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TURKMENISTAN: Conscientious objector convicted as criminal

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

A Jehovah's Witness conscientious objector in Turkmenistan, Zafar Abdullaev, has been given a two-year suspended sentence for refusing to do compulsory military service because of his religious beliefs, Forum 18 News Service has learnt. Abdullaev's criminal conviction comes despite calls from the UN Special Rapporteur on Freedom of Religion or Belief for the state to stop treating conscientious objection as a criminal offence and introduce a genuinely civilian alternative service. However, Turkmenistan's most senior human rights official, Shirin Akhmedova, has totally rejected these appeals. Instead, she pointed to the country's Constitution, which describes compulsory military service as a "sacred duty". In addition to his criminal record, it is unknown if Abdullaev faces other restrictions during his sentence, such as on his freedom of movement. There are two other known conscientious objectors currently serving sentences in Turkmenistan. Both, Begench Shakhmuradov and Vladimir Golosenko, are Jehovah's Witnesses.

A Jehovah's Witness in his early twenties, Zafar Abdullaev, has been given a two-year suspended sentence in the northern town of Dashoguz [Dashhowuz] for refusing compulsory military service on grounds of religious conscience. Jehovah's Witnesses have told Forum 18 News Service. This brings to three the number of Jehovah's Witness conscientious objectors currently serving sentences. One of the others is also serving a suspended sentence, while the third is serving a forced labour term. The sentence handed down to Abdullaev comes as Turkmenistan's senior human rights official rejects any end to the criminalisation of conscientious objection to compulsory military service.

Calls for state to allow conscientious objection

International bodies have repeatedly recommended that Turkmenistan introduce an alternative civilian service for those who cannot serve in the armed forces for reasons of conscience.

"I am concerned that conscientious objection is a criminal offence and that no alternative civilian service is offered," United Nations Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, declared in the capital Ashgabat [Ashgabat] on 10 September 2008 at the conclusion of her visit to the country. She stressed that the right to perform an alternative, non-military service is part of the right to freedom of thought, conscience and religion guaranteed in Article 18 of the International Covenant on Civil and Political Rights.

In General Comment 22 on Article 18 of the International Covenant on Civil and Political Rights, the United Nations (UN) Human Rights Committee has stated that conscientious objection to military service is a legitimate part of everyone's right to freedom of thought, conscience and religion.

The introduction of an alternative, civilian service was also one of the recommendations to Turkmenistan as part of the Universal Periodic Review (UPR) of the country's human rights record by the UN Human Rights Council in December 2008.

State insists it will not allow conscientious objection

However, responding to these recommendations at the UN Human Rights Council in Geneva on 19 March 2009, Shirin Akhmedova, Director of the government's National Institute for Democracy and Human Rights, rejected the recommendation. She pointed to Article 41 of Turkmenistan's Constitution, as revised by President Gurbanguly Berdimukhamedov in September 2008, which states: "The defence of Turkmenistan is the sacred duty of every citizen. For male citizens of Turkmenistan a universal military obligation has been established."

Akhmedova claimed that those who have religious reasons for objecting can serve in medical or construction units within the army. She failed to explain how this would meet the objections of those who, for religious or other conscientious reasons, cannot serve at all in any structure linked to the military. She also failed to explain whether those who object to bearing arms on non-religious conscientious grounds are also eligible to perform non-military duties within the armed forces.

Forum 18 was unable to reach Akhmedova at her Institute on 17 April. The telephones of Charygeldy Seryaev, head of the government's Gengeshi (Committee) for Religious Affairs, and of Nurmukhamed Gurbanov, a deputy head, went unanswered each

time Forum 18 called on 17 April. Forum 18 was also unable to reach Aygozel Hezretova, head of the Legal Information Centre at the Ministry of Justice.

One human rights defender from Ashgabad, who preferred not to be named, told Forum 18 on 17 April that the issue of an alternative service has not been publicly raised within the country. "The army takes everyone, whether or not they are even medically fit to serve," the human rights defender pointed out. "The army is a source of income for higher officials. I don't believe they'll introduce an alternative service."

Forum 18 had learnt in 2008 that the government was considering introducing some form of alternative service. However, it was unclear then whether any definite proposals were being considered, or how genuine this alternative service apparently being considered would be (see F18News 31 July 2008 http://www.forum18.org/Archive.php?article_id=1166).

However, Akhmedova's comments to the UN Human Rights Council appear to indicate that the Turkmen authorities are proposing no change to the criminalisation of conscientious objection to compulsory military service.

The sentencing of Abdullaev

Abdullaev, who was born in 1987, was called up into the armed forces when he reached the age of 18, but refused to serve because of his religious convictions. Although he initially faced pressure, eventually his case was forgotten. However, on 1 March this year, investigator A. Khamraev began summoning him to the town Prosecutor's Office for questioning, Jehovah's Witnesses told Forum 18.

Abdullaev was accused of violating Article 219 Part 1 of the Criminal Code, which punishes refusal to serve in the armed forces with a maximum penalty of two years' imprisonment. He was tried by Dashoguz City Court on 8 April and given the suspended sentence. He is currently living at home.

It remains unclear what conditions have been attached to Abdullaev's suspended sentence. Other conscientious objectors serving suspended sentences have had restrictions placed on their movement, have to be back at home each evening at 8 pm and cannot leave their home town or city without specific permission. The sentence also means that Abdullaev will have a criminal record which will be notified to any future employer.

Jehovah's Witness young men have repeatedly insisted to Forum 18 that they are ready to do alternative non-military service, but Turkmenistan offers no civilian alternative to those who cannot serve in the military on grounds of conscience. The lack of any genuine alternative service means that any Jehovah's Witness young men could be arrested at any time.

Other known conscientious objectors

Still serving sentences for refusing military service are fellow Jehovah's Witness conscientious objectors Begench Shakhmuradov and Vladimir Golosenko.

Shakhmuradov, who is from the capital Ashgabad, was given a two-year suspended sentence in September 2007. Sources who preferred not to be identified told Forum 18 he is living at home and is able to work in a private business. His sentence is due to expire in September 2009.

Shakhmuradov insisted to Forum 18 in the wake of his sentence that he believes it is wrong to punish those who cannot serve in the armed forces because of their religious convictions. He particularly objected that some – like himself – have been sentenced twice for the same "offence" (see F18News 9 October 2007 http://www.forum18.org/Archive.php?article_id=1031).

Golosenko, who is from the Caspian port city of Turkmenbashi [Türkmenbashi, formerly Krasnovodsk], was called up when he reached the age of 18. He too was found guilty under Article 219 Part 1 and sentenced on 12 February 2008 to two years' forced labour. He is not in prison, but 20 percent of his wages go to the state (see F18News 31 July 2008 http://www.forum18.org/Archive.php?article_id=1166). (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=1167.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806, and of religious intolerance in Central Asia is at http://www.forum18.org/Archive.php?article_id=815.

A printer-friendly map of Turkmenistan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=turkme>.

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