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TURKMENISTAN: Tenth jailed conscientious objector in 2018

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

Turkmenistan rejected a call at the UN Human Rights Council UPR to introduce an alternative to compulsory military service. The rejection came weeks after another conscientious objector, 18-year-old Serdar Atayev, was jailed for one year. Ten are known to have been jailed in 2018.

The jailing of 18-year-old Serdar Atayev brings to ten the number of conscientious objectors known to have been jailed in Turkmenistan in 2018 for refusing compulsory military service on grounds of conscience. He is among four conscientious objectors known to have been jailed in August.

On 20 September, a Turkmen diplomat reaffirmed to the United Nations Human Rights Council in Geneva that his government rejected a call in the Universal Periodic Review (UPR) of the country to introduce a civilian alternative to compulsory military service. Turkmenistan also rejected a UPR call for independent visits to prisons, including those where Muslim and Jehovah's Witness prisoners of conscience are being held (see below).

A court in the south-eastern city of Mary handed Jehovah's Witness Atayev a one-year ordinary regime labour camp term on 28 August. Both he and another Jehovah's Witness conscientious objector jailed by the same court the day before are awaiting their appeal hearings in a local detention centre (see below).

Two other conscientious objectors sentenced in other regions earlier in August lost their appeals on 11 September. This cleared the way for their transfer to labour camp to serve their sentences (see below).

All ten of the conscientious objectors known to be serving prison terms in Turkmenistan for refusing compulsory military service are Jehovah's Witnesses. The youngest are aged 18 and the oldest 24. Nine – including Atayev - are serving one-year jail terms and the tenth a two-year sentence (see list at foot of article).

Atayev was the fourth conscientious objector jailed in August (see F18News 6 September 2018 http://www.forum18.org/archive.php?article_id=2410).

Of the other six conscientious objectors sentenced earlier, two were jailed in January, one in June and three in July (see F18News 30 July 2018 http://www.forum18.org/archive.php?article_id=2400).

Many prisoners of conscience

The ten jailed conscientious objectors are among the many people Turkmenistan has jailed for exercising freedom of religion or belief (see Forum 18's Turkmenistan religious freedom survey 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 on 11 July. Four of the five are in the top-security prison at Ovadan-Depe, where prisoners have suffered torture and death from abuse or neglect (see F18News 27 July 2018 http://www.forum18.org/archive.php?article_id=2399).

Dozens of Muslims from in and around the eastern city of Turkmenabad [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 in 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 (see F18News 27 September 2017 http://www.forum18.org/archive.php?article_id=2318).

Jehovah's Witness Bahram Hemdemov is serving a four-year jail term to punish him for hosting a religious meeting (see below).

Government rejects alternative service call at UN

During the review of Turkmenistan by the United Nations (UN) Human Rights Council in the Universal Periodic Review (UPR) in

Geneva in May, other governments presented 191 recommendations of how the country could improve its human rights record (A/HRC/39/3).

Argentina recommended: "Adopt the necessary measures in order to recognize the right to conscientious objection to compulsory military service." However, this was among the 19 recommendations the Turkmen government rejected.

The Turkmen government rejected the call to introduce an alternative to compulsory military service in its written response to the UPR (A/HRC/39/3/Add.1), made public by the UN on 13 September. It repeated its rejection at a meeting of the Human Rights Council in Geneva on 20 September.

"We refer to Article 58 of the Constitution of Turkmenistan which provides that the protection of Turkmenistan is a sacred duty of every citizen," Ahmetyar Kulov, First Secretary at Turkmenistan's Permanent Mission to the UN in Geneva, told the meeting. "Under the Constitution, military service is compulsory for all male citizens."

Another UPR recommendation given in May was: "Provide those who are imprisoned, including in the Ovadan-Depe and Seydi prisons, access to independent inspectors and other visitors and permit those visitors to conduct private and fully confidential interviews with prisoners, consistent with the United Nations Standard Minimum Rules for the Treatment of Prisoners."

The Turkmenistan government's written response also rejected this recommendation, with no explanation.

Many Muslim prisoners of conscience are held at Ovadan-Depe prison (see above), while at least seven jailed Jehovah's Witness prisoners of conscience are being held at Seydi Labour Camp (see below).

No answers

Forum 18 again tried to call the Human Rights Ombudsperson Yazdursun Gurbannazarova, who was named by the government-appointed parliament, to find out why young men are being jailed for refusing military service on grounds of conscience and why Turkmenistan rejected the call in the UPR to introduce an alternative to military service. Her phones went unanswered each time Forum 18 called on 20 and 21 September.

Forum 18 also tried to call Yusupguly Eshshayev, Chair of the Mejlis (Parliament) Human Rights Committee, to find out if the authorities will ever introduce a law to allow those with conscientious objections to compulsory military service to perform an alternative civilian service. However, his phone went unanswered each time Forum 18 called on 20 and 21 September.

No conscientious objection, no alternative service

In defiance of repeated calls by the United Nations and the Organisation for Security and Co-operation in Europe, Turkmenistan offers no alternative to its compulsory military service. Military service for men between the ages of 18 and 27 is generally two years. Call-up is decreed each spring and autumn (see F18News 30 July 2018 http://www.forum18.org/archive.php?article_id=2400).

Young men who refuse military service on grounds of conscience 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.

From 2014, courts punished conscientious objectors with corrective labour or suspended prison terms, rather than imprisonment. However, jailings resumed with the two prison terms in January 2018 (see F18News 23 March 2018 http://www.forum18.org/archive.php?article_id=2363).

Another one-year jail term

Jehovah's Witness Serdar Atayev, who turned 18 in June, was called up to compulsory military service in the south-eastern city of Mary. He told the Conscription Office that he could not perform military service on grounds of conscience.

The Conscription Office handed Atayev's case to prosecutors, who brought a case against him under Criminal Code Article 219, Part 1. The case was handed to Mary City Court.

On 28 August, Judge Guljan Babanazarova of Mary City Court found Atayev guilty and sentenced him to one year's ordinary regime labour camp, Jehovah's Witnesses told Forum 18. As he had not been in detention in the run-up to the trial, Atayev was arrested at the end of the trial and led away to the city's detention centre.

Judge Babanazarova's assistant refused to put Forum 18 through to her on 20 September or discuss any aspect of the case.

Atayev filed an appeal against his sentence on 31 August. No date for the appeal to be heard at Mary Regional Court has yet been set.

Atayev is currently being held in Mary's detention centre, MR-D/14, until his appeal is heard.

Two appeals pending

Atayev was jailed one day after the same Mary City Court jailed another 18-year-old Jehovah's Witness conscientious objector, Sokhbet Agamyradov, also for one year.

Agamyradov also filed an appeal against his sentence on 31 August. No date for his appeal to be heard at Mary Regional Court has yet been set either.

Like Atayev, Agamyradov is currently being held in Mary's detention centre, MR-D/14, until his appeal is heard.

An official of Mary Regional Court said that neither Atayev's nor Agamyradov's appeals have yet arrived from Mary City Court. "The appeals are held for a month at the lower court before they are brought over," the official told Forum 18 on 20 September. "So they will arrive after 27 and 28 September and hearings will be set then."

Two appeals fail

Two of the other conscientious objectors sentenced earlier in August - Isa Sayayev from the northern Dashoguz Region and Ruslan Artykmuradov from the eastern Lebap Region – lost their appeals at Regional Courts (see F18News 16 August 2018 http://www.forum18.org/archive.php?article_id=2405).

Koneurgench City Court sentenced Sayayev to a one-year ordinary regime labour camp term on 9 August. Dashoguz Regional Court rejected his appeal on 11 September, Koneurgench City Court told Forum 18 on 20 September.

Sayat District Court sentenced Artykmuradov to a one-year ordinary regime labour camp term on 13 August. Lebap Regional Court rejected his appeal on 11 September, the Court told Forum 18 on 20 September.

Forum 18 has been unable to find out if Sayayev and Artykmuradov have already been transferred to labour camp to serve their sentences. Sayayev had been held in the DZ-D/7 detention centre in the city of Dashoguz. Artykmuradov had been held in the LB-D/9 detention centre in the city of Turkmenabad.

Six jailed conscientious objectors in one labour camp

The four conscientious objectors jailed in August are likely to be sent to serve their sentences at the ordinary regime labour camp LB-K/12 in the desert near Seydi, in Lebap Region. Many other prisoners of conscience jailed to punish them for exercising the right to freedom of religion or belief have been held in the camp.

The six conscientious objectors sentenced between January and July - Arslan Begenchov, Kerven Kakabayev, Mekan Annayev, Ikhlosbek Rozmetov, Veniamin Genjiyev and Maksat Jumadurdiyev – are already serving their sentences at the Seydi camp.

Also held at Seydi Labour Camp is fellow Jehovah's Witness Bahram Hemdemov. He was arrested during a March 2015 raid on his home, after which he was tortured. He is serving a four year prison term from 19 May 2015 on charges of allegedly inciting religious hatred, which he strongly denies, but his real "crime" seems to have been hosting a meeting for worship (see F18News 5 April 2016 http://www.forum18.org/archive.php?article_id=2164).

The address of the Seydi Labour Camp is:

746222 Lebap velayat

Seydi

uchr. LB-K/12

Turkmenistan

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 under Criminal Code Article 219, Part 1:

- 1) Arslan Begenchovich Begenchov; born 15 May 1999; sentenced 17 January 2018 Charjew District Court; appeal rejected 13 February 2018 Lebap Regional Court; one year ordinary regime labour camp.
- 2) Kerven Arslanovich Kakabayev; born 9 September 1996; sentenced 29 January 2018 Koneurgench City Court; appeal denied due to missed appeal deadline 27 June 2018 Dashoguz Regional Court; one year ordinary regime labour camp.
- 3) Mekan Orazdurdiyevich Annayev; born 22 June 1999; sentenced 26 June 2018 Turkmenbashi City Court; no appeal to Balkan Region Court; two year ordinary regime labour camp.
- 4) Ikhlosbek Valijon oglu Rozmetov; born 26 November 1997; sentenced 11 July 2018 Gurbansoltan eje District Court; appeal rejected 23 July 2018 Dashoguz Regional Court; one year ordinary regime labour camp.
- 5) Veniamin Muslimovich Genjiyev; born 12 May 2000; sentenced 17 July 2018 Danew District Court; no appeal to Lebap Regional Court; one year ordinary regime labour camp.
- 6) Maksat Jumadurdiyevich Jumadurdiyev; born 15 May 2000; sentenced 17 July 2018 Danew District Court; no appeal to Lebap Regional Court; one year ordinary regime labour camp.
- 7) Isa Muslimovich Sayayev; born 14 May 1994; sentenced 9 August 2018 Koneurgench City Court; appeal rejected 11 September 2018 Dashoguz Regional Court; one year ordinary regime labour camp.
- 8) Ruslan Khadyynyaz oglu Artykmuradov; born 24 May 2000; sentenced 13 August 2018 Sayat District Court; appeal rejected 11 September 2018 Lebap Regional Court; one year ordinary regime labour camp.
- 9) Sokhbet Rejepmyradovich Agamyradov; born 4 January 2000; sentenced 27 August 2018 Mary City Court; appeal lodged to Mary Regional Court; one year ordinary regime labour camp.
- 10) Serdar Annamyradovich Atayev; born 9 June 2000; sentenced 28 August 2018 Mary City Court; appeal lodged to Mary Regional Court; one year ordinary regime labour camp.

(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=2244.

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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