

8 January 2025

TURKMENISTAN: First conscientious objector punishment since 2021

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

On 7 January, Mary Regional Court on appeal punished 21-year-old Jehovah's Witness conscientious objector Arslan Wepayew with two years' corrective labour, with 20 per cent of his earnings to be taken by the regime. Also, 51-year-old Muslim prisoner of conscience Myratdurdy Shamyradow is in poor health in a strict-regime labour camp. "He can't stand and is almost paralysed. Health care in the camp is inadequate," Forum 18 has been told. His family have repeatedly asked for his sentence to be reduced. "These pleas have been ignored."

On 18 December 2024, the regime imposed a punishment on a conscientious objector to compulsory military service for the first known time since 2021, when 16 jailed conscientious objectors were freed under amnesty. On 18 December 2024, Bayramaly City Court handed down the maximum two-year jail term to 21-year-old Jehovah's Witness conscientious objector Arslan Wepayew, a court official told Forum 18.

On 7 January 2025, a panel of three judges at Mary Regional Court heard Wepayew's appeal, a court official told Forum 18 the same day. In a decision announced the following day, the appeal court changed his sentence to two years' corrective labour, with 20 per cent of his earnings to be taken by the regime. This is the maximum corrective labour punishment under Criminal Code Article 241, Part 1 ("Evasion of conscription for military service in the absence of legal grounds for exemption from this service"). Wepayew has now been released from the detention centre (see below)

Wepayew explained to the Military Conscription Office in writing his conscientious objection to serving in the military and his readiness to perform an alternative civilian service (see below).

Wepayew's family have been concerned about his health. His mother was able to visit him in November 2024, soon after his arrest. "She reported that he is in poor health, suffering from seizure-like attacks, unstable blood pressure, severe headaches, and stabbing chest pains," Jehovah's Witnesses told Forum 18 (see below).

"We are deeply concerned about the treatment of this sincere believer and the violation of his human rights," Jehovah's Witnesses noted. "Wepayew's conscientious beliefs are central to his identity and actions. His detention, the charges, and the prison sentence, are in direct conflict with international human rights standards, including the right to freedom of thought, conscience, and religion" (see below).

On 6 January, Shabat District Prosecutor's Office in the north-eastern Dashoguz Region launched a criminal case against another Jehovah's Witness conscientious objector, 20-year-old Agabek Rozbayew. His older brother Rasul was twice sentenced for refusing military service on grounds of conscience (see below).

The 51-year-old Muslim prisoner of conscience Myratdurdy Shamyradow is in poor health in strict-regime labour camp MR-E/16 in Bayramaly. He is one of five readers of the works of the late Muslim theologian Said Nursi jailed for 12 years in 2017. Three of the group are also held in the same labour camp (see below).

"Myratdurdy Shamyradow has serious problems with his health," an individual familiar with his case told Forum 18. "He can't stand and is almost paralysed. Health care in the camp is inadequate." His family have repeatedly asked for his sentence to be reduced. "These pleas have been ignored" (see below).

When Forum 18 asked an official at Labour Camp MR-E/16 – who did not give his name – about Shamyradow's poor health, the official put the phone down (see below).

The 42-year-old Muslim prisoner of conscience Bahram Saparow is also held in Labour Camp MR-E/16 in Bayramaly. He is being punished for leading a Muslim study group in the eastern city of Turkmenabat. The regime arrested and jailed more than 60 of the group's participants from 2013. At least three are known to have died in prison of torture or neglect. At least four others are known

to have been freed after completing their sentences (see below).

"Bahram is in good condition," an individual who knows him told Forum 18. He is being held in a cell with more than 10 other prisoners. A camera in the cell allows the prison administration to keep them "under constant surveillance", the individual added. Prison staff do not stop prisoners praying visibly and they have a Koran also (see below).

When relatives visit, the prisoner can talk to them only through a window with holes in to allow the sound through. No physical contact is allowed, even with a prisoner's wife. The prison administration records every meeting with relatives (see below).

Forum 18 asked the office of the regime-appointed Human Rights Ombudsperson Yazdursun Gurbannazarowa on 7 January who it could talk to about:

- why the regime is again punishing a conscientious objector to military service;
- why people are jailed as prisoners of conscience for exercising freedom of religion or belief; and
- why prisoner of conscience Shamyradow and others are given inadequate health care, violating the United Nations Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules – A/C.3/70/L.3 (https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf)).

The official who answered the phone at the Ombudsperson's Office said she would find out and asked Forum 18 to call back. All subsequent calls went unanswered (see below).

The person who answered the phone on 7 January of Yusupguly Eshshayew, the regime-appointed Chair of the Mejlis (lower chamber of Parliament) Human Rights Committee, put the phone down without saying anything. All subsequent calls went unanswered.

No alternative to compulsory military service

Turkmenistan offers no alternative to its compulsory military service (https://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 241, Part 1 ("Evasion of conscription for military service in the absence of legal grounds for exemption from this service"). This punishes refusal to serve in the armed forces in peacetime with a maximum penalty of two years' imprisonment or two years' corrective labour.

(Article 241 replaced the almost identically-worded Article 219 (https://www.forum18.org/archive.php?article_id=2786) when the new Criminal Code came into force on 1 January 2023.)

Turkmenistan has ignored repeated international calls, for example by the United Nations Human Rights Committee (https://www.forum18.org/archive.php?article_id=2476), to introduce a genuine civilian alternative to compulsory military service, to stop prosecuting and punishing conscientious objectors, and to compensate those it has punished.

The UN Human Rights Committee has published 14 Decisions in favour of 16 conscientious objectors from Turkmenistan, all of them Jehovah's Witnesses. The most recent – in March 2022 – was in the case of Arslan Begenchow (see below).

Jehovah's Witnesses filed a complaint with the UN Working Group on Arbitrary Detention in May 2020 on behalf of 19 then-current or former jailed conscientious objectors (https://www.forum18.org/archive.php?article_id=2590).

Legally-binding international human rights obligations

The UN Office of the High Commissioner for Human Rights (OHCHR) has noted that conscientious objection to military service comes under International Covenant on Civil and Political Rights (ICCPR) Article 18 ("Freedom of thought, conscience and religion") and has recognised (<https://www.ohchr.org/en/conscientious-objection>) "the right of everyone to have conscientious objection to military service as a legitimate exercise of the right to freedom of thought, conscience and religion."

The OHCHR has also noted in its Conscientious Objection to Military Service (<https://www.ohchr.org/en/publications/special-issue-publications/conscientious-objection-military-service>) guide that Article 18 is "a non-derogable right .. even during times of a public emergency threatening the life of the nation."

In 2022 the UN Working Group on Arbitrary Detention stated (WGAD-HRC50

(<https://www.ohchr.org/sites/default/files/2022-05/WGAD-HRC50.pdf>) that "the right to conscientious objection to military service is part of the absolutely protected right to hold a belief under article 18 (1) of the Covenant [the ICCPR], which cannot be restricted by States." The Working Group also stated: "States should refrain from imprisoning individuals solely on the basis of their conscientious objection to military service, and should release those that have been so imprisoned." It added: "All States should adopt appropriate legislative or other measures to ensure that conscientious objector status is recognized."

Court jails conscientious objector for two years

Arslan Wepayew (born 7 February 2003) is a Jehovah's Witness conscientious objector from Bayramaly, Mary Region, east of the capital Ashgabat.

Jehovah's Witnesses are conscientious objectors to military service and do not 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.

In October 2024, the Military Conscription Office ordered Wepayew to report for military service on 19 December 2024. On 17 October, he submitted a written statement of conscientious objection to military service "based on sincere religious beliefs", Jehovah's Witnesses told Forum 18. He made clear to the Military Conscription Office that he was prepared to undertake alternative civilian service.

On 19 October, prosecutors opened a criminal case against Wepayew under Criminal Code Article 241, Part 1 ("Evasion of conscription for military service in the absence of legal grounds for exemption from this service"). This punishes refusal to serve in the armed forces in peacetime with a maximum penalty of two years' imprisonment or two years' corrective labour.

Formal charges were laid on 31 October 2024, but prosecutors did not inform Wepayew. Officials took him into custody on 13 November.

On 19 November, Wepayew's mother was able to visit him. "She reported that he is in poor health, suffering from seizure-like attacks, unstable blood pressure, severe headaches, and stabbing chest pains", Jehovah's Witnesses told Forum 18. Only on 27 November did the Prosecutor's Office give formal confirmation of the criminal case against Wepayew.

At Wepayew's trial on 18 December 2024, Bayramaly City Court handed him the maximum two-year jail term under Criminal Code Article 241, Part 1 ("Evasion of conscription for military service in the absence of legal grounds for exemption from this service"), a court official told Forum 18 on 7 January. The official refused to identify the judge in the case. Wepayew appealed against his conviction.

Sentence changed to corrective labour

On 7 January 2025, a panel of three judges at Mary Regional Court heard his appeal, a court official told Forum 18 the same day. In a decision announced the following day, the appeal court changed Wepayew's sentence to two years' corrective labour, with 20 per cent of his earnings to be taken by the regime. This is the maximum corrective labour punishment under Criminal Code Article 241, Part 1 ("Evasion of conscription for military service in the absence of legal grounds for exemption from this service")

Under the Criminal Implementation Code, those serving a corrective labour sentence live at home but are assigned to a place of work. They must report any change of address or place of work within 10 days, and must report to the authorities twice a month. The place of work is responsible for making the deductions from earnings and handing the money to the state.

Forum 18 is unaware of any previous cases where a conscientious objector's jail sentence was changed on appeal to corrective labour, However, from 2014 courts punished conscientious objectors with corrective labour or suspended prison terms (https://www.forum18.org/archive.php?article_id=2244), rather than imprisonment.

However, jailings resumed in January 2018 (https://www.forum18.org/archive.php?article_id=2443). In May 2021, the regime freed all the 16 then-jailed known conscientious objectors (https://www.forum18.org/archive.php?article_id=2656).

Wepayew has now been released from the detention centre, where he had been held since November 2024.

"Wepayew's conscientious beliefs are central to his identity and actions"

"We are deeply concerned about the treatment of this sincere believer and the violation of his human rights," Jehovah's Witnesses noted. "Arslan Wepayew's conscientious beliefs are central to his identity and actions. His detention, the charges, and the prison sentence, are in direct conflict with international human rights standards, including the right to freedom of thought, conscience, and religion as guaranteed by Article 18 of the International Covenant on Civil and Political Rights, to which Turkmenistan acceded on 1 May 1997."

This is the first known criminal conviction of a conscientious objector in Turkmenistan since May 2021, when the last 16 imprisoned conscientious objectors – all of them Jehovah's Witness young men - were released under a general amnesty (https://www.forum18.org/archive.php?article_id=2656).

Forum 18 asked the office of the regime-appointed Human Rights Ombudsperson Yazdursun Gurbannazarowa on 7 January who it could talk to about why the regime is again criminally convicting a conscientious objector to military service. The official who answered the phone said she would find out and asked Forum 18 to call back. All subsequent calls went unanswered.

Gurbannazarowa's annual report for 2023 – her most recent available – makes no mention of any attempts to introduce an alternative civilian service for those who cannot serve in the military on grounds of conscience.

Criminal case launched against another conscientious objector

On 6 January, prosecutors lodged a criminal case against another young Jehovah's Witness conscientious objector. Agabek Ruslanowich Rozbayew (born 1 October 2004) from a village in Shabat District of the north-eastern Dashoguz Region, is similarly facing charges under Criminal Code Article 241, Part 1 ("Evasion of conscription for military service in the absence of legal grounds for exemption from this service"), according to the indictment seen by Forum 18.

Rozbayew refused military service when first called up in autumn 2022 and on subsequent occasions, most recently on 9 December 2024. He explained to Shabat District Military Conscription Office why on grounds of conscience he could not take up arms and swear the military oath. On 19 December 2024, the Military Conscription Office sent the case to Shabat District Prosecutor's Office, which launched a preliminary investigation and questioned witnesses.

Rozbayew's older brother Rasul was convicted twice for refusing military service on grounds of conscience. Niyazov District Court sentenced him for a second time to two years' imprisonment on 16 March 2021. He was freed under the general amnesty (https://www.forum18.org/archive.php?article_id=2656) on 8 May 2021.

UN Committee notes regime's failure to implement 2022 decision

On 4 November 2024, the United Nations Human Rights Committee reviewed implementation of its March 2022 decision in the case of another former jailed Jehovah's Witness conscientious objector, Arslan Begenchow. The Committee had found that the regime had violated his human rights (CCPR/C/134/D/3272/2018 (https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2F134%2FD%2F3272%2F2018&Lang=en)). In February 2023, Begenchow's lawyer had noted that neither he nor Begenchow "were aware of any steps taken by the State party to implement the Committee's Views".

The UN Committee's November 2024 progress report on individual communications (CCPR/C/142/2 (https://ccprcentre.org/files/media/Follow-up_report_on_Views-_to_be_sent_to_States-clean.docx)) reviewed how the regime had responded to the Committee's three key recommendations:

- Expunging Begenchow's criminal record;
- Providing Begenchow with adequate compensation, including by reimbursing any legal costs he has incurred;
- Non-repetition, including by reviewing the legislation of the State party with a view to ensuring the effective guarantee of the right to conscientious objection under Article 18 (1) of the International Covenant on Civil and Political Rights, "for instance by providing for the possibility of alternative service of a civilian nature".

In all three provisions, the UN Committee found: "Information or measures taken are contrary to or reflect rejection of the recommendation." The Committee noted: "One Expert noted there was no convincing evidence that the State party had contemplated compensation of any kind to [Begenchow]." The Committee decided: "Close the follow-up dialogue, with a note of unsatisfactory implementation of the Committee's recommendation."

"Almost paralysed" religious prisoner of conscience's care "inadequate"

Muslim prisoner of conscience Myratdurdy Shamyradow (born 7 May 1973) is one of five Sunni Muslims punished for meeting with others to pray and study their faith using the works of the late Turkish Muslim theologian Said Nursi. The authorities arrested the group in May and June 2017.

On 15 August 2017, Balkan Regional Court in the regional capital Balkanabat in western Turkmenistan sentenced the five men to 12-year jail terms each (https://www.forum18.org/archive.php?article_id=2393) in strict regime labour camps. The court ordered that religious literature, mobile phones and cash be seized from them.

The Supreme Court in Ashgabat refused on 11 July 2018 to overturn the 12-year strict-regime jail terms (https://www.forum18.org/archive.php?article_id=2399) imposed on the five prisoners of conscience.

Four of the five - Shamyradow, Meret Hydyrowich Owezow, Ahmet Bayramberdiyewich Mammetyurdyew and Begejik Begejikow – initially served their sentences in the isolated top-security prison at Ovadan-Depe (Picturesque Hill) in the Karakum desert 70 kms (45 miles) north of Ashgabat. They were transferred in mid-2022 to the strict-regime labour camp MR-E/16 (https://www.forum18.org/archive.php?article_id=2786) on the north-eastern edge of Bayramaly in Mary Region, where they remain.

The fifth member of the group, Jumanazar Yuldashowich Hojambetow, is being held in the labour camp BL-E/6 in Balkan Region (https://www.forum18.org/archive.php?article_id=2786). The camp houses former police officers and other former officials.

"Myratdurdy Shamyradow has serious problems with his health," an individual familiar with his case told Forum 18. "He can't stand and is almost paralysed. Health care in the camp is inadequate."

In view of his poor health, Shamyradow's family have repeatedly asked for his sentence to be reduced. "These pleas have been ignored," the individual told Forum 18.

The duty officer at Labour Camp MR-E/16 put Forum 18 through on 8 January to a colleague. When Forum 18 asked about Shamyradow's poor health, the official – who did not give his name – put the phone down.

Forum 18 asked the office of the regime-appointed Human Rights Ombudsperson Yazdursun Gurbannazarowa on 7 January who it who it could talk to about:

- why the regime is again criminally convicting a conscientious objector to military service;
- why people are jailed as prisoners of conscience for exercising freedom of religion or belief; and
- why prisoner of conscience Shamyradow and others are given inadequate health care, violating the United Nations Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules – A/C.3/70/L.3 (https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf)).

The official who answered the phone at the Ombudsperson's Office said she would find out and asked Forum 18 to call back. All subsequent calls went unanswered.

The address of Bayramaly Labour Camp is:

Mary velayat

Bayramaly

MR-E/16

Turkmenistan

Bayramaly Labour Camp: "Rampant corruption and inhumane treatment"

Prisoners, their relatives, and prison guards told Radio Liberty's Turkmen Service (<https://www.azathabar.com/a/bayramalynyn-turmesinde-tussaglar-adamkarciliksiz-darasmalardan-sikayat-edyar/32987982.html>) of "rampant corruption and inhumane treatment" at strict-regime labour camp MR-E/16 in Bayramaly.

"When necessary, prisoners are beaten and held in solitary confinement. Prisoners say they are deprived of protection and cannot express their grievances to anyone or anywhere," an individual told Radio Liberty for the 11 June 2024 report. "People deprived of their liberty say they are not treated as human beings in prisons, and that any prison guard is unofficially authorised to humiliate and beat prisoners," another added.

Relatives say they have to bribe prison staff to be allowed visits and to send food parcels. Prison staff often seize food parcels and sell them to other prisoners.

Regime-appointed Human Rights Ombudsperson Yazdursun Gurbannazarowa's annual report for 2023 – her most recent available – mentions no inspections of conditions for prisoners at MR-E/16. It claims that an inspection of nearby labour camp MR-E/15 found that legal requirements for treating sick prisoners were "generally observed". It also claimed that conditions for "religious practices"

were in accordance with the law. It added that Gurbannazarowa had written to the Interior Ministry (which runs prisons) with recommendations on improving care.

Jailed Muslim prisoner of conscience "under constant surveillance"

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. The leader of the group, Bahram Jumanazarowich Saparow (born 31 May 1982), received his first 15-year sentence in May 2013, his second in July 2014 and his third in June 2016.

Saparow was held for about the first year of his sentence in the labour camp in Tejen. He and at least several of the others sentenced with him were then transferred to the isolated top-security prison at Ovadan-Depe (Picturesque Hill) in the Karakum desert 70 kms (45 miles) north of Ashgabat.

Saparow was transferred from Ovadan-Depe high security prison to the strict-regime labour camp MR-E/16 at Bayramaly in Mary Region in 2021. He has been held there ever since.

"Bahram is in good condition," an individual who knows him told Forum 18. He is being held in a cell with more than 10 other prisoners. A camera in the cell allows the prison administration to keep them "under constant surveillance", the individual added. Prison staff do not stop prisoners praying visibly and they have a Koran also. Some of those held in Saparow's cell are hafizes (those who can recite the Koran by heart).

Relatives have been able to hand over simple cooking equipment – including a hot plate and saucepan - for those in Saparow's cell. When they visit, relatives can bring parcels of any size, the individual noted.

The prison administration allows inmates – including Saparow – visits from relatives once a month. However, the prisoner can talk to visitors only through a window with holes in to allow the sound through. No physical contact is allowed, even with a prisoner's wife. The prison administration records every meeting with relatives.

Forum 18 asked the office of the regime-appointed Human Rights Ombudsperson Yazdursun Gurbannazarowa on 7 January who it could talk to about why people are jailed as prisoners of conscience for exercising freedom of religion or belief. The official who answered the phone said she would find out and asked Forum 18 to call back. All subsequent calls went unanswered.

How many of Turkmenabat Muslim group still held?

Of the more than 60 Muslims from in and around Turkmenabat imprisoned in 2013 and after to punish them for their involvement in a Muslim study group, only four are known to have been freed. Ahmet Ergeshevich Mirzayev was released in late 2017 after completing his full five-year sentence. Atajan Imitjanovich Reyimow and Sultan Ahmetovich Bebitov were freed in summer 2022 (https://www.forum18.org/archive.php?article_id=2249) after completing their full original prison terms and extra terms of five years added later. A fourth was freed some time after summer 2022.

At least three of the group – all of them in their thirties - have died in prison.

In its 27 March 2020 report to the UN Human Rights Committee (CCPR/C/TKM/3 (<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/156/96/PDF/G2015696.pdf?OpenElement>)), Turkmenistan admitted that two of the Muslims from Turkmenabat had died in prison. Lukman Yaylanov died in 2016, possibly as a result of torture, as did Narkuly Baltayev (https://www.forum18.org/archive.php?article_id=2249). Another of the Muslim prisoners, Aziz Gafurov, died in summer 2017 (https://www.forum18.org/archive.php?article_id=2318). Gafurov's thin body was covered in bruises when returned to relatives.

The regime's report to the UN mentions only the deaths of Yaylanov and Baltayev, two of the Muslims both born in 1980. It claimed that Baltayev had died in March 2016 – nine months after his conviction - "of a chronic illness, as was confirmed in the findings of a forensic examination". It insisted that he had not been subjected to torture. It similarly claimed that Yaylanov had died in October 2016 "of a chronic illness, as confirmed by the findings of a forensic examination". It made no mention of why the two young men had been jailed. It also made no mention of Gafurov's death in prison. (END)

More reports on freedom of thought, conscience and belief in Turkmenistan (<https://www.forum18.org/archive.php?country=32>)

For background information, see Forum 18's Turkmenistan religious freedom survey (https://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 or belief commitments (https://www.forum18.org/archive.php?article_id=1351)

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