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TURKMENISTAN: Raid, two-day detentions, torture, rape threat, fines

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

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 News Service, 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. The raid, detentions, torture, beatings, threats and fines "were obviously designed to punish and intimidate the Nasyrlyayev family for the ten complaints of conscientious objectors to military service filed against Turkmenistan," the lawyer for the conscientious objectors complained to the Office of the UN High Commissioner for Human Rights. Such official violence is common in Turkmenistan. No government official was prepared to discuss these human rights violations with Forum 18, including officials of the government's National Institute for Democracy and Human Rights. "No one has the right to beat me, humiliate me or hang me to the point of my passing out", one of the victims stated.

Seven weeks after the United Nations (UN) Human Rights Committee sought a response from Turkmenistan's government to complaints by ten Jehovah's Witness conscientious objectors, about 30 police officers raided the lead complainant's family home in the northern city of Dashoguz. Two members of the Nasyrlyayev family, with four guests, were taken to a police station and three were held for 40 hours. According to their statements seen by Forum 18 News Service, all six were beaten, 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.

Most of the maltreatment took place at Police Station No. 1 near the Nasyrlyayev family home in Dashoguz. However, the most severe beating took place at Dashoguz City Police Station's Detention Facility, where one detainee was tied up off the ground by his arms and legs until he lost consciousness, Jehovah's Witnesses complained.

Duty officers at the various police numbers in Dashoguz repeatedly refused to identify the city head of police or provide any number for him. "Just come here to the police station," one told Forum 18 on 14 February. Each time Forum 18 asked the same day about the raid, detentions, torture, beatings and threats, the duty officers put the phone down.

One of the sons in the family, Navruz Nasyrlyayev, is currently serving his second sentence in labour camp in Seydi for refusing compulsory military service on grounds of religious conscience. He was given a two-year strict regime labour camp sentence in May 2012, a sentence upheld by Turkmenistan's Supreme Court in July 2012 (see F18News 17 August 2012 http://www.forum18.org/Archive.php?article_id=1733). Nasyrlyayev and nine other conscientious objectors had appealed to the UN Human Rights Committee, which registered their complaint (UN reference G/SO 215/51 TKM (10)-(19)) and as is normal practice sent it to the government of Turkmenistan on 7 December 2012.

The raid, detentions, torture, beatings and threats "were obviously designed to punish and intimidate the Nasyrlyayev family for the ten complaints of conscientious objectors to military service filed against Turkmenistan," the lawyer for the conscientious objectors has complained to the UN on 6 February 2013.

Late-night raid and literature confiscation

About 30 police officers raided the Nasyrlyayev family home in Dashoguz at about 10 pm on 24 January, Jehovah's Witnesses told Forum 18. The family were hosting a married couple - whose names are known to Forum 18 - and another man Hudayar Ismailov. All are Jehovah's Witnesses. A fourth guest, Bahram Shamuradov, also a Jehovah's Witness, arrived at 11 pm after police had already begun their raid.

About 10 of the officers were in uniform. The other approximately 20 intruders were in civilian clothes and some smelt of alcohol. "They did not have a search warrant or any other authorisation for their unlawful raid," Jehovah's Witnesses told Forum 18. "They did not give their names and did not explain the reason for the raid."

The intruders seized the personal belongings of the Nasyrlyayev family and their guests, including Jehovah's Witness literature as well as Shamuradov's personal computer. "The victims understood that most of the police officers were from the 6th Department of the Dashoguz Police and that at least one official was from the Prosecutor's Office."

One of the 6th Department police officers was recognised as Serdar Saparov, who is said to have ordered the beating of a Jehovah's Witness prisoner of conscience in 2012 (see F18News 17 August 2012 http://www.forum18.org/Archive.php?article_id=1733).

The police's 6th Department is notionally responsible for counter-terrorism and organised crime work, but is often very active against people exercising their right to freedom of religion or belief (see eg. F18News 5 September 2012 http://www.forum18.org/Archive.php?article_id=1737).

Torture at police station

Police then took Tahir Nasyrlyayev and his son Abdurasul to the nearby Police Station No. 1, together with their four guests. "At the police station, the officials repeatedly beat all six persons over their kidneys with plastic bottles filled with water, as well as on the back of their neck," Jehovah's Witnesses complained to Forum 18. "This was done so as not to leave bruising."

Police pressured the Jehovah's Witnesses to sign statements that they had been participating in an "illegal" religious meeting. After initially refusing to sign, two of the six eventually did so and were released at about 2 am on 25 January.

Police continued to beat the husband of the married couple, Jehovah's Witnesses told Forum 18, although he suffers with a herniated disc and osteochondrosis (painful swelling of the upper part of the shinbone, just below the knee). They also beat Tahir Nasyrlyayev "in addition to mocking and cursing them". At 4 am on 25 January, police stopped beating them and put them in a detention cell, where they were held for the next ten hours.

The two men were then taken to the City Police headquarters, where they were accused of violating Article 205 of the Code of Administrative Offences ("Violation of the law on religious organisations") for allegedly holding an "illegal" religious meeting. At 11 pm on 25 January, police returned them to the local police station, where they were put in a detention cell with about 10 other prisoners.

Torture and rape threat

The wife of the married couple was singled out for what Jehovah's Witnesses state was "particularly despicable treatment" at Police Station No. 1. She protested and tried to intervene when police beat her husband in her presence. Officers then took her into another room, where she could still hear the beating.

Officers tried to pressure her to write a statement that she and her friends had been conducting "illegal" religious activity, saying that they would otherwise prosecute her husband on criminal charges, but she refused. They then screamed at her, kicked her in the kidneys, spat in her face and dragged her by the hair. When she said she would file a complaint against them if they did not stop, they threatened to kill her and her husband.

The police then threatened to rape her if she refused to sign a statement that she had not been mistreated. One uniformed officer told her she had 10 minutes to consider her decision.

"He pointed to a table in the room and said he would be the first to rape her on the table and that the other officers would do so afterwards," Jehovah's Witnesses complained. "This policeman then turned to the other police and said that those who wanted to participate in the rape should stay and the rest should leave. Some of the police left. The remaining police then threatened that they would bring her husband into the room to witness their despicable actions."

Under this pressure, she signed a statement that she did not have any complaints against the police. She was freed at about 3.30 am on 25 January and driven home by police in a white car.

Severe beating

Shamuradov, who arrived at the Nasyrlyayevs' home while the police raid was underway, was immediately taken to Police Station No. 1, where he said he was repeatedly kicked and punched in the kidneys. Police tried to pressure him to sign a statement that he had been participating in a meeting of an "illegal sect". At about midnight he was taken to the city Police Station's detention facility. When a new shift arrived at 9 am on 25 January, interrogations resumed. He was again beaten and mocked.

In the early afternoon, the police took a rope and tied Shamuradov by his hands and feet spread eagled to the bars of the cell, Jehovah's Witnesses complained. He could not touch the floor. He was kept in this position for several hours and eventually passed out from the pain.

When he regained consciousness he was taken back to the Dashoguz City Police Station, where he was charged with the two others. He was held overnight with them in Police Station No. 1's detention cell.

UN Committee against Torture finding

In 2011 the UN Committee against Torture found that, in Turkmenistan, "persons deprived of their liberty are tortured, ill-treated and threatened by public officers, especially at the moment of apprehension and during pretrial detention, to extract confessions and as an additional punishment after the confession" (UN reference CAT/C/TKM/CO/1 <http://www.unhcr.org/refworld/docid/4ef0540f2.html>).

Fines

On the morning of 26 January, police took the three men – Tahir Nasyrlyayev, Shamuradov and the husband of the married couple - to Dashoguz City Court. At "very brief" separate trials in the afternoon, Judge Maksat Myradov found all three guilty under Administrative Code Article 205, Parts 1 and 2.

Each was fined 750 Manats (1,450 Norwegian Kroner, 195 Euros or 265 US Dollars), an official of the City Court confirmed to Forum 18 from Dashoguz on 13 February. The sum is about two months' average local wages for those in work. The three were then freed, about 40 hours after being detained.

Shamuradov's verdict – seen by Forum 18 – claims that in the Nasyrlyayev family home on the evening of 24 January he "participated in the activity of the religious group Jehovah's Witnesses, which is specifically and officially not registered by Turkmenistan's Justice Ministry". The verdict notes that it cannot be appealed against.

All unregistered exercise by groups of people of freedom of religion and belief in Turkmenistan is illegal (see Forum 18's Turkmenistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1676).

Forum 18 was unable to find out from Judge Myradov why he fined the three Jehovah's Witnesses. Each time Forum 18 called on 13 February, the man who answered his phone listened in silence for some time before putting the phone down.

Forum 18 was unable to reach the new head of the Dashoguz Region Gengesh (Council) for Religious Affairs (and also regional imam) Annaoraz Repov, or his deputy Hudainazar Artykov. The telephone at their office in Dashoguz went unanswered each time Forum 18 called on 13 and 14 February.

Some state officials in the Gengesh for Religious Affairs, which restricts freedom of religion or belief for all, have a dual role as clergy within religious communities (see F18News 13 October 2009 http://www.forum18.org/Archive.php?article_id=1361).

Complaints

In the days after their ordeal, five of the Jehovah's Witnesses taken to the police station and beaten wrote letters of complaint to various state agencies, including President Gurbanguly Berdimukhamedov, the General Prosecutor's Office in the capital Ashgabat [Ashgabat], the Prosecutor's Office in Dashoguz and the State Commission for Reviewing Citizens' Communications Concerning Activities of Law-Enforcement Agencies in Ashgabat.

In his 30 January letter of complaint, seen by Forum 18, Shamuradov told President Berdimukhamedov that he had been punished simply for following his faith. "No one has the right to beat me, humiliate me or hang me to the point of my passing out for this, since Turkmenistan's Constitution says in Article 12 that every citizen of Turkmenistan has the right to choose for himself any religion. I therefore request that you take immediate measures to punish the law-breakers."

The five have not received any response to their complaints, Jehovah's Witnesses told Forum 18.

The five Jehovah's Witnesses' lawyer also submitted a complaint on 6 February to the Office of the UN High Commissioner for Human Rights (OHCHR), with a copy to President Berdimukhamedov and the General Prosecutor's Office in Ashgabat.

The lawyer told the OHCHR that they think the police raid and brutality was directly linked with complaints to the OHCHR by the 10 Jehovah's Witness conscientious objectors to military service. "The above actions which targeted the family of Navruz Nasyrlyayev and their guests - just a few weeks after the above mentioned ten complaints were communicated to Turkmenistan - were obviously designed to punish and intimidate the Nasyrlyayev family for the ten complaints of conscientious objectors to military service filed against Turkmenistan on 7 September 2012".

"On behalf of Navruz Nasyrlyayev and the other nine complainants, I request that the [UN Human Rights] Committee ask that Turkmenistan desist from any further acts of direct or indirect coercion of the [complainants]," the lawyer asked.

Turkmenistan continues to imprison conscientious objectors, with four new imprisonments in December 2012 and January 2013 (see F18News 18 February 2013 http://www.forum18.org/Archive.php?article_id=1802).

No comment - as usual

As is usually the case over such human rights violations, no official at the national level in Ashgabat was prepared to comment to Forum 18 on the raid, detentions, torture, beatings, threats and fines. 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 raids, beatings, threats, religious literature confiscation and fines "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.

An official of the government's National Institute for Democracy and Human Rights in Ashgabat told Forum 18 on 13 February that its Director, Yazdursun Gurbannazarova, was travelling elsewhere in Turkmenistan.

However, Shemshat Atajanova, a Head of Department at the Institute, insisted the same day that she could "give nothing" by telephone. "We need concrete facts," she told Forum 18. "We have to investigate what happened." Asked if her Institute would do so, Atajanova said those affected would have to send their appeal to the Institute in writing. Asked why such raids, literature confiscations, torture, police brutality and fines keep occurring, she responded that one cannot act on the basis of unverified claims. She made no comment on the findings of the UN Committee against Torture.

Earlier Dashoguz police violence

The raid on the Nasyrlayev home and the subsequent raid, detentions, torture, beatings, threats and fines came four months after police in the same city also used violence during a raid on a local Protestant family.

In September 2012, police and local officials raided the Path of Faith Church in Dashoguz, which meets in the home of the Shirmedov family. Police confiscated religious literature and took 15 church members to the police station for questioning. The mother of the family, 68-year-old Kerime (Klara) Ataeva, who stayed behind at the house while the others were questioned, had her hands beaten until they bled. Eleven church members were fined in early October under Administrative Code Article 205 (see F18News 2 October 2012 http://www.forum18.org/Archive.php?article_id=1749).

One of the church members fined complained to Dashoguz Regional Court and to the Prosecutor's Office. However, they both replied to him in December 2012 that the fines could not be challenged, Protestants complained to Forum 18. Police have not returned the confiscated literature.

Turkmenistan imposes strict censorship on religious literature, even including locally-printed books of poetry (see F18News 8 February 2012 http://www.forum18.org/Archive.php?article_id=1663).

Lebap Region summonses, interrogations, confiscations

Meanwhile, several Protestants in Lebap Region of eastern Turkmenistan have been summoned since the beginning of 2013, Protestants have told Forum 18. Several were summoned to the village council and were interrogated by officials, including representatives of the local Gengesh for Religious Affairs. Officials confiscated Christian literature from them.

Those summoned were forced to write statements about their religious activity. One was asked from which website the individual had downloaded religious materials. Officials warned those summoned not to gather local Protestants for meetings for worship. (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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