attached to the complaint.

Punitive response

Following its usual practice, the UN sent the ten young men's complaints to the government of Turkmenistan on 7 December 2012, giving it six months to respond, according to UN correspondence seen by Forum 18.

In the complaint on behalf of his imprisoned son, Tahir Nasyrlyayev asked the UN: "I request the United Nations Human Rights Committee to grant my complaint and to obligate the authorities of Turkmenistan to guarantee that my son and I will not be persecuted for seeking assistance from the United Nations Human Rights Committee."

Despite Tahir Nasyrlyayev's pleas, and in what Jehovah's Witnesses think was a punishment for exercising the right to complain to the UN, the raid, detentions, torture, beatings, interrogations, threats, and fines followed seven weeks after the Turkmen government received copies of the complaints (see F18News 14 February 2013 http://www.forum18.org/Archive.php?article_id=1801). (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=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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