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TURKMENISTAN: Human Rights Committee finds former prisoners' rights violated

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

The UN Human Rights Committee found Turkmenistan wrongly jailed three Jehovah's Witnesses for having religious literature, being at a religious meeting, and conscientious objection to military service respectively. The Foreign Ministry claimed to Forum 18 the country is working with the Human Rights Committee, but put the phone down when asked whether Committee Decisions would be implemented.

In two Decisions the United Nations (UN) Human Rights Committee has found that Turkmenistan violated the rights of three Jehovah's Witness prisoners of conscience. Two Jehovah's Witnesses were jailed on fabricated pornography charges to punish them for exercising their right to freedom of religion and belief. The third was among the many Jehovah's Witness young men jailed for refusing compulsory military service on grounds of conscience.

Vladimir Nuryllayev was in November 2011 jailed for four years and tortured after police found he had Jehovah's Witness literature, and was released under amnesty in May 2012. Aibek Salayev was in March 2012 jailed for four years and tortured after being present at a Jehovah's Witness meeting, and was released under amnesty in October 2014. Both prisoners of conscience were jailed on fabricated pornography charges, which were also apparently used against a Muslim prisoner of conscience jailed for distributing religious video and audio recordings (see below).

The UN Human Rights Committee in its Decision published on 18 April (CCPR/C/125/D/2448/2014) also found that prisoner of conscience Salayev was tortured in pre-trial detention (see below).

Conscientious objector Arslan Dawletow (Dovletov) was jailed for 18 months from December 2012. In its Decision published on 4 April (CCPR/C/125/D/2316/2013), the Human Rights Committee stated that Turkmenistan – in defiance of its binding legal obligations under the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) - had failed to respond to any of the Committees' questions. The Optional Protocol entered into force for Turkmenistan on 1 August 1997 (see below).

The Human Rights Committee reminded Turkmenistan that it is obliged to make reparation to all three prisoners of conscience, including by expunging their criminal records and providing adequate compensation. "The State party is also under an obligation" to prevent similar violations occurring, both Decisions stress (see below).

The Decision on Dawletow's case was the 12th Human Rights Committee Decision that Turkmenistan violated the rights of Jehovah's Witness conscientious objectors by jailing them (see below).

The Human Rights Committee repeated its insistence in the 10 similar earlier Decisions and in earlier reviews of the country's record under the ICCPR that Turkmenistan "should review its legislation, with a view to ensuring the effective guarantee of the right to conscientious objection", such as by providing a civilian alternative service (see below).

Eleven Jehovah's Witness young male conscientious objectors remain jailed for one or two years for refusing to do compulsory military service. The regime did not include them in the March prisoner amnesty as these prisoners of conscience refused to sign forms admitting their "guilt" (see below).

The regime has ignored previous Human Rights Committee Decisions, and has not adopted any genuine civilian alternative to compulsory military service (http://www.forum18.org/archive.php?article_id=2244). Nor has the regime expunged the criminal records or offered compensation to the jailed Jehovah's Witnesses whose rights it has violated.

An official who refused to give his name at the International Organisations Department of the Foreign Ministry insisted to Forum 18 on 8 May that the Foreign Ministry is working with the Human Rights Committee. However, asked what action the government would take in response to the Human Rights Committee Decisions he refused to say and put the phone down.

Neither the regime-appointed Human Rights Ombudsperson Yazdursun Gurbannazarova, nor the regime-appointed Chair of the Mejlis (Parliament) Human Rights Committee Yusupguly Eshshayev, answered Forum 18's phone calls.

Another Jehovah's Witness prisoner of conscience, Bahram Hemdemov, was freed on 13 February after completing a four-year jail term imposed for hosting a religious meeting. His appeal to the UN Human Rights Committee is still pending (see below).

Among prisoners freed in 2018 was an imam at the end of a jail sentence apparently imposed for the growing following he attracted for his explanations of the Koran. He was jailed on other charges, which those who know him insist were fabricated (see below).

Internal documents obtained by Turkmen.news and seen by Forum 18 reveal that, among other information, prison administrations must regularly give the Prosecutors Office the numbers of jailed "adherents of banned religious organisations". Another form requires them to give the Interior Ministry numbers of jailed alleged "Wahhabis", "Jehovists" and "Suleimanists" (an apparent reference to followers of Turkish-influenced Islam) (see below).

Working with the Human Rights Committee?

An official of the International Organisations Department of the Foreign Ministry in the capital Ashgabat refused to give his name when Forum 18 called on 8 May. He listened to Forum 18's questions about the UN Human Rights Committee Decisions that Turkmenistan had violated the rights of former prisoners of conscience Vladimir Nuryllayev, Aibek Salayev and Arslan Dawletow.

The official then insisted that the Foreign Ministry is working with the Human Rights Committee. However, asked what action the government would take in response to the Human Rights Committee Decisions he refused to say and put the phone down. Subsequent calls went unanswered.

Forum 18 was thus unable to ask the Foreign Ministry official why Turkmenistan's regime has not implemented earlier Human Rights Committee Decisions.

Forum 18 tried to ask Human Rights Ombudsperson Yazdursun Gurbannazarova, who was named by the regime-appointed Parliament which has never faced free and fair elections, what action the regime would take in response to the UN Human Rights Committee Decisions. Her phone was not answered on 8 May.

Forum 18 also tried to call Yusupguly Eshshayev, Chair of the Mejlis (Parliament) Human Rights Committee. However, his phone also was not answered on 8 May.

Human Rights Committee on Jehovah's Witnesses jailed on fabricated charges

On 29 March, the UN Human Rights Committee adopted a Decision finding that Turkmenistan's regime had violated the rights of two Jehovah's Witness former prisoners of conscience, Vladimir Nuryllayev and Aibek Salayev. The UN published the Decision (CCPR/C/125/D/2448/2014) on 18 April.

Nuryllayev in September 2011 had religious literature and a laptop confiscated from him, was beaten up by police in front of his mother causing blood to flow from his wounds, and was in November 2011 jailed in a rigged trial on fabricated pornography charges (http://www.forum18.org/archive.php?article_id=1660). He was released under amnesty in May 2012, and his Supreme Court appeals against his convictions were rejected after flawed appeal hearings (http://www.forum18.org/archive.php?article_id=1706).

Salayev was arrested after a Jehovah's Witness meeting he was present at was raided by police, and was in March 2012 jailed and tortured after a rigged trial. Some of the Jehovah's Witnesses initially detained with Salayev heard police officers threatening to plant pornographic material on his computer (http://www.forum18.org/archive.php?article_id=1702). He was released under amnesty in October 2014 (http://www.forum18.org/archive.php?article_id=2009).

Both men were jailed on fabricated pornography charges to punish them for exercising their right to freedom of religion and belief. There was an unconfirmed report at the time that a Muslim had also been jailed on the same fabricated charges for distributing religious audio and video discs (http://www.forum18.org/archive.php?article_id=1660). Neither of the two Jehovah's Witnesses had their criminal records expunged on amnesty.

The fabricated charges against the Jehovah's Witnesses were brought after police confiscated their victims' computers giving them ample opportunity to plant false evidence. The Jehovah's Witnesses were convicted after written statements were provided by police from alleged witnesses who did not testify at the trials (http://www.forum18.org/archive.php?article_id=1981).

The two men submitted their appeal to the Human Rights Committee in May 2014 (after Nuryllayev's release but while Salayev was still imprisoned). Both complained about the fabricated criminal charges and the denial of fair trials.

Salayev also complained about "the repeated beatings and the threats" while in pre-trial detention

(http://www.forum18.org/archive.php?article_id=1702). He also complained that conditions in the harsh Seydi Labour Camp in the desert in Lebap Region (http://www.forum18.org/archive.php?article_id=2244) where he was held were "inhuman conditions". He 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". He was also threatened by officials with rape in the Camp (http://www.forum18.org/archive.php?article_id=1733).

Turkmenistan's regime responded to the Human Rights Committee in November 2015 insisting that evidence in the cases proved the men were guilty of distributing pornography as convicted. It failed to respond about the complaint that the men had been jailed to punish them for exercising freedom of religion and belief, had been denied a fair trial and, in Salayev's case, had been subjected to torture and inhuman conditions.

The Human Rights Committee not only upheld Nuryllayev and Salayev's complaint, it also reminded Turkmenistan's regime of its "obligation" to provide the men with an "effective remedy". This includes expunging the men's criminal records and providing "adequate compensation, including for the legal expenses and fees they have incurred".

The Human Rights Committee Decision adds that Turkmenistan "is also under an obligation to take all steps necessary to prevent similar violations from occurring in the future". It must also inform the Human Rights Committee of its actions to put the Decision into effect within 180 days, and must publish and disseminate the Human Rights Committee Decision widely in the state's official Turkmen language.

Human Rights Committee's 12th Decision on conscientious objector cases

On 29 March, the UN Human Rights Committee adopted a Decision finding that Turkmenistan's regime had violated the rights of Jehovah's Witness conscientious objector Arslan Dawletow (Dovletov). The UN published the Decision (CCPR/C/125/D/2316/2013) on 4 April.

In 10 similar earlier Decisions, the Human Rights Committee had found that Turkmenistan's regime had violated the rights of other convicted Jehovah's Witness conscientious objectors (http://www.forum18.org/archive.php?article_id=2363). Complaints to the Committee by at least four other convicted conscientious objectors (three of whom had been jailed and one fined) are still pending.

Prisoner of conscience Dawletow was arrested in December 2012 and sentenced the following month to 18 months' imprisonment for refusing compulsory military service on grounds of conscience. He had offered to perform an alternative civilian service, and submitted his appeal to the Human Rights Committee in May 2013 while still imprisoned in Seydi Labour Camp.

The Human Rights Committee recorded the lack of cooperation from Turkmenistan's regime, which has not replied to four separate sets of questions on Dawletov's case which the Committee put to the regime between 11 December 2013 and 27 August 2015. The Committee noted that this is in breach of Turkmenistan's binding obligations under the Optional Protocol to the ICCPR, which entered into force for Turkmenistan on 1 August 1997.

In 2013, after the UN Human Rights Committee sought a response from Turkmenistan to complaints by 10 Jehovah's Witness conscientious objectors, about 30 police officers raided the lead complainant's family home in the northern city of Dashoguz. Six people were taken to a police station. According to their statements seen by Forum 18, all six were beaten and tortured, one of them severely. In what Jehovah's Witnesses state was "particularly despicable treatment", one detainee was threatened with being raped on a table in the police station. Three were then fined (http://www.forum18.org/archive.php?article_id=1801).

The Human Rights Committee stated that Dawletow's own complaint of ill-treatment is "insufficiently substantiated for the purposes of admissibility". However, the Committee fully upheld his complaint that being convicted and jailed for refusing to do compulsory military service was a violation of his right to freedom of religion and belief.

Also, the Human Rights Committee reminded Turkmenistan's regime of its "obligation" to provide Dawletow with an "effective remedy". This includes "full reparation", including by expunging his criminal record and providing "adequate compensation".

The Decision recalled the Human Rights Committee's March 2017 examination of Turkmenistan's record under the ICCPR (CCPR/C/TKM/CO/2), and in the Decision repeats its concern at "continued failure to recognize the right to conscientious objection to compulsory military service and about the repeated prosecution and imprisonment of Jehovah's Witnesses refusing to perform compulsory military service". This repeats previous Decisions and statements by the Human Rights Committee. (http://www.forum18.org/archive.php?article_id=2244)

However, in January 2018 Turkmenistan restarted jailing conscientious objectors to military service (http://www.forum18.org/archive.php?article_id=2363). The 11th and most recent such known jailing was on 7 January 2019 (http://www.forum18.org/archive.php?article_id=2443).

The Human Rights Committee's latest Decision adds that Turkmenistan "is also under an obligation to avoid similar violations of the

Covenant [the ICCPR] in the future". It reiterated that Turkmenistan should therefore "review its legislation, with a view to ensuring the effective guarantee of the right to conscientious objection under article 18 (1) ['Freedom of thought, conscience and religion'] of the Covenant, for instance, by providing the possibility of alternative service of a civilian nature".

Turkmenistan's regime must also inform the Committee of its actions to put the Decision into effect within 180 days. The regime must also publish and disseminate the Human Rights Committee Decision widely in the state's official Turkmen language.

No amnesty for 11 jailed conscientious objectors

Eleven Jehovah's Witness young men are serving prison terms for refusing compulsory military service on grounds of conscience. Each is serving a sentence of one or two years' imprisonment under Criminal Code Article 219, Part 1, which punishes refusal to serve in the armed forces in peacetime with a maximum penalty of two years' imprisonment or two years' corrective labour.

All these 11 prisoners of conscience are held in Seydi Labour Camp. (The Camp now seems to use the designation LB-E/12, not the previous LB-K/12.) Many other prisoners of conscience jailed for exercising the right to freedom of religion and belief have been held in this Labour Camp, where torture is said to be routine and prisoners are denied their freedom of religion and belief and other rights (http://www.forum18.org/archive.php?article_id=2244).

The most recent conscientious objector to be jailed was 18-year-old Azamatjan Narkulyev, jailed for one year on 7 January. Like all the other conscientious objectors, he had told the Conscription Office he was ready to do alternative civilian service, but the regime does not allow this (http://www.forum18.org/archive.php?article_id=2443).

Admitting "guilt" necessary for amnesty

None of the 11 prisoners of conscience was included in the 2,028 convicted persons released under the latest prisoner amnesty, approved in a 20 March Presidential Decree.

"Before the decree, all the prisoners in Seydi Labour Camp were required to give a written answer to two questions:

1) Do you admit your guilt and repent of the crime?

2) Do you agree with your verdict or not?"

Jehovah's Witnesses told Forum 18 that "all the Jehovah's Witnesses answered 'no' to the first question".

Freed prisoner of conscience's UN complaint pending

A 55-year-old Jehovah's Witness, Bahram Hemdemov, was released from Seydi Labour Camp on 13 February after serving a four-year sentence. He was reunited with his wife, Gulzira, and their four children.

Hemdemov was tortured and given a four-year prison term in May 2015 on accusations of allegedly inciting religious hatred, which his fellow Jehovah's Witnesses deny. His real "crime" seems to have been hosting a meeting for worship (http://www.forum18.org/archive.php?article_id=2063).

The regime in 2016 repeatedly refused to answer UN Committee Against Torture (CAT) questions about the torture of Muslim and Jehovah's Witness prisoners of conscience jailed for exercising their freedom of religion and belief, including Hemdemov. Instead, the regime repeated its "religious hatred" allegations about Hemdemov (http://www.forum18.org/archive.php?article_id=2236).

The government "granted amnesty to prisoners three times a year on average during Bahram Hemdemov's imprisonment," Jehovah's Witnesses noted, "but overlooked him each time - even though convicted murderers were among those freed".

Hemdemov filed a complaint to the UN Human Rights Committee on 15 August 2016. The complaint is still pending consideration.

Imam freed

An imam was freed in 2018 at the end of his jail sentence imposed for the growing following he had begun to attract for his explanations of the Koran, former prisoner of conscience Saparmamed Nepeskulyev told Forum 18. (Nepeskulyev, a former Radio Free Europe correspondent, was himself freed in 2018 and able to leave Turkmenistan in March 2019.)

The imam had been jailed for alleged sexual relations with underage girls, but those who know him insist that these charges were fabricated. "This is a frequent accusation used against those the government wants to imprison," Nepeskulyev told Forum 18.

"Adherents of banned religious organisations"

Internal prison documents, obtained by independent émigré news agency Turkmen.news and seen by Forum 18, show information about prisoners prison administrations must submit regularly to higher authorities, such as the Prosecutor's Office and the Interior Ministry.

One form prisons must submit to the Prosecutor's Office asks for numbers of various categories of prisoners, including those who are in quarantine after having just arrived at the prison, or in punishment cells. Row 14 asks for figures for the number of detained "adherents of banned religious organisations".

The regime bans all exercise of freedom of religion and belief by groups of people without state permission, so the category of "banned religious organisations" could be very wide.

Another form, apparently to be submitted to the Interior Ministry's Department for the Execution of Punishments, requires prison administrations to provide numbers of prisoners in the medical unit, punishment cell or other locations within a prison or labour camp, and the number believed to be planning to escape.

This form also asks for the number of jailed alleged "Wahhabis" (Row 11), "Jehovists" (Row 12), and "Suleimanists" (Row 16, an apparent reference to followers of Turkish-influenced Islam).

Among jailed Muslims the authorities consider as alleged "Wahhabis" are a large group of Hanafi Sunni Muslims who met in Turkmenabat in 2013 to study Islam and were subsequently arrested and jailed (http://www.forum18.org/archive.php?article_id=2244). It is unknown whether their leader Bahram Saparov and others from this group of prisoners of conscience are still alive. (http://www.forum18.org/archive.php?article_id=2218)

Among jailed Muslims the authorities consider to follow Turkish-influenced Islam are five Muslim prisoners of conscience who in 2017 met in Balkan Region with others to pray and study their faith, using the works of the late Turkish Muslim theologian Said Nursi (http://www.forum18.org/archive.php?article_id=2399). (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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