

Jehovah's Witnesses

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Charles Taze Russell (1852-1916) is regarded as the originator of the Bible Student movement of the late 19th century in the United States (US). Russell believed that traditional churches had abandoned the faith of the 'primitive church', and that the restoration of true Christianity could be achieved through a more literal reading of the Bible and a sincere devotion to following its teachings. The Bible Student movement spawned several independent student associations, including one which would later become the Jehovah's Witnesses.

Jehovah's Witnesses take their name from what was once believed to be the holy name of God referenced in the Hebrew Bible. In the 19th century 'Jehovah' was thought to be the pronunciation of YHWH or JHVH, an English transliteration of the divine name which appears frequently in the Old Testament. Joining this term

with a passage from the prophet Isaiah - 'You are my witnesses that I am God' (43:12) - the organisation eventually became known as Jehovah's Witnesses.

Jehovah's Witnesses are now present in 240 countries and territories, with a worldwide membership of more than 8.2 million evangelists. In Europe, there are more than 16,000 congregations and 1.5 million active members.

Jehovah's Witnesses are especially known for their door-to-door evangelism and the wide distribution of the group's literature, notably *The Watchtower* magazine and *Awake!*. Attendance at their conventions can reach more than 15 million, with nearly 20 million attending the denomination's annual Memorial observing Christ's death.

Jehovah's Witnesses are directed by its Governing Body, which is based in New York City in the US and establishes all doctrines and interpretations of the Bible. They prefer to use their own translation, which they call the *New World Translation of the Holy Scriptures*.

Since their establishment, Jehovah's Witnesses have been repressed by several governments, most notably:

- the Nazi regime in Germany and in countries under Nazi control between 1933 and 1945. They were sent to concentration camps and sentenced to death, sometimes by decapitation;
- Communist regimes between 1917 and 1989;
- the fascist regimes in Spain and Portugal until the 1970s;
- and the imperial regime of Japan and other dictatorships.

Most recently, the movement of Jehovah's Witnesses was banned in Russia in 2018 and dozens of them are now in prison.

Jehovah's Witnesses are mostly imprisoned for their refusal to perform military service in countries where there is no alternative civilian service, for sharing their beliefs in the public space, and for proselytising.

Where there are victims of arrests, prison sentences and discrimination, Jehovah's Witnesses will actively litigate to protect their members. This has helped shape jurisprudence related to freedom of religion or belief in many countries throughout the world.

Teachings

Consistent with its origins in the teachings of Charles Taze Russell, Jehovah's Witnesses claim to recover the truths of the 'primitive church'. They place special emphasis on the Second Coming of Christ and the final judgement of those who reject his message. They believe that one day the earth will be destroyed, and then Paradise will be restored according to God's plan for creation.

The Jehovah's Witnesses adhere to several distinctive doctrines and practices that differ significantly from those of the majority of Christians. For example, they reject the Orthodox Christian belief in the Trinity and refuse to observe traditional Christian holidays, such as Christmas and Easter, which they consider to be of pagan origins or otherwise incompatible with the Christian faith.

Jehovah's Witnesses are generally moderate in their lifestyle and refrain from smoking, the abuse of alcohol, and sexual relations outside of marriage. They strive to be good citizens, respectful toward authorities, and law-abiding, except in cases where the law conflicts with their conscience as Christians.

ERITREA: Reasons for the Persecution of Jehovah's Witnesses

According to July 2018 estimates by the US government, the total population of Eritrea is six million. There are no reliable figures on religious affiliation, but it is estimated that 49% of the population are Christian and 49% are Sunni Muslim.¹

The country is ruled by a totalitarian one-party dictatorship of Maoist inspiration. Eritrea gained independence from Ethiopia in 1991 after 30 years of continuous armed struggle by the Eritrean Liberation Front. Since then, national presidential or legislative elections have never taken place.

A number of beliefs and practices of Jehovah's Witnesses have been perceived negatively by the current government.

Jehovah's Witnesses are politically neutral and conscientiously cannot participate in military service. They refuse to kill or receive training on how to kill. Because they will not participate in compulsory military service, Eritrean authorities consider them to be opposed to the regime.

¹ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Eritrea 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/eritrea/>.

Additionally, Jehovah's Witnesses develop missionary activities in close social networks and hold religious meetings in private homes, which is illegal. Furthermore, Jehovah's Witnesses decline to participate in political elections.

By a presidential decree dated 25 October 1994, President Afewerki revoked citizenship for Jehovah's Witnesses because they did not participate in the 1993 independence referendum and they are conscientious objectors to military service. Prior to enforcing conscription, Eritrean authorities had provided genuine alternatives with civilian service. Numerous Jehovah's Witnesses took part in these alternative options under different government administrations. The authorities systematically issued 'Certificates of Completed National Service' and often praised participants for their work. However, since this presidential decree, security forces have imprisoned, tortured, and harassed Jehovah's Witnesses in an effort to force them to renounce their faith.

Jehovah's Witnesses in Prison in Eritrea

In Eritrea, Jehovah's Witnesses are in prison as conscientious objectors to military service, for holding underground religious meetings or for attempts to share their beliefs with others.

Jehovah's Witnesses behind bars: some statistics

As of 1 June 2020, HRWF documented **55 cases** of Jehovah's Witnesses in its Prisoners' Database,² 46 men and 9 women.

Of the Jehovah's Witnesses currently imprisoned, 16 are known to have been arrested for conscientious objection to military service. Police arrested others who were attending Christian meetings or publicly sharing their faith. More commonly though, they arrested individuals for undisclosed reasons. With one recent exception, those imprisoned have never had the opportunity to offer a defence in court. Most do not know how long they will remain in prison.

The majority of the imprisoned male Jehovah's Witnesses are incarcerated indefinitely, with no hope of release until they die or are near death. Since there are no effective domestic legal procedures or remedies available to them, their imprisonment amounts to a de facto life sentence.

Three men, Paulos Eyasu, Isaac Mogos, and Negede Teklemariam, have been in prison for conscientious objection to compulsory military service since 17 September 1994. Ten other men have been in prison for over ten years. Some

² Our Database is updated on a regular basis. For more details about imprisoned Jehovah's Witnesses, see <https://hrwf.eu/prisoners-database/>.

Jehovah's Witness prisoners have been detained in metal shipping containers, while others were held in stone or metal buildings half buried in the ground.

In 2018, two Jehovah's Witnesses died after their transfer to the Mai Serwa Prison. Habtemichael Tesfamariam died at the age of 76 on 3 January and Habtemichael Mekonen died at the age of 77 on 6 March. Eritrean authorities imprisoned both men in 2008 without charges.

Articles of the Penal Code

In almost all cases, Jehovah's Witnesses are arrested and imprisoned without any formal criminal charges, trial or sentencing.

Like many others imprisoned in Eritrea, detained Jehovah's Witnesses have no legal recourse and so cannot challenge their indefinite detention.

International advocacy

On 6 July 2017, the **European Parliament's** resolution on *Eritrea, notably the cases of Abune Antonios and Dawit Isaak*, condemned 'in the strongest terms Eritrea's systematic, widespread and gross human rights violations', and called upon the Eritrean Government to 'put an end to detention of the opposition, journalists, religious leaders and innocent civilians'. The Parliament demanded 'that all prisoners of conscience in Eritrea be immediately and unconditionally released' and that 'the Eritrean Government provide detailed information on the fate and whereabouts of all those deprived of physical liberty'.³

Presented to the **UN Human Rights Council** on 16 May 2019, the *Report of the Special Rapporteur on the situation of human rights in Eritrea* stated that Jehovah's Witnesses 'face severe persecution, including denial of citizenship and travel papers, for their political neutrality and conscientious objection to military service'.⁴

The Special Rapporteur urged the Government of Eritrea 'to engage in dialogue with this congregation and release those in prison'. She also urged the Government 'to provide members of this congregation with the opportunity to participate in a form of civil service that is consistent with their religious beliefs'.⁵

³ European Parliament, Resolution on the cases of Abune Antonios and Dawit Isaak (2017/2755(RSP)) July 6, 2017. https://www.europarl.europa.eu/doceo/document/TA-8-2017-0309_EN.html.

⁴ General Assembly of the United Nations, *Situation of human rights in Eritrea. Report of the Special Rapporteur on the situation of human rights in Eritrea* (Report A/HRC/41/53) May 16, 2019. <https://reliefweb.int/sites/reliefweb.int/files/resources/G1914037.pdf>.

⁵ Ibid.

The **US Commission on International Religious Freedom (USCIRF)** recommended that the US government:

- re-designate Eritrea as a Country of Particular Concern (CPC) for engaging in systematic, ongoing, egregious violations of religious freedom;
- impose targeted sanctions on Eritrean government agencies and officials responsible for severe violations of religious freedom by freezing those individuals' assets and/or barring their entry into the US under human rights related financial and visa authorities;
- use bilateral and multilateral diplomatic channels to urge the government of Eritrea to:
 - a) release unconditionally detainees held on account of their religious activities;
 - b) publish the registration law for religious groups along with clear guidelines for applying for or appealing decisions;
 - c) end religious persecution of unregistered religious communities and grant full citizenship rights to Jehovah's Witnesses.⁶

CASE STUDIES

Three conscientious objectors in prison since 1994

The government has detained **Paulos Eyasu**, **Isaac Mogos** and **Negede Teklemariam** in Sawa prison since 17 September 1994 for conscientious objection to military service. The Eritrean government has never filed charges against them nor given them a hearing in court.⁷

Three Jehovah's Witnesses died due to poor treatment and prison conditions

Kahsai Mekonnen (76) was arrested in October 2008. He was released from the Meitir Camp a year later because of serious health problems. He died in 2013 as a result of the conditions he endured while imprisoned.

Two other Jehovah's Witnesses — **Tsehaye Tesfamariam** and **Goitom Gebrekristos** — also died on 30 November 2016 and 29 December 2014, respectively, because of the treatment they received while in custody. Their deaths were shortly after being released from the Meitir Camp.⁸

⁶ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Eritrea, 2020*, 2020.

<https://www.uscirtf.gov/sites/default/files/Egypt.pdf><https://www.uscirtf.gov/sites/default/files/Eritrea.pdf>

⁷ "Imprisoned for Their Faith: Eritrea", *Jehovah's Witnesses.org*, accessed May 2020. <https://www.jw.org/en/news/legal/by-region/eritrea/jehovahs-witnesses-in-prison/>.

⁸ Ibid.

RUSSIA: Reasons for the Persecution of Jehovah's Witnesses

As of July 2018, the US government estimated the total population of Russia to be 142.2 million. A 2015-2016 poll by the Pew Research Centre reported that 71% of the population is Orthodox Christian, while 10% identify as Muslim.⁹ According to the international headquarters of the Jehovah's Witnesses, their movement in Russia, which was legalised in 1991, is comprised of 395 local branches and 175,000 members.¹⁰

In April 2017, the Russian Supreme Court banned all Jehovah's Witnesses organisations in Russia and confiscated all their properties. It declared the Jehovah's Witnesses Administrative Centre, the head office for all 395 branches, an extremist organisation and ruled that all branches must be shut down.

This ruling was the last stage of an increasingly repressive policy starting in the early 2000s when the National Security Concept was extended to the spiritual realm.

The spiritual security concept is closely associated with the persisting Soviet paranoia of 'foreign' enemies and 'foreign' ideas. On 20 July 2012, President Vladimir Putin signed the so-called 'foreign agent law' that requires non-profit organisations that receive foreign funding and allegedly engage in 'political activity' to register and declare themselves as 'foreign agents'. Russian human rights NGOs fell into that category and so were forced to stigmatise themselves publicly. The concept of a 'foreign agent' quickly extended to religious organisations of foreign origin. Concretely, this spiritual security concept resulted in a religious cleansing policy that targets movements perceived as a threat to the identity of the Russian people and the Slavic and Orthodox Christian values. The door was opened to a sacred and natural alliance between the Kremlin and the Russian Orthodox Church, the main beneficiary of President Putin's spiritual security policy.

Simultaneously, the criminalisation of violent extremism progressively evolved until it included a vague concept of extremism without violence. This was condemned by the United Nations, the Council of Europe and its Venice Commission, the Organisation for Security and Co-operation in Europe (OSCE) and other transnational institutions. Proselytism became 'propaganda of exclusivity, superiority or inferiority of a person on the basis of their religious

⁹ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Russia 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/russia/>

¹⁰ "Russia/ Special Report: State-sponsored persecution of Jehovah's Witnesses continues", 22 March 2019, *Jehovah's Witnesses.org*, accessed May 2020. <https://www.jw.org/en/news/legal/by-region/russia/special-report-20190322/>

affiliation or attitude toward religion’, and an alleged form of extremist activity. As a result, any discourse or debate on spiritual topics, whether this concerns critiquing or considering the merits of a religion, could be characterised as extremist activity.

Anti-extremist measures include the prohibition of materials (books, videos, websites) on the grounds that they promote the superiority of one religion over others. This prohibition may be penalised with fines for believers and organisations for distribution of (or even possession ‘with intent to distribute’) prohibited materials under the Code of Administrative Offences. Believers may be prosecuted for inciting religious hatred, followed by a warning to the religious organisation about the impermissibility of extremist activities. Furthermore, a religious organisation may be subject to liquidation and prohibition for extremism, and its believers prosecuted for continuing the activities of the banned organisation.

The Russian Orthodox Church, the Catholic Church and other mainstream religions that have been part of Russia’s history such as Islam, Judaism and Buddhism are not targeted by the spiritual security concept and the anti-extremism laws. New and dissenting religious movements that are not controlled by these established religions are the victims of this legislation, especially Jehovah’s Witnesses.

Jehovah’s Witnesses in Prison in Russia

Jehovah’s Witnesses represent the highest number of religious prisoners in Russia. Their movement is banned and so are their publications. They are arrested and convicted as extremists for leading religious meetings in private houses as well as for possessing and distributing the publications of their movement.

Jehovah’s Witnesses behind bars: some statistics

As of 1 June 2020, HRWF documented **34 cases** of Jehovah’s Witnesses in its Prisoners’ Database.¹¹ However, in total there were 93 people on trial on charges of ‘continuing the activities of a banned extremist organisation’ because they had exercised their right to freedom of religion and belief. At least 20 of the 93 individuals on trial were above the age of 60. Investigators had also blocked more than 200 Jehovah’s Witnesses’ bank accounts.¹²

¹¹ Our Database is updated on a regular basis. For more details about imprisoned Jehovah’s Witnesses, see <https://hrwf.eu/prisoners-database/>.

¹² Arnold, Victoria, “RUSSIA: UN Working Group Condemns Detentions. Trial List,” Forum18: RUSSIA: UN Working Group condemns detentions, Trial list - 21 May 2020, May 21, 2020. http://www.forum18.org/archive.php?article_id=2573.

In their 2019 annual report, the Jehovah's Witnesses reported that over the course of that year 313 members had been charged, put on trial, or convicted for involvement in the group, and that Russian authorities had conducted 489 raids on the private homes of their members.¹³

Articles of the penal code

The two main articles in the Russian criminal code used by the judiciary to sentence Jehovah's Witnesses are:

Article 282.2: Organisation of or participation in 'the activity of a social or religious association or other organisation in relation to which a court has adopted a decision legally in force on liquidation or ban on the activity in connection with the carrying out of extremist activity'.

Article 282.3, Part 1: Financing of extremist activity. Offences under this article incur large fines or prison terms of up to eight years.¹⁴

International advocacy

In September 2019, the **US Department of State** banned two high-ranking regional officers in Russia's Investigative Committee from entering the US because they had allegedly tortured seven Jehovah's Witnesses. They were Vladimir Petrovich Yermolayev, the Head of the Investigative Committee in the city of Surgut, and Stepan Vladimirovich Tkach, Senior Investigator at the Investigative Committee of Surgut.

The US Department of State had credible information that Yermolayev and Tkach were involved in torture and/or cruel, inhumane, or degrading treatment or punishment of Jehovah's Witnesses in Surgut, Russia. On 15 February 2019, officers of the Surgut Investigative Committee, led by Yermolayev and Tkach, subjected at least seven Jehovah's Witnesses to suffocation, electric shocks, and severe beatings during interrogation.¹⁵

¹³“Свидетели Иеговы Под Гнетом Репрессий. Итоги 2019 Года,” Новости - Свидетели Иеговы в России, accessed June, 2020 (Jehovah's Witnesses Under the Yoke of Repression: Results of 2019). <https://jw-russia.org/news/2019/12/1512.html>.

¹⁴ “On trial, despite age and sickness”, *Forum 18*, 18 May 2020, accessed 6 July 2020. http://www.forum18.org/archive.php?article_id=2571

¹⁵ U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Russia 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/russia/>

On 12 March 2020, the **European Union** issued a *Statement on the situation of Jehovah's Witnesses in the Russian Federation and allegations of torture and ill-treatment* at the Organisation for Security and Co-operation in Europe (OSCE) Permanent Council in Vienna.¹⁶

On 1 May 2020, the **UN Working Group on Arbitrary Detention** adopted an Opinion (A/HRC/WGAD/2020/10) condemning the raids, arrests, detention and trials of 18 Jehovah's Witnesses, stating that it 'wishes to emphasize that none of them should have been arrested and held in pre-trial detention and no trial of any of them should take or should have taken place'.¹⁷

Attorneys for imprisoned Jehovah's Witnesses have also submitted complaints to the **UN Human Rights Committee**.¹⁸

Finally, Jehovah's Witnesses in Russia have filed 57 applications with the **European Court of Human Rights**. Thus far their efforts to end these unjust imprisonments have been unsuccessful.¹⁹

CASE STUDIES

A Danish citizen sentenced to six years in prison

Dennis Christensen, a 46-year-old Danish citizen, was arrested in Oryol on 25 May 2017, when heavily armed police officers and agents of the Federal Security Services disrupted a peaceful service of Jehovah's Witnesses that he was attending.

After nearly a year-long criminal trial with over 50 court appearances, Dennis Christensen was sentenced to six years' imprisonment for practicing his faith as a Jehovah's Witness.

On 6 February 2019, Judge Aleksey Rudnev of the Zheleznodorozhnyi District convicted him of allegedly 'organizing the activity of an extremist organization' under Article 282.2(1). On 23 May 2019, a three-judge panel of the Oryol Regional Court denied Dennis Christensen's appeal and upheld the six-year

¹⁶ OSCE Permanent Council No. 1262, EU Statement on the situation of Jehovah's Witnesses in the Russian Federation and allegations of torture and ill-treatment (PC.DEL/325/20), March 13, 2020. <https://www.stjornarradid.is/lisalib/getfile.aspx?itemid=03513350-683c-11ea-9456-005056bc530c>.

¹⁷ Arnold, Victoria, "RUSSIA: UN Working Group Condemns Detentions. Trial List," Forum

¹⁸ RUSSIA: UN Working Group condemns detentions, Trial list - 21 May 2020, May 21, 2020. http://www.forum18.org/archive.php?article_id=2573.

¹⁸ "Imprisoned for Their Faith: Russia", *Jehovah's Witnesses.org*, accessed May 2020. <https://www.jw.org/en/news/legal/by-region/russia/jehovahs-witnesses-in-prison/>.

¹⁹ Ibid.

prison sentence. He is jailed in Penal Colony No. 3 in the Kursk Region, and his sentence extends to May 2022.²⁰

Sergey Klimov sentenced to six years in prison

On 5 November 2019, the Oktyabrsky District Court of Tomsk sentenced **Sergey Klimov** to six years in prison for allegedly ‘organizing extremist activity’.

At his trial, Sergey Klimov said that he is a Jehovah's Witness, but denied that he was a leader of the group. His lawyer said they will appeal the court's ruling.

He was arrested on 3 June 2018 after law enforcement officers and special police forces invaded two homes of Jehovah's Witnesses. Approximately 30 Jehovah's Witnesses, including an 83-year-old woman, were taken in for questioning. All except for Sergey Klimov were released.

Local authorities initiated criminal charges against him, placing him in pretrial detention for two months. This detention was extended seven times, separating him from his wife and family for a year and five months before he was finally tried and sentenced.

Sergey Klimov's release date is July 2023.²¹

61-year-old Jehovah's Witness sentenced to a record six and a half years in prison

On 9 June 2020, Pskov court handed a six-and-a-half-year jail term to 61-year-old Jehovah's Witness **Gennady Shpakovsky**.

He was charged with arranging and financing a forbidden organisation under articles 282.2 (1) and 282.3 (1).

During his trial on 1 June 2020, Gennady Shpakovsky pled innocent and emphasised that he was being tried for his faith.

After his release in 2027, Gennady Shpakovsky has been sentenced to another year of restrictions which include: an 11 pm to 6 am curfew, a ban on leaving his hometown, and requirements to present himself to probation authorities twice a

²⁰ “Imprisoned for Their Faith: Russia”, *Jehovah's Witnesses.org*, accessed May 2020. <https://www.jw.org/en/news/legal/by-region/russia/jehovahs-witnesses-in-prison/>.

²¹ Ibid.

month. He will also be barred from leading or participating in religious meetings for three years.²²

Six years in prison for a Jehovah's Witness in Crimea

On 4 June 2020, the Crimean Supreme Court sentenced **Artem Gerasimov** to six years in prison. He was seeking acquittal from his original sentence by the Yalta City Court, which was a fine of 400,000 rubles (over 5,000 EUR).

The decision to both increase his punishment to imprisonment and to not send the case for a retrial is the first instance in any Jehovah's Witness' case in Crimea, or in Russia within its internationally recognised borders.

The ruling immediately came into force and he was taken into custody.

Artem Gerasimov is the second Jehovah's Witness to be imprisoned in Crimea under Russian law.²³

SINGAPORE: Reasons for the Persecution of Jehovah's Witnesses

In July 2018, the US government estimated the total population of Singapore to be 6 million. According to data from 2015, approximately 33.2% of the population are Buddhist, 18.8% are Christian, 14% are Muslim (predominantly Sunni), 10% are Taoist and 5% are Hindu.²⁴

Jehovah's Witnesses are conscientious objectors to mandatory military service.

Jehovah's Witnesses in Prison in Singapore

The Singaporean government enforces compulsory military service and does not recognise the right of conscientious objection.

Jehovah's Witnesses behind bars: some statistics

²² Arnold, Victoria, "RUSSIA: 6.5 Years' Jail for Building 'World Theocratic State' with 700 Roubles," Forum 18: RUSSIA: 6.5 years' jail for building "world theocratic state" with 700 roubles - 16 June 2020, June 16, 2020. http://www.forum18.org/archive.php?article_id=2578.

²³ "Imprisoned for Their Faith: Russia", *Jehovah's Witnesses.org*, accessed May 2020. <https://www.jw.org/en/news/legal/by-region/russia/jehovahs-witnesses-in-prison/>.

²⁴ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Singapore, 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/singapore/>.

As of 1 June 2020, HRWF documented **eight cases** of detained Jehovah's Witnesses in its Prisoners' Database.²⁵ They were all conscientious objectors to military service.

Three of them are serving a second sentence because they refused to change their stance after serving their first prison term. These young men have no legal recourse in Singapore.

Articles of the Penal Code

Singapore requires all men to enlist in the military when they turn 18 years old. If any young man refuses to do so for reasons of conscience, he is detained in a military camp for up to 15 months. After his release, he is ordered again to join the military. If he declines, he is subject to a second court martial for a term of up to 24 months. In total, a conscientious objector could serve 39 months of imprisonment.²⁶

Conscientious objectors are charged with violating **Section 17(1) of Singapore's Armed Forces Act**. They are sentenced by military court-martials.

International advocacy

The **United Nations** has long appealed to member States to 'recognize that conscientious objection to military service should be considered a legitimate exercise of the right to freedom of thought, conscience and religion recognized by the Universal Declaration of Human Rights'. Although Singapore has been a member State since 1965, it has expressed its disagreement with the United Nations on this issue. In a letter dated 24 April 2002, addressed to the UN Commission on Human Rights, a Singaporean government official stated that 'where individual beliefs or actions run counter [to the right of national defense], the right of a state to preserve national security must prevail'. In no uncertain terms, the official wrote, 'We do not recognize the universal applicability of conscientious objection to military service'.²⁷

The only other advocacy that has developed to push for the right to conscientious objection in Singapore is done by the headquarters of the Jehovah's Witnesses.

²⁵ Our Database is updated on a regular basis. For more details about imprisoned Jehovah's Witnesses, see <https://hrwf.eu/prisoners-database/>.

²⁶ "Imprisoned for Their Faith: Singapore", *Jehovah's Witnesses.org*, accessed May 2020. <https://www.jw.org/en/news/legal/by-region/singapore/jehovahs-witnesses-in-prison/>.

²⁷ Ibid.

CASE STUDIES

Sentenced to 30 months in prison by a court-martial

Brendon Jun Kai Hew was born in Singapore, but his family moved to the state of Sabah in East Malaysia when he was 12 years old. However, his family decided to return to Singapore in February 2018 so that he could fulfil his national service obligation as required by law.

When he reported for national service, Brendon Jun Kai Hew was assigned to the military. Since his conscience would not allow him to perform military service, he requested alternative civilian service instead. He expressed his wishes to the officers at the military camp where he was assigned and to the military tribunal during his court-martial hearings. Despite his repeated requests, he was sentenced to 30 months' imprisonment. Brendon Jun Kai Hew is expected to be released on 21 September 2020.²⁸

TAJIKISTAN: Reasons for the Persecution of Jehovah's Witnesses

In July 2018, the US government estimated the total population of Tajikistan to be 8.6 million. According to local academics, the population is more than 90% Muslim and the majority adheres to the Hanafi school of Sunni Islam.²⁹

The Culture Ministry banned Jehovah's Witnesses throughout the country in October 2007. The banning order stated:

The religious organisation of Jehovah's Witnesses carried out its activity in violation of Republic of Tajikistan legislation by distributing in public places and at the homes of citizens, i.e. among members and followers of other religions, propagandistic books on their religion, which has become a cause of discontent on the part of the people.³⁰

It is apparent that the proselytism activities of Jehovah's Witnesses and the reaction of the majority Muslim population are the main justifications for the ban.

²⁸ "Imprisoned for Their Faith: Singapore", *Jehovah's Witnesses.org*, accessed May 2020. <https://www.jw.org/en/news/legal/by-region/singapore/jehovahs-witnesses-in-prison/>.

²⁹ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Tajikistan 2018, 2018*. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/tajikistan/>.

³⁰ Bayram, Mushfig, "TAJIKISTAN: Religious Freedom Survey, March 2011," Forum 18: TAJIKISTAN: Religious freedom survey, March 2011 - 17 March 2011, March 17, 2011. http://www.forum18.org/archive.php?article_id=1553.

Moreover, Jehovah's Witnesses are conscientious objectors to military service, which is mandatory in Tajikistan for all men aged 18.

Jehovah's Witnesses in Prison in Tajikistan

Alleged 'incitement to religious hatred' and conscientious objection are the main charges used to arrest Jehovah's Witnesses in Tajikistan and to sentence them to prison terms.

Jehovah's Witnesses behind bars: some statistics

As of 1 June 2020, HRWF documented **two cases** of Jehovah's Witnesses in its Prisoners' Database.³¹ One was a conscientious objector and the other was convicted for allegedly inciting religious hatred.

Articles of the Penal Code

The two main articles in the Tajikistani criminal code used by the judiciary to sentence Jehovah's Witnesses are:

Article 376, Part 2: 'Refusal to perform military service duties with the purpose of evading it completely'.

Article 189, Part 2, d: 'Inciting national, racial, local or religious hatred or dissension, humiliation of national dignity, as well as propaganda of the superiority of citizens based on their religion, national, racial, or local origin, if committed in public or using the mass media'. This is punishable with five to ten years' imprisonment, with a possible additional ban on specified activity.³²

International advocacy

Presented to the **UN Human Rights Council** on 13 October 2017, the *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Tajikistan* stated that the Special Rapporteur was 'deeply concerned about the undue interference of the government authorities in manifestations of religious expression'. He also urged

³¹ Our Database is updated on a regular basis. For more details about imprisoned Jehovah's Witnesses, see <https://hrwf.eu/prisoners-database/>.

³² Bayram, Mushgig, "TAJIKISTAN: Pensioner Jailed until August 2026," Forum 18: TAJIKISTAN: Pensioner jailed until August 2026 - 11 September 2019, September 11, 2019. http://www.forum18.org/archive.php?article_id=2506.

the authorities ‘to bring the 2009 Freedom of Conscience and Religious Associations Act into line with the standards of international human rights law’.³³

In its 2020 Annual Report, the **United States Commission on International Religious Freedom** (USCIRF) recommended that the US government:

- re-designate Tajikistan as a Country of Particular Concern (CPC) for engaging in systematic, ongoing, and egregious violations of religious freedom;
- condition US assistance to the Tajikistani government, with the exception of aid to improve humanitarian conditions or advance human rights, on the reform of the 2009 religion law and the improvement of conditions for freedom of religion or belief;
- impose targeted sanctions on Tajikistani government agencies and officials responsible for severe violations of religious freedom by freezing those individuals’ assets and/or barring their entry into the US;
- press the Tajikistani government at the highest levels to identify and immediately release individuals imprisoned in Tajikistan for their peaceful religious activities or religious affiliations;
- and account for the whereabouts of all prisoners of conscience, including those imprisoned on religious grounds.³⁴

CASE STUDIES

A conscientious objector abducted from home and forcibly enlisted

On 4 October 2019, military officers forcibly took 19-year-old **Jovidon Bobojonov** from his home in Khujand to an enlistment office and placed him in custody. Two days later, he was taken to a military training centre in the Lenin District. Afterwards, he was transferred to military unit No. 45075 where officers physically assaulted him and placed him under intense emotional stress in an effort to make him wear a military uniform and take the military oath of allegiance.

On 28 January 2020, Jovidon Bobojonov was charged with evading military service under Article 376, part 2. On 2 April 2020, he was sentenced to two years of detention in a general regime colony.

³³ General Assembly of the United Nations, *Human Rights Council. Report of the Special Rapporteur on the promotion of the right to freedom of opinion and expression on his mission to Tajikistan* (A/HRC/35/22/Add.2) October 13, 2017. <https://undocs.org/en/A/HRC/35/22/Add.2>.

³⁴ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Tajikistan 2020*, 2020. <https://www.uscirf.gov/sites/default/files/Tajikistan.pdf>.

Prior to his abduction, Jovidon Bobojonov was summoned in August 2019 to the district enlistment office, where he later filed a written statement asking to perform alternative civilian service. On 1 October, he was declared fit for military service and then abducted on 4 October.

Since then, his parents have filed numerous complaints with Tajikistan officials, including the Presidential Administration and the Ombudsman's office. They were told that as long as a law on alternative service has not been adopted, Jovidon Bobojonov's actions constitute a crime.³⁵

In prison for seven and a half years at the age of 68

On 10 September 2019, the Khujand City Court sentenced 68-year-old **Shamil Khakimov** to a strict regime jail sentence of seven and a half years for allegedly 'inciting religious hatred'. Additionally, the court imposed a three-year ban on religious activities after his sentence is completed. During his trial, which was a closed hearing and took place in prison, he denied the charges under Article 189, Part 2.

Shamil Khakimov was arrested on 26 February 2019 because the regime believes he is the leader of Khujand's Jehovah's Witness community. Two days later, at the request of the Sughd Regional Prosecutor's Office, a judge ordered him to be held in pretrial detention. On 12 March, a panel of three judges at the Sughd Regional Court upheld the ruling. The Khujand City Court extended his pretrial detention three times and did not allow him release on bail.

Shamil Khakimov was prosecuted for literature, photos, videos, audio files, computer files and mobile phone data that was seized from him and other community members. The Prosecutor's Office claimed these materials contain 'features of extremist activity'. The analysis – conducted by three local Imams – was carried out at the request of the National Security Committee (NSC) secret police.

Shamil Khakimov, a retired widower, is in poor health. He underwent major leg surgery not long before his arrest and suffers from high blood pressure. Despite this, he was held in pre-trial detention for more than six months and is now serving his seven-and-a-half-year sentence.

On 9 October 2019, his appeal was rejected.³⁶

³⁵ "Imprisoned for Their Faith: Tajikistan", *Jehovah's Witnesses.org*, accessed May 2020. <https://www.jw.org/en/news/legal/by-region/tajikistan/jehovahs-witnesses-in-prison/>.

³⁶ Ibid.

TURKMENISTAN: Reasons for the Persecution of Jehovah's Witnesses

In July 2018, the US government estimated the total population of Turkmenistan to be 5.4 million, of which 89% are Muslim (mostly Sunni), 9% are Eastern Orthodox Christian, and 2% identify with another religion.³⁷

Jehovah's Witnesses are conscientious objectors to military service, which is mandatory in Turkmenistan for all men aged 18.

Jehovah's Witnesses in Prison in Turkmenistan

The Turkmenistani Constitution describes national defence as a 'sacred duty' for everyone under Article 58. Turkmenistan offers no alternative to the two-year compulsory military service for men between the ages between 18 and 27 years.

Jehovah's Witnesses behind bars: some statistics

As of 1 June 2020, HRWF documented **nine cases** of Jehovah's Witnesses in its Prisoners' Database.³⁸ They were all conscientious objectors to military service.

Until 2014, conscientious objectors lived at home under restrictions, such as the state confiscating 20% of their wages. On 22 October 2014, the President of Turkmenistan annested and released eight imprisoned Jehovah's Witnesses.

From 2014, courts punished objectors with corrective labour or suspended prison terms, rather than imprisonment. However, detaining conscientious objectors to compulsory military service resumed in January 2018 when courts sentenced 12 Jehovah's Witnesses, two of them for two years in prison and ten for one year.

After a four-year moratorium, Turkmenistan has resumed its practice of imprisoning conscientious objectors. This practice has not only continued in 2019, but penalties have increasingly become more severe.

Since 2018, Turkmenistan authorities have imprisoned 22 young Jehovah's Witnesses for their refusal to participate in military service. Most of them have

³⁷ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Turkmenistan 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/turkmenistan/>.

³⁸ Our Database is updated on a regular basis. For more details about imprisoned Jehovah's Witnesses, see <https://hrwf.eu/prisoners-database/>.

finished serving their sentences. Five are still serving a two-year prison sentence, while one was convicted to four years and another one to three years.³⁹

Articles of the criminal code

The main article in the Turkmenistani criminal code used to sentence Jehovah's Witnesses is:

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.⁴⁰

Domestic courts have denied numerous appeals submitted against sentences under this article.

International advocacy

From 2015 through 2019, the **UN Human Rights Committee** released 13 favourable decisions on complaints submitted by Jehovah's Witness who had been imprisoned under harsh conditions as conscientious objectors to military service. As of April 2020, Jehovah's Witnesses had three other complaints against Turkmenistan pending under the International Covenant on Civil Political Rights (ICCPR), one of which is related to conscientious objection.

Turkmenistan has failed to fulfil the UN Human Rights Committee's requirements to expunge their criminal records, offer reparations, and prevent similar violations in the future.

The UN Human Rights Committee has repeatedly called on Turkmenistan to 'revise its legislation without undue delay' to:

provide for alternative service of a civilian nature outside the military sphere and not under military command for conscientious objectors, and halt all prosecutions of individuals who refuse to perform military service on grounds of conscience and release those who are currently serving prison sentences.⁴¹

³⁹ "Imprisoned for Their Faith: Turkmenistan", *Jehovah's Witnesses.org*, accessed June 2020. <https://www.jw.org/en/news/legal/by-region/turkmenistan/jehovahs-witnesses-in-prison/>.

⁴⁰ Corley, Felix, "TURKMENISTAN: Conscientious Objector Jailed for Four Years," Forum 18: TURKMENISTAN: Conscientious objector jailed for four years - July 23, 2019. http://www.forum18.org/archive.php?article_id=2495.

⁴¹ "Imprisoned for Their Faith: Turkmenistan", *Jehovah's Witnesses.org*, accessed June 2020. <https://www.jw.org/en/news/legal/by-region/turkmenistan/jehovahs-witnesses-in-prison/>.

In its 2020 Annual Report, the **United States Commission on International Religious Freedom** (USCIRF) recommended that the US government:

- re-designate Turkmenistan as a Country of Particular Concern (CPC) for engaging in systematic, ongoing, and egregious violations of religious freedom;
- impose targeted sanctions on Turkmenistani government agencies and officials responsible for severe violations of religious freedom by freezing those individuals' assets and/or barring their entry into the US;
- and secure the identification and immediate release of individuals imprisoned in Turkmenistan for their peaceful religious activities or religious affiliations.⁴²

In its report, USCIRF stresses that:

The [US] State Department has designated Turkmenistan as a Country of Particular Concern (CPC) since 2014, and redesignated it in December 2019, but has repeatedly used a waiver against any related sanctions ‘as required in the “important national interest of the United States.”’ This waiver effectively neutralizes the consequences of Turkmenistan’s CPC designation, removes any incentive for the government to reform its brutal policies, and lends credence to the regime’s claims that these policies are warranted by security concerns. In 2019, the Turkmenistani government facilitated the largest Taliban capture of Afghan National Army soldiers along its southern border. This incident raises further questions about the effectiveness of maintaining a waiver intended to benefit the U.S. military mission in Afghanistan, where the United States is engaged in a conflict with the Taliban in coordination with the Afghan National Army.⁴³

CASE STUDIES

Conscientious objector sentenced to two years in prison

On 13 January 2020, a Military Conscription Office in the northern Dashoguz Region summoned **Kamiljan Ergeshovich Ergashov** to perform compulsory military service. He informed the Office that he could not participate in military service because of his religious beliefs and offered to instead perform a fully civilian alternative service.

⁴² United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Turkmenistan 2020*, 2020. <https://www.uscirtf.gov/sites/default/files/Turkmenistan.pdf>.

⁴³ Ibid.

Kamiljan Ergeshovich Ergashov – who is from the village of Shohrat in the Dashoguz Region - is the sole source of financial income for his family.

Prosecutors brought a criminal case against him under Article 219, Part 1. The case was then handed to Niyazov District Court.

On 13 January 2020, a Judge at Niyazov District Court sentenced Kamiljan Ergeshovich Ergashov to two years' imprisonment.⁴⁴

Conclusions

Jehovah's Witnesses are not engaged politically and do not pose any security threat to society in any country worldwide. Generally, they obey the law of the land and respect authorities. At the same time, like most religious traditions, there are limits to that obedience. Jehovah's Witnesses will practice civil disobedience when laws conflict with their conscience. This has resulted in harassment, fines, and imprisonment in some countries.

Authorities in countries where Jehovah's Witnesses are present would do well to review their legal framework for such groups within their borders. Some countries have started to do just that. For example, in January 2016, Azerbaijan released its last two Jehovah's Witnesses from prison. Kazakhstan freed its last Jehovah's Witness in April 2018. In December 2019, South Korea, which had sentenced over 19,300 Jehovah's Witnesses to a combined total of 36,000 years in prison since 1953 as conscientious objectors, set them free and started the necessary legislative work to provide for an alternative civilian service.

Jehovah's Witnesses never abandon their members in distress. As a collective, they try to solve issues with national and local authorities through dialogue. They have excellent teams of international human rights lawyers who fight for the release of those who were arrested or sentenced to a prison term or fine. They combat discrimination and intolerance based on religion in national and supra-national courts. They use the mechanisms of the United Nations, the Organisation for Security and Co-operation in Europe (OSCE), the European Union and other institutions to remove all obstacles to the exercise of religious freedom. Thus, they enlarge the space for freedom of religion or belief to other groups in addition to their members.⁴⁵

⁴⁴ Corley, Felix, "TURKMENISTAN: First 2020 Conscientious Objector Jailing," Forum 18: TURKMENISTAN: First 2020 conscientious objector jailing - January 27, 2020. http://www.forum18.org/archive.php?article_id=2537.

⁴⁵ Richardson, James, *The European Court of Human Rights: Changes and Challenges in the Social Construction of Religious Freedom*, pp 13-34, Religion-Staat-Gesellschaft, 2017, accessed June 25, 2020.

Richardson, James & Côté Pauline, *Disciplined Litigation, Vigilant Litigation, and Deformation: Dramatic Organization Change in Jehovah's Witnesses*, *Journal for the Scientific Study of Religion*, December 2002, accessed June 25, 2020, <https://onlinelibrary.wiley.com/doi/abs/10.1111/0021-8294.00034>.

Richardson, James, *Update on Jehovah's Witness cases before the European Court of Human Rights: implications of a surprising partnership*, *Religion, State and Society*, Routledge, 2017, Vol. 45, Nos 3-4, pp 232-248, accessed June 25, 2020.