

## **Table of Contents**

- ***Six conscientious objectors sentenced in 2016***
  - ***Imprisoned Muslim leader – alive or dead?***
  - ***Search, arrest, torture, escape, arrest, prison***
  - ***Jehovah's Witnesses harassed, beaten, intimidated, arrested, imprisoned***
  - ***Conscientious objectors face corrective labour sentences***
  - ***Police in Turkmenabad assault attendees at observance of Christ's death***
  - ***Turkmenistan obligated to remedy human rights violations***
- 

## **Six conscientious objectors sentenced in 2016**

By Felix Corley

Forum 18 (3.10.2016) - <http://bit.ly/2dOc81T> - *Courts have sentenced five Jehovah's Witness conscientious objectors in 2016 to two-year suspended prison terms for refusing compulsory military service on grounds of conscience. A sixth received a one-year corrective labour sentence. Turkmenistan ignored OSCE calls for the new Constitution to recognise conscientious objection.*

Six conscientious objectors – all of them Jehovah's Witnesses – are now known to have been convicted and sentenced in Turkmenistan so far in 2016 to punish them for refusing to perform compulsory military service on religious grounds. Five received two-year suspended sentences. The sixth received a one-year corrective labour sentence, where he lives at home under restrictions and a fifth of his wages are seized.

All six young men were sentenced 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.

No conscientious objectors to military service are known currently to be imprisoned. Over many years, Jehovah's Witness young men have routinely been convicted for refusing compulsory military service on religious grounds. Although in earlier years some were given non-custodial sentences, most were imprisoned. The last known imprisoned conscientious objector, Ruslan Narkuliyev, was freed under amnesty in February 2015.

Five young Jehovah's Witnesses are known to have been convicted for refusing compulsory military service and given corrective labour sentences in 2014 and 2015.

Also, the United Nations (UN) Human Rights Committee in July found that Turkmenistan violated the rights of five further Jehovah's Witness conscientious objectors under the International Covenant on Civil and Political Rights (ICCPR). The latest decisions bring to 9 the number of such findings by the Committee against Turkmenistan in conscientious objection-related cases. The Committee also adopted a list of issues for consideration of Turkmenistan's record under the ICCPR (CCPR/C/TKM/Q/2). The full review is due to take place in Geneva in March 2017 (see below).

The new Constitution does not allow the right to conscientious objection, despite the recommendations of a legal review by the Organisation for Security and Co-operation (see below).

### ***No conscientious objection, no alternative service***

Turkmenistan offers no alternative to its compulsory military service. Article 58 of the new Constitution describes defence as a "sacred duty" of everyone and states that military service is compulsory for men. Military service for men between the ages of 18 and 27 is generally two years. A proposed Alternative Service Law was reportedly drafted in 2013, but officials have been unable to tell Forum 18 if and when it might be adopted.

President Gurbanguly Berdymukhamedov signed the new Constitution into law on 14 September. It ignored recommendations in a July 2016 legal review of the proposed Constitution by the Organisation for Security and Co-operation in Europe (OSCE). Among other human rights and freedom of religion and belief concerns, the review recommended that the Constitution should make explicit mention of the right to opt for an alternative to military service (see below).

The April 2016 Religion Law also repeated the ban on conscientious objection to military service. Members of several religious communities complained that "no religion" is allowed during military service. The latest revision of the Religion Law totally ignores a 2010 legal review of the then Religion Law, which criticised many of its provisions for violating international human rights standards. The Review called for many changes, including to allow conscientious objection to compulsory military service, as well as an end to the ban on the exercise of freedom of religion and belief without state permission, and the ban on private teaching of beliefs.

### ***No comment***

No official was prepared to discuss with Forum 18 why young men continue to be convicted for refusing military service on religious grounds and why Turkmenistan has ignored calls by the United Nations (UN) and OSCE for a civilian alternative to compulsory military service to be introduced.

Following his usual response, Pirnazar Hudainazarov, Chair of the Mejlis (Parliament) Legislative Committee, refused absolutely to discuss anything. "Don't call here," he told Forum 18 from the capital Ashgabad [Ashgabat] on 3 October. "Ring the Foreign Ministry." He then put the phone down.

Telephones at the Foreign Ministry went unanswered on 3 October. Forum 18 was unable to reach Shemshat Atajanova, a department head at the government's Turkmen National Institute for Democracy and Human Rights in Ashgabad. A colleague refused to put Forum 18 through to her on 3 October and also refused to answer any questions himself.

### ***Dashoguz: two-year suspended sentence***

Jehovah's Witness Sanjarbek Saburov, from the northern city of Dashoguz, refused military service during the spring call-up. On 17 July he was placed in preventive detention while awaiting trial, Jehovah's Witnesses told Forum 18. A complaint regarding the detention was filed with the Presidential Administration, the General Prosecutor's Office, the Interior Ministry and the Turkmen National Institute for Democracy and Human Rights.

On 10 August, Dashoguz Regional Prosecutor's Office responded to Saburov, stating that they would readdress his complaint to Dashoguz City Prosecutor's Office. The response from Dashoguz City Prosecutor's Office is still pending.

Saburov was tried under Criminal Code Article 219, Part 1. On 9 August, a Judge handed him a two-year suspended sentence. He was released in the courtroom after more than three weeks' detention.

### ***Seydi: two-year suspended sentence***

Jehovah's Witness Artur Yangibayev, from Seydi in the eastern Lebap Region, refused military service during the spring call-up. On 2 and 11 May, he sent a written petition to the Military Conscription Office, explaining his conscientious objection to military service.

On 16 June, two representatives of the Conscription Office, along with the local police officer, went to his home and took him to the Prosecutor's Office, where he was threatened with 15 years' imprisonment. "The officers applied severe psychological pressure and forced him to write a letter retracting his earlier written petition for alternative service as a conscientious objector," Jehovah's Witnesses complained to Forum 18.

A complaint about the coercion to which Yangibayev was subjected was filed with the Presidential Administration and the General Prosecutor's Office.

Yangibayev was charged under Criminal Code Article 219, Part 1. On 8 August, he was placed in pre-trial preventive detention. On 30 August, a Judge handed Yangibayev a two-year suspended sentence. He was released in the courtroom after more than three weeks' detention.

### ***Ashgabad: Four sentences in 2016***

Four Jehovah's Witness young men from Ashgabad are known to have been convicted in 2016 under Criminal Code Article 219, Part 1 for refusing military service on grounds of religious faith.

The first was Dayanch Jumayev, sentenced in Ashgabad in February to one year of corrective labour. He was ordered to live at home under restrictions, with one fifth of his wages being seized by the state.

Three others were subsequently sentenced on the same charges between February and August. Merdan Ochanov, Konstantin Sivkov and Ruslan Rahmetulov each received two-year suspended sentences, Jehovah's Witnesses told Forum 18.

An official of the chancellery of Ashgabad City Court refused to say if any of the four appealed against their sentences. "We don't give any information by telephone," she told Forum 18 before putting the phone down.

### ***Further United Nations findings against Turkmenistan***

The UN Human Rights Committee has found that Turkmenistan violated the rights of five further Jehovah's Witness conscientious objectors under the International Covenant on Civil and Political Rights (ICCPR). The five latest decisions – issued on 15 and 16 July – bring to 9 the number of such findings by the Committee against Turkmenistan in conscientious objection-related cases.

In the July decisions, the Committee found violations in the cases of Navruz Nasyrlyayev, Matkarim Aminov, Dovran Matyakubov and Shadurdy Uchetov (all of whom had served prison terms), as well as Akmurad Nurjanov (who had received a suspended prison term). All five had lodged their appeals to the UN Human Rights Committee on 7 September 2012.

In March and October 2015 the UN Human Rights Committee found that Turkmenistan had violated the rights of four further Jehovah's Witness young men by imprisoning them for refusing compulsory military service on religious grounds. The Committee also ruled that beatings and other maltreatment (such as a head being repeatedly bashed against a wall) of Zafar Abdullayev, Mahmud Hudaybergenov, Ahmet Hudaybergenov and Sunnet Japparov is torture and the government needs to provide reparations.

In all nine decisions, the Committee found the convictions and sentences for refusal of compulsory military service to be an infringement of freedom of thought, conscience, and religion, in breach of ICCPR Article 18, Part 1. In each case, the Committee also determined that the authorities' treatment of the men violated the ICCPR Article 7 guarantee that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".

In addition, the Committee concluded that what Jehovah's Witnesses describe as the "deplorable living conditions" violated the right of detainees to be treated "with humanity and with respect for the inherent dignity of the human person," under ICCPR Article 10.

Turkmenistan has not yet implemented the Committee's views, Jehovah's Witnesses lamented to Forum 18.

The UN Human Rights Committee is still considering the appeals by five more Jehovah's Witness former imprisoned conscientious objectors: Akmurat Egendurdiev, Arslan Dovletov, Juma Nazarov, Yadgarbek Sharipov and Atamurat Suvkhanov. Also awaiting a decision is Jehovah's Witness conscientious objector Danatar Durdyev, who was fined. These appeals were lodged in 2012 and 2013.

### ***UN Human Rights Committee questions***

At its July session in Geneva, the UN Human Rights Committee adopted a list of issues for the consideration of Turkmenistan's record under the ICCPR (CCPR/C/TKM/Q/2). The full review is due to take place in Geneva in March 2017.

In its list of issues, the Committee reminded Turkmenistan's government that it had already called on it in 2012 to introduce a civilian alternative service (CCPR/C/TKM/CO/1). It told the government "please indicate what steps have been taken to: (a) amend the relevant legislation to recognize the right to conscientious objection to compulsory military service and introduce alternative civilian service for conscientious objectors; and (b) halt all prosecutions of individuals who refuse to perform military service on grounds of conscience and release those individuals who are currently serving prison sentences for such a refusal".

The UN Human Rights Committee also asked Turkmenistan's government to "explain how the restrictions imposed on the exercise of freedom of religion, particularly by the Freedom of Religion and Religious Organizations Act, including mandatory registration of religious organizations and prohibition of activities of unregistered religious organizations, prohibition of worship in private homes, restrictions on religious education and the importing, publication and distribution of religious literature, and the administrative penalties for violations of the legislation in question are compatible with the State party's obligations under article 18 of the Covenant [ICCPR]".

### ***New Constitution ignores OSCE legal review***

President Berdymukhamedov signed into law a new Constitution on 14 September. It ignored recommendations in a July 2016 legal review of the proposed Constitution by the Organisation for Security and Co-operation in Europe (OSCE). Among other human rights

and freedom of religion and belief concerns, the review recommended that the Constitution should make explicit mention of the right to opt for an alternative to military service

Article 58 of the new Constitution declares: "The defence of Turkmenistan is the sacred duty of every citizen. For male citizens of Turkmenistan, universal military obligation has been established." The wording of this Article was identical to the wording of Article 38 of the previous Constitution.

The OSCE comments on the then draft Constitution were completed on 21 July and published on 1 September. The OSCE recommended Turkmenistan "to include in Article 58 of the Draft Constitution an exception to the compulsory character of military service where such service cannot be reconciled with an individual's religion or beliefs (and to include references to possible alternatives of a non-combatant or civilian nature)".

### **Other OSCE concerns on new Constitution ignored**

In its review the OSCE also recommended that the new Constitution make explicit reference "to the right of each individual to give and receive religious education in the language of their choice, and to the right to cultural expression in the field of religion, with specific reference to the rights of members of registered and unregistered religious groups to freely exercise their religion and culture, while ensuring that religious organizations are not precluded from taking part in public affairs". Turkmenistan ignored these recommendations.

"Under international human rights law," the OSCE review noted, "religious or belief communities should not be obliged to acquire legal personality if they do not wish to do so; the enjoyment of the right to freedom of religion or belief must not depend on whether a group has sought and acquired legal personality status."

In Article 18, which bans religious organisations from interfering in the affairs of state, the OSCE recommended that this be "re-considered or clarified", otherwise it could "misinterpreted" to prevent religious organisations from getting involved in public affairs. The OSCE also questioned why a similar ban on the interference by the state in the affairs of religious organisations was not included. These recommendations were ignored.

Similarly ignored was the OSCE recommendation for the ban on religious-based political parties to be removed from Article 44 of the new Constitution.

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## **Imprisoned Muslim leader – alive or dead?**

By Felix Corley

Forum 18 (26.9.2016) - <http://bit.ly/2eP9QSL> - *Bahram Saparov led a Hanafi Sunni Muslim community in Turkmenabad. He and about 20 members of his group were given long prison sentences in May 2014. He and at least two others were transferred to the top-security Ovadan-Depe prison, where torture is frequent and prisoners are held incommunicado.*

One of the many Muslims imprisoned in Turkmenistan - apparently to punish them for exercising the right to freedom of religion or belief - is Bahram Saparov. As of 2014, he was being held incommunicado in Turkmenistan's top-security Ovadan-Depe prison in the desert north of the capital Ashgabad, a fellow Muslim told Forum 18. Two of the others sentenced with him are known also to have been there at the same time. However, as the unit where he and other prisoners accused of being "Wahhabis" is closed, no news

has been heard of him - or the other two - since then. Forum 18 has been unable to establish if Saparov and the others are still alive.

Saparov was married with two children and would now be about 34 years old. He led a Hanafi Sunni Muslim community in the eastern city of Turkmenabad [Turkmenabat] (formerly Charjew) in Lebap Region until his imprisonment in late 2013. About 20 others were sentenced to long prison terms with him but, apart from the two others known also to have been in Ovadan-Depe prison in 2014, Forum 18 has been unable to discover if they are imprisoned and, if so, where they are.

There has been international concern over whether or not more than 80 other prisoners in Turkmenistan are still alive or have died – and if dead how they died.

In a separate case, another Muslim from Turkmenabad, Renat Bektemirov, was imprisoned in 2008 for sharing his faith with others and questioning the preaching of the Regional Mufti. He was first given a five-year prison term, but a further seven-year term was later added while he was already in prison. Forum 18 has been unable to establish if he is still imprisoned (see below).

Another Muslim reportedly imprisoned for exercising freedom of religion or belief died in labour camp near Turkmenabad in 2013. Artur Atayev, who used the first name Ali, was imam of an unregistered Sunni Muslim mosque in the Khitrovka district of Ashgabad until his 2008 arrest (see below).

Court officials have refused to give Forum 18 any specific details of these cases.

### ***Muslim possible prisoners of conscience***

Only sparse information has emerged in recent years of Muslims imprisoned for their religious activity who might be prisoners of conscience.

Musa (last name unknown), a Muslim from Ashgabad who seems to have been imprisoned for teaching the Koran to children, was being held in the general regime labour camp at Seydi in Lebap Region at the beginning of 2012.

Five Muslim men imprisoned on charges of religious extremism, who arrived in Seydi strict regime labour camp in February 2015, were severely beaten on arrival. Forum 18 was unable to establish if they – and a group of about 10 Muslim men transferred from that labour camp to the top-security prison in Ovadan-Depe in December 2014 – are prisoners of conscience.

### ***Known Jehovah's Witness prisoners of conscience***

Two Jehovah's Witness prisoners of conscience are currently known to be imprisoned for exercising the right to freedom of religion or belief.

The 32-year-old Jehovah's Witness Mansur Masharipov was sentenced to one year's imprisonment on 18 August in the northern city of Dashoguz for allegedly assaulting a police officer back in July 2014, charges he denies. Following his 2014 arrest, he was tortured. He escaped from a Drug Rehabilitation Centre where he was being injected with unknown drugs that harmed his health. He was re-arrested in Ashgabad in June 2016 before being transferred back to Dashoguz for trial.

The 53-year-old Jehovah's Witness Bahram Hemdemov is serving a four-year sentence handed down in May 2015 on charges of inciting religious hatred, charges he denies. He is being held in the general regime section of the Seydi Labour Camp.

In addition to those imprisoned for exercising the right to freedom of religion or belief, the authorities regularly hand down corrective labour sentences to those unable to perform compulsory military service on grounds of religious conscience. The men must live at home under restrictions and a fifth of their wages are confiscated by the state.

Jehovah's Witness conscientious objector Dayanch Jumayev was sentenced in Ashgabad in February 2016 to one year of corrective labour. Five further Jehovah's Witness young men are known to have been given conditional or corrective labour sentences between February and August 2016.

### ***Prisoners subjected to torture***

Prisoners generally have to endure harsh conditions, especially for those unable or unwilling to pay bribes to secure access to reasonable living quarters, food or washing facilities. Torture of prisoners is widespread.

In 2011 the United Nations (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" (see UN reference CAT/C/TKM/CO/1 <http://www.unhcr.org/refworld/docid/4ef0540f2.html>).

Under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Turkmenistan is obliged to arrest and try under criminal law any person suspected on good grounds of having committed torture.

In March and October 2015 the UN Human Rights Committee found that Turkmenistan had violated the rights of four further Jehovah's Witness young men by imprisoning them for refusing compulsory religious service on grounds of religious conscience. The Committee also ruled that beatings and other maltreatment (such as a head being repeatedly bashed against a wall) of Zafar Abdullayev, Mahmud Hidaybergenov, Ahmet Hidaybergenov and Sunnet Japparov is torture and the government needs to provide reparations.

The UN Human Rights Committee adopted five further decisions in July 2016 that Turkmenistan had violated the rights of five more Jehovah's Witness former prisoners of conscience, including by the use of torture against them.

The government has failed to provide any reparations to the victims.

### ***Turkmenabad: home meetings to study Islam***

Bahram Saparov led a small group of young people in his home city of Turkmenabad from 2007 eager to learn more about Hanafi Sunni Islam. He organised meetings in homes to study the five pillars of Islam and the attitude of Islam to the family and neighbours, one Muslim familiar with his work told Forum 18. Up to 10 young people initially joined the group, but it later grew to about 60 people in two groups.

In his teaching Saparov used Islamic books which had been approved by muftis, including Abu Zakaiya's "Gardens of the Righteous" and the works of the Moscow Imam Shamil Alyautdinov.

In 2009, Saparov organised the first of what he called a "Muslim wedding". Men and women would gather separately and no alcohol was served. "This was very unusual there," the Muslim explained to Forum 18. "This is why people started calling Bahram a Wahhabi."

"Wahhabi" is a common term in Central Asia not just for anyone who follows the purist form of Islam which predominates in Saudi Arabia but for any Muslims who follow a traditional form of Islam. It often has pejorative connotations, especially when used by officials.

Many of the young men who joined Saparov's study group were sportsmen who trained in local gyms. Saparov gained a reputation locally for defending people whose rights were undefended by others, the Muslim told Forum 18.

Much later, after the mass arrest of Saparov and other group members, a few of the rest fled to Turkey, where several reportedly travelled to join the ISIS terrorist group.

However, Forum 18 has not been able to find evidence that Saparov and members of his group violated the human rights of others or called for such violations. Nor has Forum 18 found evidence that Saparov encouraged his fellow Muslims to join terrorist groups.

### ***Turkmenabad: secret police retaliation for home meetings***

Saparov and members of his group soon came to the attention of the Ministry of State Security (MSS) secret police. In 2008 and 2009, MSS officers frequently summoned them individually for interrogation.

One officer would be polite, but when he had left a second officer would arrive who would beat or kick them in the face. "We don't want to see you in the mosque again," the second MSS officer reportedly told them. The first officer would then return, innocently asking what had happened to the individual's face and insisting there was no problem if they continued to attend the mosque.

The MSS secret police even detained and tortured a young man on his wedding day in about 2009, the Muslim told Forum 18.

Later the MSS secret police reportedly encouraged local criminals to attack members of Saparov's group, hoping that if they fought back this would provide an easy opportunity to punish them, the Muslim added.

### ***Turkmenabad: Mass arrests and trial***

In late 2013 or early 2014, police or MSS secret police arrested Saparov and about 20 other members of the Muslim groups he led. The MSS secret police seized Saparov's computer and studied the entire contents of the hard drive, the Muslim told Forum 18. Five of the other men arrested (and subsequently sentenced with Saparov) were Adylbek, Meylis, Atajan, Kamiljan (who went by the Muslim name Hamza) and Allaberdi (last names unknown).

No one at any of the police telephone numbers in Turkmenabad Forum 18 reached on 26 September 2016 was willing to comment on the arrests of Saparov and his fellow Muslims.

In May 2014 Saparov and about 20 others were tried in closed hearings at Lebap Regional Court in Turkmenabad, a court official confirmed to Forum 18 on 26 September. The official explained that cases with serious charges are heard not in city courts but in regional courts. However, the official refused to say how many defendants were on trial, what the charges were and what the sentences were. "This is secret information," the official insisted.

During the trial the court had a live videolink to Ashgabad, from where the result of the hearing was dictated. Charges reportedly included fighting and trade in drugs, allegations

the Muslim insisted to Forum 18 were fabricated. Forum 18 has been unable to establish what any other charges might have been, nor what specific Articles of the Criminal Code were used. All were sentenced to long prison terms.

Forum 18 has been unable to establish if any of those sentenced lodged any appeals and, if so, what the result was.

### ***Ovadan-Depe: Closed top-security prison***

Saparov, Adylbek and Meylis, and possibly some or all of the others sentenced with them, were then transferred to the isolated top-security prison at Ovadan-Depe (Picturesque Hill) in the Karakum desert 70 kms (45 miles) north of Ashgabad. Saparov, Adylbek and Meylis, and possibly some or all of the others, were imprisoned there in the blocks reserved for prisoners the authorities describe as "Wahhabis".

About 120 men accused of being "Wahhabis" were being held in the seventh and eighth blocks at Ovadan-Depe in 2014, Alternative Turkmenistan News noted on 24 August 2014. Like political prisoners held in a separate part of the desert prison, "Wahhabis" are banned from receiving parcels or visits from relatives, it added.

An individual who saw Saparov in the prison in 2014 – the last time he is known to have been alive – barely recognised him. "Bahram's face – and the faces of the other prisoners in the block – were unrecognisable because of the beatings," one source told Forum 18. "Officers in uniform came weekly from Ashgabad in helmets and riot gear and beat the prisoners." Adylbek and Meylis were also seen alive in the prison about the same time in 2014.

Forum 18 was unable to reach the leadership of the top-security prison in Ovadan-Depe as no telephone numbers for it are made public.

### ***Turkmenabad: Reprisals and fear***

Following the sentencing, relatives of Saparov and other members of the group were sacked from their jobs.

Other group members became very frightened after the arrests, the Muslim told Forum 18. Those who dared to continue attending Friday prayers at state-controlled mosques stopped greeting each other and left as soon as prayers were over.

Police detained one former member of the group in 2014 even though he had – apparently out of fear - stopped praying publicly following the mass arrests. Officers shaved off his beard and forced him to eat pork and drink alcohol.

### ***Turkmenabad: 2008 arrest in mosque***

In a separate case, an ethnic Tatar from Turkmenabad, Renat Bektemirov, was imprisoned in 2008 to punish him for talking to others of his faith. Bektemirov, who was then about 45, was a familiar figure with a beard and dressed in Islamic clothes preaching from about 2007 in the market. The MSS secret police arrested and tortured him, a Muslim familiar with his activity told Forum 18.

Bektemirov used to attend Turkmenabad's central Abu-Yusuf Mosque. One week, he told the state-appointed Regional Imam after Friday prayers that he was not preaching well and was wrong to preach from the Ruhnama, the book written by the former president Saparmurat Niyazov, who died in 2006. Bektemirov told the Regional Imam he would answer for his preaching before Allah.

One Friday in summer 2008, Bektemirov stood up to ask a question in the Mosque just before Friday prayers were due to begin. He asked the imam why he did not preach against pornographic films that people were watching on their mobile phones.

The MSS secret police arrested Bektemirov immediately in the Mosque. He was then tried and sentenced to five years' imprisonment. Forum 18 has been unable to find out what charges Bektemirov was sentenced under, nor whether he appealed against the sentence.

When he was already serving his sentence, a further sentence of seven years' imprisonment was added, another Muslim who knows him told Forum 18. Forum 18 has been unable to establish if Bektemirov is still imprisoned.

### ***Ashgabad: Imam's 2008 arrest***

Artur Atayev, who used the Muslim name Ali, was imam of a Sunni Mosque which functioned without state permission in Khitrovka, a poor district in north-eastern Ashgabad. Imam Atayev was particularly known for teaching Islam to children, an individual familiar with his work told Forum 18.

Imam Atayev was arrested in mid-September 2008, about two days after an armed clash between a local gang and security forces in which many were killed on both sides. The individual familiar with his work insisted to Forum 18 he had not been involved in the gang.

Forum 18 has been unable to establish if Atayev was the mullah whose arrest was noted by Nurberdi Nurmammedov, a founder of the unregistered opposition party Agzybirlik (Unity), who lived in Khitrovka. He told Radio Free Europe's Turkmen Service in September 2008 that police had detained the unnamed local mullah after a local resident had invited him to lead a traditional end of fast meal in early September 2008 at the beginning of the Muslim fasting month of Ramadan.

Prosecutors accused Imam Atayev of organising an attempted coup. At his trial at Ashgabad City Court, the Judge sentenced him to 20 years' imprisonment in a strict regime labour camp, the individual told Forum 18. His family appealed to the Supreme Court, but this rejected the appeal.

Forum 18 was unable to establish what Criminal Code Articles Imam Atayev was sentenced under. The chancellery at Ashgabad City Court confirmed to Forum 18 on 26 September that its database does contain case records dating back to 2008 and 2009, but insisted that it could give no information by telephone. Telephones at the Supreme Court went unanswered when Forum 18 called the same day.

"The authorities claim Ali had called for an uprising, but this is not true," the individual insisted to Forum 18. "He never did anyone any harm. He taught Islam to children – that is why he was imprisoned."

### ***Seydi: Prisoner died in labour camp in 2013***

Following his sentencing, Imam Atayev was transferred from Investigation Prison to the strict-regime labour camp at Seydi in the desert in the eastern Lebap Region. His family were reportedly never allowed to visit him in labour camp or send him food or clothing parcels.

Imam Atayev died in Seydi strict-regime labour camp in 2013 at the age of about 50. His body was never returned to relatives for a funeral. Forum 18 has been unable to

establish whether the death was from natural causes, such as a pre-existing medical condition, or from neglect or maltreatment in the labour camp.

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## **Search, arrest, torture, escape, arrest, prison**

By Felix Corley

Forum 18 (21.9.2016) - <http://bit.ly/2fa0Jzz> - *Police raided Jehovah's Witness Mansur Masharipov's home in Dashoguz in July 2014, seized religious literature (subsequently destroyed), severely beat him, injected him in a Drug Rehabilitation Centre (from which he escaped) with unknown drugs. He was jailed after June 2016 arrest for one year.*

Jehovah's Witness Mansur Masharipov has appealed against a one-year prison term handed down on 18 August in the northern city of Dashoguz for allegedly assaulting a police officer back in July 2014. Police subsequently destroyed Bibles and other religious literature confiscated from him during a raid on his home, according to the verdict seen by Forum 18. His fellow-Jehovah's Witnesses insist the 32-year-old Masharipov is innocent of any wrongdoing and was targeted for his faith.

After being arrested in July 2014 Masharipov was tortured by police with severe beatings, which Forum 18 has seen evidence of and which has been submitted to the United Nations (UN) Working Group on Arbitrary Detention and the Special Rapporteur on Freedom of Religion or Belief. Masharipov was then forcibly detained in a Drug Rehabilitation Centre in Dashoguz, after his July 2014 arrest. He was there also tortured by being injected with harmful unknown drugs, and "out of fear for my life and my health" he then escaped from the Centre the same month. On 30 June 2016 Masharipov was arrested in the capital Ashgabad [Ashgabat] and taken to the Investigation Prison in Dashoguz ahead of his trial.

Under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Turkmenistan is obliged to arrest and try under criminal law any person suspected on good grounds of having committed torture. As is normal in Turkmenistan, no official in the case of Masharipov has been arrested or put on trial for torturing him.

### **Other prisoners of conscience**

Masharipov is one of two known Jehovah's Witness prisoners of conscience. The 53-year-old Bahram Hemdemov is serving a four-year sentence on charges of inciting religious hatred, charges he denies.

An unknown number of Muslims are also believed to be imprisoned to punish them for exercising freedom of religion or belief. One of those apparently being held incommunicado in Turkmenistan's top-security Ovadan-Depe prison in the desert north of Ashgabad is Bahram Saparov, a fellow Muslim told Forum 18. He had led a Hanafi Sunni Muslim community in the eastern city of Turkmenabad [Turkmenabat] (formerly Charjew) until his imprisonment in late 2013. About 20 others were sentenced to long prison terms with him. Their fate remains unknown.

Another Muslim reportedly imprisoned for exercising freedom of religion or belief died in labour camp near Turkmenabad in 2013. Artur Atayev, who used the first name Ali, was imam of an unregistered Sunni Muslim mosque in the Khitrovka district of Ashgabad, someone familiar with his work told Forum 18. His body was never returned to relatives for a funeral. Imam Atayev was arrested in September 2008 soon after an armed clash

between a local gang and security forces. The individual familiar with his work insisted he had not been involved in the gang.

In addition to those imprisoned for exercising the right to freedom of religion or belief, the authorities regularly hand down corrective labour sentences to those unable to perform compulsory military service on grounds of religious conscience. The men must live at home under restrictions and a fifth of their wages are confiscated by the state.

Jehovah's Witness conscientious objector Dayanch Jumayev was sentenced in Ashgabad in February 2016 to one year of corrective labour. Five further Jehovah's Witness young men are known to have been given conditional or corrective labour sentences between February and August 2016.

### ***Ashgabad arrest***

Masharipov – who is unmarried – is an ethnic Uzbek who lived in Dashoguz until he moved away from the city in 2014 to avoid arrest. In May 2004 he was sentenced to 18 months' imprisonment for refusing compulsory military service on grounds of his religious faith. He was among four Jehovah's Witness conscientious objectors freed from prison under amnesty in April 2005.

Police officers arrested Jehovah's Witness Masharipov on 30 June 2016 in a park in Ashgabad, Jehovah's Witnesses told Forum 18. He was then transferred back to his home city of Dashoguz, where he was held in the city's Interior Ministry's Investigation Prison (DZD/7).

Police had been hunting for Masharipov since summer 2014 to punish him for exercising the right to freedom of religion or belief. On the morning of 3 July 2014, six police officers and officials had come to his home in Dashoguz as part of "preventive measures" because of his "adherence to the Jehovah's Witness religion", the August 2016 court verdict notes.

One of those raiding Masharipov's home was Hudainazar Artykov, an official of the Religious Affairs Department of the Regional Hyakimlik (administration)

The police officers asked Masharipov to hand over all his literature about religion. He "voluntarily" gave them 22 copies of the New Testament and other books, 15 religious leaflets, 42 religious discs, 7 exercise books with religious notes, 304 pages of religious notes, a religious calendar and a computer notebook containing six or seven Jehovah's Witness films. Masharipov told the officers he had been given these items by an unknown individual on a visit to Uzbekistan. Officers also confiscated his mobile phone.

The officers then demanded that Masharipov go with them to the police station for – in the words of the verdict – "explanatory work" and "preventive measures in connection with his adherence to the Jehovah's Witness movement", but he refused.

Police officer Gurban Khanov claimed that once outside the block of flats, Masharipov tried to run away. Officers then grabbed him by the arm to try to put him in the police car. Khanov claimed Masharipov tore the lower button and left epaulette from his police uniform before they managed to get him into the car.

Masharipov was charged under Criminal Code Article 211, Part 1 with assaulting a police officer, "although it was the police officers who had subjected him to rough physical mistreatment," Jehovah's Witnesses told Forum 18. "Mansur Masharipov has previously endured abuse, even torture, for his peaceful religious activities."

Criminal Code Article 211, Part 1 punishes "The threat of murder or use of violence not dangerous to life or health in relation to a law-enforcement or military officer or those

close to them in connection with the carrying out of their duties in protecting law and order". Punishment is corrective labour or a prison term of up to two years.

### ***Police torture Masharipov and lodge false charges against him***

Masharipov's fellow Jehovah's Witnesses gave Forum 18 – at the time of the arrest and torture in late July 2014 – information that contradicts the August 2016 claims of police about what happened after the arrest.

Jehovah's Witnesses at the time stated that, after the search was complete, one of the plain-clothed police officers grabbed Masharipov from behind by the neck, "choking him so he could not breathe, and then dragged him into a waiting vehicle". Once in the vehicle, the officers "began to beat him repeatedly on his head and on his body above his kidneys".

At 12 noon the police took Masharipov to Dashoguz City Police Station, where he was again beaten. From there he was taken to a supervisor's office where the police began to openly discuss what pretext they would use to justify placing him in detention. They brought in police officer Ruslan Jumaniyazov (who had been present during the raid), who said he would claim that Masharipov had ripped off his shoulder insignia while resisting arrest.

At 1 pm Masharipov was returned to Dashoguz City Police Station, where he was again beaten. "The police threatened they would place him in a 'harem' cell with male prisoners where he would be raped," Jehovah's Witnesses told Forum 18 back in July 2014.

The police gave Masharipov a document in Turkmen, which he does not understand, and forced him to sign it. They claimed the document contained a report that they had confiscated religious books during the search of his flat. The officials included three officers from the Ministry of State Security (MSS) secret police and one representative of the religious affairs department of the Regional Hyakimlik.

Police again threatened that they would charge Masharipov with ripping off the insignia of a police officer. Local policeman Merdan Khanov (also present during the raid) stated that he would testify to this effect.

In the afternoon, the police took Masharipov to Dashoguz City Prosecutor's Office. The prosecutor took a statement from Masharipov and he was then returned to Dashoguz City Police Station and again beaten.

Some of the same police officers in Dashoguz were also involved in accusing another local Jehovah's Witness of tearing off the insignia from an officer's uniform. The same Artykov from the regional religious affairs department testified that Bibi Rahmanova had assaulted the officer in July 2014 within days of Masharipov's detention. She received a four-year prison term the following month, but had her sentence suspended on appeal in September. This meant she was ordered to serve the rest of her sentence at home under travel restrictions.

The duty officer at Dashoguz City Police refused to discuss with Forum 18 in August 2014 the treatment of Masharipov by its officers.

### ***Tortured with drugs***

At 6 pm on 3 July 2014, police took Masharipov to the Drug Rehabilitation Centre in Dashoguz. "This was done as a pretext to justify his detention," Jehovah's Witnesses told Forum 18. "The medical staff administered four injections to Mansur Masharipov, one in each buttock and two below his shoulder blades." His arms and legs became paralysed

and he vomited throughout that evening and the following day. He also began to suffer a high fever and severe headaches.

Fearing further torture, Masharipov escaped from the Drug Rehabilitation Centre on 5 July 2014 and fled from Dashoguz.

### ***Dashoguz sentence***

Following the arrest of Masharipov in Ashgabad on 30 June 2016, police and prosecutors revived the criminal case against him. As well as accusing him under Criminal Code Article 211, Part 1, Dashoguz City Prosecutors' Office also considered accusations under Criminal Code Article 177 ("Incitement of social, ethnic or religious hatred"). However, on 1 August Prosecutors abandoned charges under this Article.

On 18 August, Judge V. Amanov of Dashoguz City Court heard the case against Masharipov not in the court, but at a hearing held in the city's Housing Trust. Judge Amanov found Masharipov guilty under Criminal Code Article 211, Part 1. He sentenced him to one year in a general regime labour camp, according to the verdict seen by Forum 18. Masharipov denied the allegations against him in court.

Police officer Gurban Khanov, described as the "victim", testified in court and called for Masharipov to be punished. The verdict notes that a 5 July 2014 medical report on Gurban Khanov had not found any injuries.

Also testifying in court was regional religious affairs official Artykov. He told the court that Police had already destroyed the New Testaments and other religious literature confiscated from Masharipov during the raid on his home in July 2014. However, the verdict also quotes an 8 July 2016 letter from the Muftiate representation in Dashoguz Region to say that the confiscated books had been handed over to the government's Commission for Work with Religious Organisations and Expert Analysis of Resources Containing Religious Information, Published and Printed Production before being destroyed.

Forum 18 has been unable to obtain a copy of the Muftiate letter, which is Page 118 of the case file.

The Commission was established in summer 2015 to replace the Gengesh (Council) for Religious Affairs, the government body controlling religious communities (see F18News 18 April 2016 [http://www.forum18.org/archive.php?article\\_id=2169](http://www.forum18.org/archive.php?article_id=2169)).

The verdict does not explain why Masharipov's religious literature was destroyed.

The verdict ordered that his confiscated computer and mobile phone should be transferred to the state.

The prison term was deemed to run from 30 June, the date of his arrest, with each day in pre-trial detention counting as the equivalent of two days' labour camp.

Forum 18 was unable to reach Judge Amanov at Dashoguz City Court on 21 September. It was also unable to reach regional religious affairs official Artykov the same day.

### ***Appeal lodged***

On 30 August, Masharipov lodged an appeal against his conviction – seen by Forum 18 - to Dashoguz Regional Court. He denied the police account that he had used force against them, noting that because of his faith "for me an individual, their worth, life, rights and

freedom are of great value". He added that "my religion teaches and helps me to relate to other people with deep respect and love".

Masharipov recounted the beatings and rape threats from police officers after his 3 July 2014 detention. He added that later that afternoon, when he was brought out of the Prosecutor's Office, he tried in vain to run away. He was then beaten again "right on the street". Beatings continued once officers had taken him back to the police station.

Masharipov also recounted that at the Drug Rehabilitation Centre, staff gave him four injections "after which I felt sick, I had a headache and a high temperature and it was almost impossible for me to move". "On 5 July 2014, out of fear for my life and my health, and with the aim of preserving them, I escaped from the Drug Rehabilitation Centre."

Masharipov – who says he does not smoke or drink alcohol – questions why he was sent to the Drug Rehabilitation Centre with no court decision. He notes that on 7 July 2014 he sent complaints about the Police conduct to the Interior Ministry and, the following day, to the General Prosecutor's Office. On 30 March 2015 he sent a complaint to President Gurbanguly Berdymukhamedov.

In his appeal Masharipov also complained about procedural violations. He said he had not been given the opportunity to acquaint himself with the accusations against him, and that the July 2014 house search had been conducted without a search warrant from the Prosecutor's Office.

Masharipov insists that the case against him violates the protection of the right to freedom of religion or belief outlined in Turkmenistan's Constitution and the International Covenant on Civil and Political Rights, to which Turkmenistan is a party.

No-one at Dashoguz Regional Court would confirm to Forum 18 on 21 September whether any appeal hearing has yet been set in Masharipov's case.

If Masharipov's appeal is rejected, he is likely to be sent to serve his sentence at the general regime labour camp in the desert just outside the eastern town of Seydi in Lebap Region.

### ***UN appeal***

Jehovah's Witnesses lodged an urgent appeal on 11 July 2014 about Masharipov's case to the United Nations (UN) Working Group on Arbitrary Detention and the Special Rapporteur on Freedom of Religion or Belief in Geneva.

The appeal – seen by Forum 18 – gives details of the abuses in Masharipov's case and includes photographs of scars on his arms, legs, stomach, back and one cheek which Jehovah's Witnesses say were inflicted on him in police detention.

The appeal also covered abuses against three other Jehovah's Witnesses.

### ***No charges against police officers***

The verdict in Masharipov's case also reveals that Prosecutors considered criminal cases against two police officers involved in the July 2014 raid. Dashoguz City Prosecutors' Office considered criminal charges against Gurban Khanov and Jumaniyazov under Article 181 ("Misuse of official powers"), Article 182 ("Exceeding official powers") and Article 182-1 ("Torture").

Dashoguz City Prosecutors' Office dropped these charges on 1 August 2016. The verdict gives no reason for the decision.

Under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Turkmenistan is obliged to arrest and try under criminal law any person suspected on good grounds of having committed torture.

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## **Jehovah's Witnesses harassed, beaten, intimidated, arrested, imprisoned**

EAJCW (26.09.2016) - <http://www.osce.org/odihr/268441?download=true> - During 2016, Jehovah's Witnesses were subjected to harassment and mistreatment, beatings, intimidation, unwarranted searches, detention, seizure of religious publications, and fines for exercising their religious beliefs and, in one case, for merely attending a religious meeting.

- Government authorities have not acknowledged an application for legal registration submitted in **August 2008**.
- Bahram Hemdemov has been imprisoned since **14 March 2015** and is currently serving a four-year sentence in the Seydi Labour Camp LB-K 12 for his religious activity during a peaceful meeting of Jehovah's Witnesses.
- Mansur Masharipov was arrested on **30 June 2016** on fabricated criminal charges of attacking police officers. On **18 August 2016**, a court sentenced him to one year in a general regime prison colony.
- In **March 2016**, Parliament adopted "The Law of Religion and Religious Organizations," which states that all unregistered religious organisations are illegal. Attempts to meet with representatives of the Gengeshi (Council) of Religious Affairs have so far been unsuccessful.
- The **1 January 2014** Code of Administrative Offences includes the offence of violating the procedure for religious activity (Article 76.1). Officials have used its broad provisions to prosecute Jehovah's Witnesses for peacefully meeting together for worship, since they are without registration.

### ***Abuses and restrictions of religious freedom***

#### **Harassment by officials**

(1) Gazadzhak (Region of Lebap). On **23 April 2016**, police arrested five of Jehovah's Witnesses. During a search of one of the Witnesses' apartments, the police planted religious literature to fabricate "evidence" against him, and beat him at the police station. On **25 April 2016**, all five individuals were fined TMT 100 (EUR 25).

(2) Turkmenbashi. On **24 April 2016**, two of Jehovah's Witnesses were sharing a Bible message with their neighbours when police detained them. The police took the Witnesses to the police station, where they beat one of the Witnesses and threatened to throw him from the fourth floor. On **6 May 2016**, the Witnesses were fined TMT 100 (EUR 25).

#### **Interference with religious services**

(1) Turkmenabad. On **5 June 2016**, two police officers and the local sheriff in civilian clothing interrupted a religious meeting at the home of a male Witness. They conducted a

search and seized personal religious literature belonging to his mother. Two male Witnesses were brought to the police station, where they were pressured to write an explanatory note.

(2) On **28 May 2016**, on the pretext of a passport check, the police and the local sheriff, P. Klichev, raided a home where some of Jehovah's Witnesses were gathered for worship. Two Ministry of National Security (MNS) representatives conducted a search and seized religious literature. Three of those in attendance were taken to the police station. One of the Witness men was beaten and threatened with 15 days' detention.

(3) On **23 March 2016**, a group of 20 Jehovah's Witnesses, including young children, were attending the annual Memorial of Christ's death, their most sacred event, in a private home. Five law-enforcement officers in civilian clothing broke into the apartment through the balcony. The officers were Maksat, from the MNS; Toyli, from the City Police Department; Lieutenants Piriyevev Shatlik and Annaev Begench; and local sheriff Beshimov Begench. The officers were aggressive and rude and beat both men and women. They searched the apartment and found one Bible. They confiscated a printer and a personal computer without providing any documentation. A pregnant woman in attendance fainted and had to be taken to the hospital by ambulance. The rest of those in attendance were taken to the police station, where some of the women were insulted and two male Witnesses were beaten again. One was strangled and lost consciousness, while the other was threatened with torture by electric shock. The police officers demanded that they write a statement with the reasons for gathering and the names of those in attendance. Two men were detained for 15 days without a court hearing. The remainder of those detained were released on **25 March**. On **19 April 2016**, eight Witnesses were fined TMT 500 (EUR 126) under Article 75-2 of the Administrative Code. In **June 2016**, two of Jehovah's Witnesses discovered that TMT 200 (EUR 50) had been deducted from their pension. Four of the eight who were fined determined that they would appeal the decisions against them. One of them received a copy of the decision against her and filed an appeal on **9 June 2016**. The three others have yet to receive their decisions, despite repeated requests. On **1 August 2016**, in response to the Witnesses' collective complaint against the police actions of **23 March** and thereafter, the Prosecutor's Office of the city of Turkmenabad sent a written reply stating that the police officers of the city of Turkmenabad committed no violations of the rules and regulations during their "investigation." The Prosecutor's Office therefore stopped its investigation of the complaint.

### **Interference with manifestation of belief**

Because Jehovah's Witnesses are not legally registered, they are denied permission to share their religious beliefs with their neighbours, to import and distribute religious literature, or to gather together for peaceful religious meetings.

(1) Ashgabat. On **20 June 2016**, one of Jehovah's Witnesses was summoned to the director's office at the kindergarten where she worked. Three officials in civilian clothing questioned her: police officer Arslan, a representative of the Department for Religious Affairs of the local City Hall, and Maksat of the MNS. They searched her bag without permission and found personal copies of religious literature. The officials also threatened another Witness who worked in the same kindergarten and took her personal literature. Later, both of the Witness women were pressured into resigning from their employment.

(2) On **21 April 2016**, two female Jehovah's Witnesses were walking on the street when a police officer (Mr Ataev) and an MNS officer (he identified himself as Mr Murad but did not show his identity card) arrested them. The officers pinioned the women, took them to the police station, and seized their personal religious literature. The officers, especially Mr Murad, were very abusive. Both women were fined TMT 100 (approximately EUR 25). On

**24 May 2016**, the city court left the penalty unchanged. An appeal to the General Prosecutor's Office is being prepared.

(3) On **16 February 2016**, one of Jehovah's Witnesses who had been sentenced to one year of correctional labour as a conscientious objector was on his way to visit a friend when an officer of the MNS approached him. The officer demanded the computer hard drive that the Witness was carrying and took him to the police station, where the hard drive was seized. On **22 February 2016**, the Witness was fined TMT 200 (EUR 50).

(4) On **2 February 2016**, a male Witness spoke about the Bible with a man on the street. Immediately thereafter, police officers Vepa Tailakov and Yazgeldi Nursahatov took the Witness man to the police station to verify his identity. They searched his phone and confiscated it after finding religious publications downloaded on it. Later that day, the Witness was fined TMT 200 (EUR 50). On **1 March 2016**, the City Court left the penalty unchanged. An appeal to the General Prosecutor's Office is being prepared.

(5) On **20 January 2016**, a female Witness was forcibly taken to the police station after she was found talking to others about the Bible. At the police station, an officer confiscated her personal Bible and her phone, and she was accused of distributing religious booklets. She was held for about five hours. On **27 January 2016**, the Witness was fined TMT 200 (EUR 50). On **23 February 2016**, the City Court left the penalty unchanged. An appeal to the General Prosecutor's Office is being prepared.

(6) On **19 January 2016**, two police officers and the local sheriff went to the home of a female Witness. They explained that one of her neighbours complained that she had given him a religious magazine, although the Witness is certain that she has never spoken with the man about her religion. She was taken to the police station, where she discovered that the religious magazine they produced as evidence was not published by Jehovah's Witnesses. Nonetheless, the police officers searched her personal laptop, found downloaded publications from the website of Jehovah's Witnesses, and seized the computer. On **27 January 2016**, the Witness was fined TMT 200 (EUR 50). On **23 February 2016**, the City Court left the penalty unchanged. An appeal to the General Prosecutor's Office is being prepared.

(7) Turkmenabad. On **20 April 2016**, a male Witness was arrested near his home and was taken to the police station. The police confiscated his personal copy of the Bible and then took him home and demanded all his religious literature. He was detained for 15 days without a court hearing.

(8) On **18 March 2016**, officers from police department No. 6 went to the workplace of two of Jehovah's Witnesses. They searched the workplace and then conducted a search at the Witnesses' homes, where they confiscated one man's personal literature. Later, he was fined TMT 500 (EUR 126).

(9) On **12 February 2016**, police officers burst into the home of one of Jehovah's Witnesses while his sister and her two minor children were there visiting. The police seized his personal computer and photographed his family members. Among the officers were Murat Hudaybergenov of the police department and Mergen Karyagdiev of the Prosecutor's Office.

(10) On **10 February 2016**, police major Gahrیمان, Lieutenant Otem, and MNS officers Berdi Ataev and Mekan Valiev raided the home of a female Witness. She and her son were taken to the police station, where their mobile phones were confiscated and they were threatened with arrest for espionage.

(11) On **28 January 2016**, two female Witnesses were arrested while sharing the Bible's message with their neighbours. They were taken to the police station, where their cell phones, tablets, and all of their religious literature was seized.

(12) On **13 January 2016**, two young boys who are Jehovah's Witnesses were detained at school by MNS officer Mekan Veliyev and the inspector of cyases involving minors. While Mr Veliyev was trying to put the children in his car, one of them ran away. The other boy was then locked in a school classroom. Later that day, MNS agents searched the home of the boy who ran away and seized all of the religious literature belonging to the family.

### **Denial of right to conscientious objection to military service**

Turkmenistan has consistently prosecuted, imprisoned, and physically mistreated conscientious objectors to military service. Seventeen such cases have been filed with the UN Human Rights Committee (CCPR) by Jehovah's Witnesses. The first of these cases, Zafar Abdullayev v. Turkmenistan (Communication No. 2218/2012), was decided on **25 March 2015**. The CCPR found that prosecuting and imprisoning Mr Abdullayev twice for his refusal of military service not only violated his right to freedom of religion but also goes contrary to the prohibition against repeat prosecution, in violation of Articles 14(7) and 18(1) of the International Covenant on Civil and Political Rights (ICCPR). The CCPR also held that Mr Abdullayev had been subjected to torture by prison officials, in violation of ICCPR Article 7, and that the deplorable conditions of his imprisonment at the LBK12 prison violated his right to be "treated with humanity and with respect for the inherent dignity of the human person," in violation of ICCPR Article 10(1). The CCPR directed that Turkmenistan expunge Mr Abdullayev's criminal record to prevent similar violations in the future and that they adopt legislation "guaranteeing the right to conscientious objection." On **29 October 2015**, the CCPR issued rulings on the cases of three more Witnesses who are conscientious objectors: Mahmud Hudaybergenov (Communication No. 2221/2012), Ahmet Hudaybergenov (Communication No. 2222/2012), and Sunnet Japparow (Communication No. 2223/2012). On **15 and 16 July 2016**, the CCPR issued rulings on five additional cases: Nasyrlyev v. Turkmenistan (Communication No. 2219/2012), Aminov v. Turkmenistan (Communication No. 2220/2012), Matyakubov v. Turkmenistan (Communication No. 2224/2012), Nurjanov v. Turkmenistan (Communication No. 2225/2012), and Uchetov v. Turkmenistan (Communication No. 2226/2012).

In all nine decisions, the CCPR found the convictions and sentences for refusal of compulsory military service to be an infringement of freedom of thought, conscience, and religion, in breach of Article 18(1). In each case, the CCPR also determined that the authorities' treatment of the men violated the ICCPR Article 7 guarantee that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." In addition, the CCPR concluded that the deplorable living conditions violated the right of detainees to be treated "with humanity and with respect for the inherent dignity of the human person," under ICCPR Article 10. The Views of the CCPR have not yet been implemented by Turkmenistan. On the domestic level, the following cases are pending:

(1) Doshoguz. On **17 July 2016**, Sanjarbek Saburov was placed in preventive detention while awaiting trial. A complaint regarding the detention was filed with the Presidential Administration, the General Prosecutor's Office, the Ministry of Internal Affairs, and the Turkmen National Institute of Democracy and Human Rights. On **9 August 2016**, Mr Saburov received a two-year conditional sentence and was released. On **10 August 2016**, the Dashoguz Regional Prosecutor's Office responded to Mr Saburov, stating that they would readdress his complaint to the Dashoguz District Prosecutor's Office. The response from the Doshoguz District Prosecutor's Office is still pending.

(2) Seydi. On **2 and 11 May 2016**, Artur Yangibayev sent a written petition to the Military Commissariat, explaining his conscientious objection to military service. On **16 June 2016**, two representatives of the Military Commissariat, along with the local sheriff, went to his home and took him to the Prosecutor's Office, where he was threatened with 15 years' imprisonment. The officers applied severe psychological pressure and forced him to write a letter retracting his earlier written petition for alternative service as a conscientious objector. A complaint about the coercion to which he was subjected was filed with the Presidential Administration and the General Prosecutor's Office. On **8 August 2016**, he was placed in preventive detention while awaiting trial. On **30 August 2016**, Mr Yangibayev received a two-year conditional sentence and was released.

(3) Ashgabat. Between February and August 2016, four Witness men were charged according to Part 1 of Article 219 of the Criminal Code. Merdan Ochanov, Konstantin Sivkov, and Ruslan Rahmetulov received two-year conditional sentences, and Dayanch Dzhumayev was sentenced to one year of correctional labour (meaning that 20 percent of his salary is withheld and paid to the State budget). None of them was imprisoned. State Censorship of Religious Literature The State allows only registered religious groups to produce, import, export, or distribute religious materials.

### ***Societal abuses and discrimination***

(1) Turkmenabad. On **5 June 2016**, one of Jehovah's Witnesses who works in a hospital refused to salute the flag. On **7 June 2016**, the hospital director and a lawyer demanded that he write an explanation indicating the reason for his decision. The Witness refused to do so. On **9 June 2016**, about ten people from the Democratic Party of Turkmenistan and the political union of the hospital prepared a report and tried to convince the Witness to salute the flag. They threatened that if he did not sign a paper stating that he regretted his decision, they would send his case to the City Hall, and the hospital director told him that he would endeavour to have him fired.

(2) Doshoguz. Teachers of an eighth-grade student who is one of Jehovah's Witnesses have exerted considerable pressure on her because she refuses to wear a flag lapel pin, as do the rest of the students. One teacher threatened to pull her hair out. Later this teacher contacted the student's mother and tried to convince her to force her daughter to wear a lapel pin. This student's two younger sisters have also been pressured by the teachers.

### ***Positive developments***

On **17 February 2015**, the President of Turkmenistan amnestied a conscientious objector who is one of Jehovah's Witnesses. The World Headquarters of Jehovah's Witnesses sent a letter thanking the President and the Government for this fair and reasonable action on behalf of human rights. Since then, no Witnesses who are conscientious objectors to military service have been imprisoned.

### ***Meetings with officials***

In **July 2016**, two representatives of Jehovah's Witnesses visited the Turkmen National Institute of Democracy and Human Rights, which operates under the President of Turkmenistan. They discussed the registration of the religious organization, the general attitude of the government toward Jehovah's Witnesses, the possibility for an alternative civilian service, as well as four positive decisions of the CCPR regarding conscientious objectors. The officials recommended that the Witnesses visit the Ministry of Justice to clarify the issue of possible registration. Local representatives plan to make another attempt to meet with the authorities regarding the registration issue.

## **Religious freedom objectives**

Jehovah's Witnesses respectfully request the government of Turkmenistan to:

- (1) Release Bahram Hemdemov, who was imprisoned for peaceful religious activity
  - (2) Release Mansur Masharipov, who was also imprisoned for peaceful religious activity
  - (3) Permit Jehovah's Witnesses to register their religious organisations in the country
  - (4) Recognize the right to conscientious objection to military service and provide for alternative civilian service
  - (5) Allow Jehovah's Witnesses legally to import and share Bibles and their Bible-based literature
  - (6) Terminate illegal searches and seizures of religious literature from homes of believers
  - (7) Stop arresting and prosecuting people for attending peaceful religious gatherings
- Representatives of Jehovah's Witnesses welcome the opportunity to engage in a constructive dialogue with representatives of the Turkmenistan government.
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## **Conscientious objectors face corrective labour sentences**

By Felix Corley

Forum 18 (05.07.2016) - <http://bit.ly/2bFEsXb> - Six conscientious objectors to compulsory military service sentenced to corrective labour since October 2014, including Dayanch Jumayev in February. They live at home under restrictions, the state seizing a fifth of their wages. Appeals from 11 conscientious objectors are with UN Human Rights Committee.

Young men continue to be convicted on criminal charges in Turkmenistan for refusing compulsory military service on grounds of religious conscience and sentenced to corrective labour. Six young Jehovah's Witnesses have been convicted and given such corrective labour sentences since October 2014, Jehovah's Witnesses told Forum 18, with the most recent known sentence in February 2016. The men must live at home under restrictions and a fifth of their wages are seized by the state.

No conscientious objectors to military service are known currently to be imprisoned. Jehovah's Witness prisoner of conscience Bahram Hemdemov is serving a four-year sentence on charges of inciting religious hatred, charges he denies (see below).

Over many years, Jehovah's Witness young men have routinely been convicted for refusing compulsory military service on grounds of religious conscience. Although in earlier years some were given non-custodial sentences, most were imprisoned. The last known imprisoned conscientious objector, Ruslan Narkuliyev, was freed under amnesty in February 2015.

The United Nations (UN) Human Rights Committee is due to begin its review of Turkmenistan's record under the International Covenant on Civil and Political Rights at a closed meeting in Geneva on the afternoon of today (5 July). Turkmenistan failed to meet a call during the last review of the country in 2012 for it to introduce a civilian alternative to compulsory military service. It also failed to explain to the Committee why it had not introduced such an alternative service (see below).

Appeals from 11 young men convicted for refusing compulsory military service (nine of them former prisoners of conscience) are under review by the Committee (see below).

### ***No alternative service***

Turkmenistan offers no alternative to its compulsory military service. Article 41 of the Constitution describes defence as a "sacred duty" of everyone and states that military service is compulsory for men. Military service for men between the ages of 18 and 27 is generally two years. A proposed Alternative Service Law was reportedly drafted in 2013, but officials have been unable to tell Forum 18 if and when it might be adopted.

Criminal Code Article 219, Part 1 punishes refusal to serve in the armed forces in peacetime with a maximum penalty of two years' imprisonment or two years' corrective labour.

On 12 April a new Religion Law came into force, which among other restrictions repeats the existing ban on conscientious objection to military service.

### ***Six corrective labour sentences***

All six of the young men convicted and given corrective labour punishments since October 2014 were punished under Criminal Code Article 219, Part 1. Sentences were generally of one or two years. All had 20 per cent of their wages ordered seized by the state, Jehovah's Witnesses told Forum 18. Those convicted chose not to appeal against their sentences for fear they might be changed to custodial sentences.

Among those convicted were: Akmurad Nurjanov in December 2014; Timur Baltayev in January 2015; Serdar Hemdemov in April 2015; Kerven Kakabayev in December 2015; and Dayanch Jumayev in February 2016.

Jumayev, who is from the capital Ashgabad [Ashgabat], was in February 2016 sentenced to one year of corrective labour.

The 20-year-old Hemdemov, who is from the eastern city of Turkmenabad [Turkmenabat] (formerly Charjew), was in April 2015 sentenced to two years' corrective labour. In March 2015 he was given two consecutive 15-day prison terms after police raided a meeting for worship in the family home in Turkmenabad. In April 2015, during his second 15-day term of imprisonment, he was placed in isolation and severely tortured.

Serdar Hemdemov's father Bahram Hemdemov is a prisoner of conscience. Police arrested Bahram Hemdemov during the March 2015 raid on his home, following which they tortured him. He is serving a four year prison term on charges of inciting religious hatred. All Hemdemov's attempts to overturn his sentence on appeal have failed.

### ***No alternative service law***

No move to adopt an Alternative Service Law appears imminent, despite the apparent drafting of such a Law in 2013.

Pirnazar Hudainazarov, Chair of the Mejlis (Parliament) Legislative Committee, refused absolutely to discuss with Forum 18 on 29 June if and when such a law might be adopted. "Talk to the Foreign Ministry," he kept repeating. When Forum 18 pointed out that the Mejlis adopts laws, not the Foreign Ministry he put the phone down.

Recent legal changes have increased the penalties for exercising freedom of religion and belief. On 12 April a new Religion Law came into force. Among other restrictions it keeps the existing ban on exercising freedom of religion and belief with others without state permission, and increases the number of founders who can apply for legal status for a religious community from five to 50. The new government Commission that controls religion needs to approve all religious literature and any new places of worship. The Religion Law also repeats the existing ban on conscientious objection to military service.

### ***Eleven appeals with UN Human Rights Committee***

Eleven appeals from Jehovah's Witness young men who were convicted for refusing compulsory religious service on grounds of religious conscience (nine of whom are former prisoners of conscience) are awaiting decisions by the UN Human Rights Committee. The Committee is considering such appeals at its current session which runs from 20 June to 15 July. It is not yet known whether it will be issuing decisions in any of these 11 cases during the session.

The 11 are among 15 Jehovah's Witness young men who lodged appeals between September 2012 and August 2013 over punishments for refusing military service on religious grounds.

The nine former prisoners of conscience awaiting Human Rights Committee decisions are: Novruz Nasyrlyayev, Matkarim Aminov, Dovran Matyakubov, Shadurdy Uchetov, Akmurat Egendurdiev, Arslan Dovletov, Juma Nazarov, Yadgarbek Sharipov and Atamurat Suvkhanov. Similarly awaiting decisions are Akmurat Nurjanov, who served a suspended prison term, and Danatar Durdyev, who was fined.

In his complaint to the UN, Uchetov notes that he repeatedly told the Conscription Office and the courts why he could not in conscience conduct military service. "I told the court that, given my respect for my country and my duty to the state, I was willing to perform alternative civilian service," he declared in his 23 June 2012 statement attached to the complaint.

In March and October 2015 the UN Human Rights Committee found that Turkmenistan had violated the rights of four further Jehovah's Witness young men by imprisoning them for refusing compulsory religious service on grounds of religious conscience. The Committee also ruled that beatings and other maltreatment (such as a head being repeatedly bashed against a wall) of Zafar Abdullayev, Mahmud Hidaybergenov, Ahmet Hidaybergenov and Sunnet Japparov is torture and the government needs to provide reparations.

Torture has been routinely used against prisoners of conscience jailed for exercising freedom of religion and belief, including conscientious objectors to military service. Torture, rape threats and fines were also used against the families and friends of such prisoners of conscience after they complained to the UN Human Rights Committee.

Under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Turkmenistan is obliged to arrest and try under criminal law any person suspected on good grounds of having committed torture.

No one at the Foreign Ministry in Ashgabad was available on 4 July to discuss with Forum 18 what measures – if any – have been put in place to compensate the four young men for the violation of their rights or to prevent others similarly having their rights violated.

On 5 April Forum 18 wrote to Ambassador Atageldi Haljanov at Turkmenistan's Mission to the United Nations in Geneva to ask what steps the government has taken to recompense these four young men for the violations of their rights and what steps it has

taken to prevent the violations (imposition of compulsory military service, torture) happening again. Despite resending the questions on 24 June, Forum 18 had received no response by the morning of the working day in Switzerland on 5 July.

### **UN Human Rights Committee ignored**

Following its review of Turkmenistan in March 2012, the UN Human Rights Committee reminded it that guaranteeing the human rights of those with conscientious objections to serving in the armed forces requires the provision of a genuine civilian alternative. It also called among other things for an end to restrictions on exercising freedom of religion and belief without state permission, religious education and the import of religious literature. That same month, Zafar Abdullaev, a 24-year-old Jehovah's Witness conscientious objector, was given the maximum two year prison sentence for refusing to do military service.

"The State party should take all necessary measures to review its legislation with a view to providing for alternative military service," the Committee noted in its Concluding Observations (CCPR/C/TKM/CO/1). "The State party should also ensure that the law clearly stipulates that individuals have the right to conscientious objection to military service. Furthermore, the State party should halt all prosecutions of individuals who refuse to perform military service on grounds of conscience and release those individuals who are currently serving prison sentences".

In its 27 July 2015 response to this point of the Concluding Observations (CCPR/C/TKM/2), Turkmenistan failed to respond to these demands and simply restated the current legal obligation for all young men to perform military service unless exempted on grounds of health of family circumstances.

The response noted that "in accordance with Presidential Decision No. 2482 of 2 February 1996, which established technical medical units in the country's armed forces, citizens who invoke their religious beliefs to refuse to perform military service may serve in medical institutions as junior staff or service personnel". However, as such service is under Defence Ministry control it does not meet international human rights commitments for a genuine alternative service outside military structures.

The Human Rights Committee is scheduled to begin its review of Turkmenistan's record on 5 July in Geneva. The full review is expected to take place in spring 2017.

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## **Police in Turkmenabad assault attendees at observance of Christ's death**

JW.org (03.05.2016) - <http://bit.ly/1NnWsna> - On March 23, 2016, police officers attempted to disrupt a group of 20 of Jehovah's Witnesses gathered in a private apartment in Turkmenabad, Turkmenistan, for the annual observance of Christ's death. Failing to gain entrance, the officers remained outside. None in attendance dared to leave and so stayed the night.

The next day, four police officers broke into the apartment through the balcony. They assaulted some of the Witnesses and acted so aggressively that a pregnant woman required hospital care. All were taken to the police station, where two male Witnesses were beaten. On March 25, all detainees were released except for one male who was imprisoned for 15 days. On April 19, authorities fined seven of the Witnesses about \$143 U.S. each, though none of them received a court decision.

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## **Turkmenistan obligated to remedy human rights violations**

JW.org (17.03.2016) - <http://bit.ly/1LJRI02> - In four recent decisions, the UN Human Rights Committee concluded that the government of Turkmenistan wrongly punished men who conscientiously object to military service. \* It also determined that the harsh conditions of imprisonment violated other rights guaranteed by the International Covenant on Civil and Political Rights (ICCPR). The Committee's decisions obligate Turkmenistan to remedy its violations of international human rights law.

### ***One resolve results in two convictions***

In March 2015, the Committee reviewed the case of Zafar Abdullayev, a Turkmen national who is one of Jehovah's Witnesses. The authorities twice convicted him for conscientious objection. When Mr. Abdullayev came to trial in April 2009, he testified before the Dashoguz City Court that through a study of the Bible, he resolved not to take up weapons, learn war, or otherwise support military activity. He also testified that he was willing to perform alternative civilian service. However, the court convicted him to a 24-month conditional sentence \*for "evasion of conscription."

Within 11 months of completing his sentence, Mr. Abdullayev was before the same court in response to another military service call-up. His resolve remained the same. The court sentenced him to 24 months in prison.

The Committee concluded that punishing Mr. Abdullayev twice for refusing military service violated the guarantee that "no one shall be liable to be tried or punished again for an offence for which he has already been finally convicted." (See ICCPR Article 14, paragraph 7.) More fundamentally, the Committee concluded that both convictions were in breach of "the right to freedom of thought, conscience and religion."—See ICCPR Article 18, paragraph 1.

### ***Life in prison***

Immediately upon his arrival at the Seydi LBK-12 prison, the prison administration placed Mr. Abdullayev in isolation for ten days. While he was there, prison guards beat him and subjected him to other forms of ill-treatment.

Between 2010 and 2011, three other Witness men, Ahmet Hidaybergenov, Mahmud Hidaybergenov, and Sunnet Japparow, were also imprisoned for their conscientious objection to military service. They reported a similar brutal initiation to the Seydi prison and suffered repeated beatings throughout their detention.

The four Witnesses gave similar accounts of prison conditions. Approximately 40 inmates were crowded into cells that lacked basic hygiene and were provided no place to sit but the concrete floor. At nighttime, they had only dirty blankets that were insufficient for the prisoners.

In October 2015, the Committee ruled on the cases of Messrs. Hidaybergenov, Hidaybergenov, and Japparow. Similar to its decision concerning Mr. Abdullayev, the Committee determined that the treatment to which authorities subjected the men violated the guarantee that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." (See ICCPR Article 7.) The Committee also concluded that the deplorable living conditions violated the right of detainees to be treated "with humanity and with respect for the inherent dignity of the human person."—See ICCPR Article 10.

### ***Obligations to remedy human rights violations***

The UN Human Rights Committee acknowledged that Turkmenistan's law imposes conscription on male citizens. However, the Committee maintains that the ICCPR guarantees an exemption from compulsory military service if the refusal derives from genuinely held beliefs. A conviction and sentence punishing refusal on these grounds is incompatible with the fundamental right to "freedom of thought, conscience and religion."

The Committee's decisions obligate the government of Turkmenistan to adopt "legislative measures guaranteeing the right to conscientious objection," to investigate thoroughly claims of "cruel, inhuman or degrading treatment," and to prosecute anyone found responsible for ill-treatment. The Committee also requires the government to make full reparation to the men whose rights it violated, including appropriate compensation, and to clear their criminal records of conviction for conscientious objection.

### ***Further progress needed***

The government of Turkmenistan has made progress in dealing with conscientious objectors. In March 2015, it released the last Witness imprisoned for exercising this right.

However, Turkmenistan continues to hold other prisoners of conscience. Bahram Hemdemov, a family man and one of Jehovah's Witnesses, remains in prison. Authorities took him into custody when police raided the worship services he hosted in his home on March 14, 2015. A court later condemned him to a four-year prison sentence for his religious activity. Mr. Hemdemov now endures the mistreatment and deplorable living conditions of the notorious Seydi labor camp.

Jehovah's Witnesses and all Turkmen citizens look forward to seeing the government fully meet its international commitments to respect human rights, including the fundamental right to freedom of thought, conscience, and religion.

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