

25 February 2020

TURKMENISTAN: Conscientious objector jailed after second conviction

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

A Dashoguz Region court jailed Jehovah's Witness Vepa Matyakubov for two years on 17 February, his second criminal conviction for refusing military service on grounds of conscience. He had offered to do an alternative civilian service but Turkmenistan does not offer this. He is likely to join nine other jailed conscientious objectors in Seydi labour camp, known for harsh conditions and torture.

On 17 February, a court in Dashoguz Region of northern Turkmenistan jailed 21-year-old Jehovah's Witness conscientious objector Vepa Matyakubov for two years for refusing compulsory military service on grounds of conscience. This is his second criminal conviction on the same charges.

Matyakubov is the second conscientious objector to military service known to have been jailed so far in 2020. His is the 21st known criminal conviction for conscientious objection since January 2018.

Matyakubov is appealing against his conviction to Dashoguz Regional Court, though courts and prisons often obstruct such appeals (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 Matyakubov brings to 10 the number of conscientious objectors to compulsory military service known to be serving sentences. All of them are Jehovah's Witnesses (see full list below).

Including two who have been serving jail terms since 2018, 10 Jehovah's Witness conscientious objectors are known - as of 25 February 2020 - to be serving jail terms of between one and four years. Nine of them are imprisoned at the Labour Camp at Seydi in the eastern Lebap Region (see full list below).

Matyakubov is still being held at the pre-trial detention prison in the city of Dashoguz, 450 kms (280 miles) north 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).

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).

The man who answered the phone of the deputy head of Dashoguz Region's Military Prosecutor's Office put the phone down when Forum 18 began to ask about Matyakubov's prosecution (see below).

Forum 18 could not immediately reach any other officials to find out why Matyakubov was jailed and the regime is not willing to introduce a civilian alternative service (see below).

The United Nations Human Rights Committee has published 13 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 was the case of Azat Ashirov, while Serdar Dovletov's case was the second (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) Courts jailed 7 conscientious objectors in 2019, one of them for four years, one for three years, one for two years and four for one year. (http://www.forum18.org/archive.php?article_id=2522)

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 2019.

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 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 the 10 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 25 February.

Many prisoners of conscience

The 10 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)

Two-year Dashoguz jailing

The authorities have again convicted Vepa Bahromovich Matyakubov (born 19 August 1998), a Jehovah's Witness from the northern Dashoguz Region's ethnic Uzbek minority, for refusing compulsory military service on grounds of conscience.

Matyakubov's older brother Dovran was convicted and imprisoned twice for his conscientious objection to military service, in December 2010 and again in December 2012. Dovran Matyakubov was released from his second sentence under amnesty in October 2014. (http://www.forum18.org/archive.php?article_id=2009)

A Military Conscription Office summoned Vepa Matyakubov in autumn 2019 in the first national call-up since he completed a two-year correctional labour sentence handed down in 2017. He told the Office that he could not perform military service because of his religious beliefs and said he was ready to perform a fully civilian alternative service.

Boldumsaz District Court had convicted Matyakubov in February 2017 under Criminal Code Article 219, Part 1 for refusing military service. The sentence allowed him to live at home under restrictions, but during the two years the state took 20 per cent of his wages. (http://www.forum18.org/archive.php?article_id=2318)

On 1 October 2019, the Military Conscription Office declared Matyakubov fit for military service, Jehovah's Witnesses told Forum 18. The District Prosecutor's Office summoned him for questioning on 13 November 2019. Prosecutors lodged a criminal case against him under Criminal Code Article 219, Part 1 ("Rejecting call-up to military service").

Matyakubov's Indictment, dated 5 February 2020, stated that "based on an expert study" of 15 January 2020 by the government's Commission for Work with Religious Organisations and Expert Analysis of Resources Containing Religious Information, Published and Printed Production, "the religion of Jehovah's Witnesses is not officially registered in Turkmenistan".

Jehovah's Witnesses are among many religious communities of a wide range of faiths denied state registration (http://www.forum18.org/archive.php?article_id=2244). Their most recent unsuccessful application was in 2008.

In February 2020, Prosecutors handed Matyakubov's case to Boldumsaz District Court. On 17 February, Judge Aganepes Omarov convicted him for a second time under Criminal Code Article 219, Part 1 and handed down a two-year ordinary regime labour camp term.

The same day Matyakubov completed his appeal to Dashoguz Regional Court, which was formally lodged on 21 February, Jehovah's Witnesses told Forum 18. Appeals are lodged to the court that handed down the initial decision. That court then hands them on to the higher court.

The chancellery of Dashoguz Regional Court told Forum 18 on 25 February that it has not yet received Matyakubov's appeal. Telephones at Boldumsaz District Court went unanswered each time Forum 18 called the same day.

Matyakubov is still being held in the Temporary Detention Prison (DZ-E/7) in Dashoguz Region. He is expected to be transferred to the labour camp at Seydi, where the other nine jailed conscientious objectors are all being held.

The telephone at the Temporary Detention Prison went unanswered when Forum 18 called on 25 February.

Second convictions

Vepa Matyakubov is the second recent conscientious objector criminally sentenced twice for his military objection.

Kerven Kakabayev, a Jehovah's Witness from Koneurgench in Dashoguz Region, was sentenced in December 2014 to two years' corrective labour, with the state taking 20 per cent of his income, (http://www.forum18.org/archive.php?article_id=2196) for

refusing compulsory military service on grounds of conscience. Soon after completing his term, the Military Conscription Office again called him up and he was jailed in January 2018 for one year (http://www.forum18.org/archive.php?article_id=2363). He was freed at the end of his sentence in January 2019.

Appeal rejected, transfer to labour camp

A court has rejected the appeal of the first conscientious objector to have been jailed in 2020, Kamiljan Ergashovich Ergashov (born 27 June 2001).

Ergashov – who is from the village of Shohrat in Niyazov District of Dashoguz Region, just a few kilometres from the border with Uzbekistan - is the sole bread winner in his family.

On 13 January 2020, Niyazov District Court convicted Ergashov under Criminal Code Article 219, Part 1 ("Rejecting call-up to military service") and sentenced him to two years' imprisonment. (http://www.forum18.org/archive.php?article_id=2537)

Ergashov appealed against his conviction to Dashoguz Regional Court, but a panel of three judges chaired by Goyunly Agoyliyev rejected his appeal on 4 February.

On 6 February, following the rejection of his appeal, Ergashov was transferred from the Temporary Detention Prison (DZ-E/7) in Dashoguz Region to serve his sentence in the labour camp in Seydi, Jehovah's Witnesses told Forum 18.

Nine jailed conscientious objectors in Seydi Labour Camp

Matyakubov's jailing brings to 10 the number of Jehovah's Witness conscientious objectors known - as of 25 February - 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) 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.

3) 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.

4) 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.

5) 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.

6) 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.

7) 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.

8) Serdar Nurmuhammedovich Dovletov, born 2 December 1993; sentenced 12 November 2019 Bayramali City Court under Criminal Code Article 219, Part 2; appealed rejected 3 December 2019 Mary Regional Court; three years' ordinary regime labour camp.

9) Kamiljan Ergashovich Ergashov, born 27 June 2001; sentenced 13 January 2020 Niyazov District Court under Criminal Code Article 219, Part 1; appeal rejected 4 February 2020 Dashoguz Regional Court; two years' ordinary regime labour camp.

10) Vepa Bahromovich Matyakubov, born 19 August 1998; sentenced 17 February 2020 Boldumsaz District Court under Criminal Code Article 219, Part 1; appeal lodged to Dashoguz Regional Court; two 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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