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Conscientious objector jailed, awaiting second trial

Arrested in December 2020, 20-year-old Jehovah's Witness conscientious objector Ruslan Artykmuradov is awaiting trial in Turkmenabat's Pre-Trial Detention Prison for refusing compulsory military service. He offered to do an alternative civilian service, but Turkmenistan does not offer this, despite repeated United Nations calls. Artykmuradov has already served a one-year jail term on the same charges. If convicted, he will become the 25th conscientious objector known to have been jailed since 2018.

By Felix Corley

Forum18 (05.01.2021) – <https://bit.ly/39dmiYR> – Police arrested 20-year-old Jehovah's Witness conscientious objector to military service Ruslan Artykmuradov on 15 December 2020. They transferred him on 18 December to the Pre-Trial Detention Prison in Turkmenabat in the eastern Lebap Region, where he remains awaiting trial for refusing compulsory military service. No trial date has yet been set. He has already served a one-year jail term on the same charges.

Prosecutors opened the second criminal case against Artykmuradov in December 2020 after the Military Conscription Office rejected his request to do an alternative civilian service (which does not exist in Turkmenistan). Turkmenistan has rejected repeated United Nations calls to introduce such a service (see below).

If convicted, Artykmuradov would become the 25th conscientious objector to military service known to have been convicted and jailed since January 2018. All of them are Jehovah's Witnesses (see below).

If he is convicted at his expected trial, Artykmuradov would become the fifth conscientious objector (all of them Jehovah's Witnesses) to be convicted twice of the same "crime" since jailings of conscientious objectors resumed in 2018. Such second convictions may be increasing (see below).

Jehovah's Witnesses are conscientious objectors to military service and do not undertake any kind of activity supporting any country's military. But they are willing to undertake an alternative, totally civilian form of service, as is the right of all conscientious objectors to military service under international human rights law..

Including Bahtiyar Amirjanovich Atahanov (born 17 June 2000), who has been serving a jail term since July 2019, eight Jehovah's Witness conscientious objectors are serving jail terms of between one and four years. All eight are imprisoned in Seydi Labour Camp in the eastern Lebap Region. Three of them are serving second sentences (see full list below).

Turkmenistan has ignored repeated international calls, for example by the United Nations Human Rights Committee, to introduce a genuine civilian alternative to compulsory military service, to stop prosecuting and punishing conscientious objectors, and to compensate those it has punished.

The official who answered the phone at the office of the regime-appointed Human Rights Ombudsperson Yazdursun Gurbannazarova on 5 January introduced herself, but when Forum 18 asked to speak to Gurbannazarova the official claimed she could not hear Forum 18. Subsequent calls went unanswered (see below).

Yusup Durdiyev, the Cabinet of Ministers official who chairs the government's Commission controlling religious communities, introduced himself on the phone on 5 January, but when Forum 18 asked him about the jailed conscientious objectors he claimed he could not hear. Subsequent calls went unanswered (see below).

The telephone of the regime-appointed Chair of the Mejlis (Parliament) Human Rights Committee Yusupguly Eshshayev went unanswered on 5 January (see below).

The UN Human Rights Committee has published 13 Decisions in favour of 15 conscientious objectors from Turkmenistan, all of them Jehovah's Witnesses. In its most recent such Decision, published on 17 September 2019 (C/126/D/2302/2013), it ruled that the right to freedom of religion or belief of former conscientious objectors Juma Nazarov, Yadgarbek Sharipov, and Atamurad Suvhanov had been violated by their jailing (see below).

Asked why the regime is not willing to introduce a civilian alternative service in line with repeated United Nations (UN) recommendations, and why young men continue to be imprisoned, an official of the Foreign Ministry's International Organisations Department told Forum 18 in August 2020 that Turkmenistan "is dealing with these bodies, including the UN". He said he did not agree that Turkmenistan was failing to implement UN human rights recommendations (see below).

Another Jehovah's Witness conscientious objector former prisoner, Arslan Begenchov, lodged a case to the UN Human Rights Committee in 2018 and is awaiting a decision (see below).

Jehovah's Witnesses filed a complaint with the UN Working Group on Arbitrary Detention In May 2020 on behalf of 19 current or former jailed conscientious objectors. The 19 men include some of those currently imprisoned in Seydi Labour Camp, plus others who have been released after serving earlier sentences (see below).

Other prisoners of conscience jailed for exercising the right to freedom of religion or belief – all of them Muslims – are serving far longer jail terms (see below).

Refuses military service, ready to do alternative

Jehovah's Witness conscientious objector Ruslan Khadyazyaz oglu Artykmuradov (born 24 May 2000), who lives in the eastern Lebap Region, is facing criminal prosecution for the second time for refusing compulsory military service on grounds of conscience.

Artykmuradov filed a written statement on 14 December 2020 with Sayat District Military Conscription Office refusing compulsory military service. He also filed a motion to Sayat District Prosecutor's Office to terminate the case it had lodged against him 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.

Police arrested Artykmuradov on 15 December 2020 and took him to the police station, Jehovah's Witnesses told Forum 18. Three days later, officers transferred him to the pre-trial detention prison LB-E/9 (known as Abdy-Shukur) in the regional capital

Turkmenabat. He will be held there until his trial, which is expected to take place at Sayat District Court.

Sayat District Prosecutor's Office refused to put Forum 18 through to the prosecutor handling Artykmuradov's case or to discuss why he is being prosecuted again.

Earlier conviction

After Artykmuradov refused military service on grounds of conscience after his first call-up in 2018, Prosecutors in Lebap Region brought a case against the then 18-year-old Jehovah's Witness under Criminal Code Article 219, Part 1.

On 13 August 2018, Sayat District Court found Artykmuradov guilty and jailed him for one year in an ordinary regime labour camp. Artykmuradov had not been under arrest in the run-up to the trial. He was arrested in the court room after the verdict was handed down.

Lebap Regional Court rejected Artykmuradov's appeal on 11 September 2018. He served his sentence in the labour camp at Seydi, where conscientious objectors mostly serve their sentences. He was freed on 12 August 2019 at the end of his term.

Second convictions increasing?

Conscientious objectors are often convicted twice on the same charges when they continue to refuse renewed call-up to compulsory military service after completing their first sentences.

If he is convicted at his expected trial, Artykmuradov would become the fifth conscientious objector (all of them Jehovah's Witnesses) to be convicted twice of the same "crime" since jailings of conscientious objectors resumed in 2018.

In January 2018, Koneurgench City Court jailed Kerven Kakabayev (born 9 September 1996), who is from Koneurgench in the northern Dashoguz Region, for one year. He was called up a year after his earlier criminal conviction expired in December 2016.

In February 2020, Vepa Bahromovich Matyakubov (born 19 August 1998), a Jehovah's Witness from the northern Dashoguz Region's ethnic Uzbek minority, was convicted for a second time for refusing compulsory military service on grounds of conscience. He was given a two-year jail term. In February 2017 he had been convicted under Criminal Code Article 219, Part 1 for refusing military service. The sentence allowed him to live at home under restrictions, but during the two years the state took 20 per cent of his wages.

Matyakubov's older brother Dovran was convicted and imprisoned twice for his conscientious objection to military service, in December 2010 and again in December 2012. Dovran Matyakubov was released from his second sentence under amnesty in October 2014.

In August 2020, Niyazov District Court in Dashoguz Region jailed two brothers – 26-year-old Sanjarbek Saburov and 21-year-old Eldor Saburov – for two years each for refusing compulsory military service on grounds of conscience. On 1 September 2020, Dashoguz Regional Court rejected the Saburov brothers' appeals.

Sanjarbek Saburov refused military service during the spring 2016 call-up. On 17 July 2016 he was placed in preventive detention while awaiting trial. On 9 August 2016, a Judge handed him a two-year suspended sentence. He was released in the courtroom after more than three weeks' detention.

In 2017, Eldor Saburov similarly refused to undertake military service on grounds of conscience. On 19 December 2017, Niyazov District Court sentenced him to two years' corrective labour, with 20 per cent of his wages taken by the State.

No alternative to compulsory military service

Turkmenistan offers no alternative to its compulsory military service. Military service for men between the ages of 18 and 27 is generally two years. Article 58 of the 2016 Constitution describes defence as a "sacred duty" of everyone and states that military service is compulsory for men.

Young men who refuse military service on grounds of conscience generally face prosecution under Criminal Code Article 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.

Criminal Code Article 219, Part 2 punishes refusal to serve in the armed forces in peacetime "by means of inflicting injury to oneself, or by simulation of illness, by means of forgery of documents, or other fraudulent ways". Punishment is a jail term of one to four years. The first known use of Article 219, Part 2 to punish a conscientious objector was the case of Azat Ashirov, while Serdar Dovletov's case was the second (see below).

From 2014, courts punished conscientious objectors with corrective labour or suspended prison terms, rather than imprisonment. However, jailings resumed in January 2018.

Courts jailed 12 conscientious objectors in 2018, two of them for two years and 10 for one year. Courts jailed 7 conscientious objectors in 2019, one of them for four years, one for three years, one for two years and four for one year. Courts jailed 5 conscientious objectors in 2020, four of them for two years and one for one year.

Calls for alternative civilian service ignored

Turkmenistan has ignored repeated international calls to introduce an alternative to compulsory military service. The most recent call came in the latest United Nations (UN) Human Rights Committee Decision, published in September 2019.

The Human Rights Committee has issued 13 Decisions in favour of 15 conscientious objectors from Turkmenistan, all of them Jehovah's Witnesses. In its most recent such Decision, published on 17 September 2019 (CCPR/C/126/D/2302/2013), it ruled that the right to freedom of religion or belief of former conscientious objectors Juma Nazarov, Yadgarbek Sharipov, and Atamurad Suvhanov had been violated by their jailing.

Nazarov and Sharipov were jailed in 2012, and Suvhanov (for the second time) in 2013. The men had lodged their Human Rights Committee appeals in August 2013.

All three men also complained of "inhuman and degrading treatment" after their arrests. The Human Rights Committee stressed that Turkmenistan is under an obligation to make reparation to Nazarov, Sharipov and Suvhanov for the violations of their rights under the International Covenant on Civil and Political Rights, including to "expunge their criminal records and to provide them with adequate compensation. The State party is also under an obligation to avoid similar violations of the Covenant in the future".

The Committee therefore urged Turkmenistan to meet its obligations to avoid similar violations such as by changing the law, "for instance, by providing the possibility of exemption from service or alternative service of a civilian nature".

Another conscientious objector former prisoner, Arslan Begenchov, lodged a case to the UN Human Rights Committee on 20 June 2018 and is awaiting a decision, Jehovah's Witnesses told Forum 18. When sentenced in Charjew to one year's imprisonment in January 2018, Begenchov was the first conscientious objector to be sentenced to prison since 2014.

Jehovah's Witnesses push for alternative civilian service

Jehovah's Witnesses have urged Turkmenistan's government to introduce a civilian alternative to compulsory military service. In March 2020, local representatives visited the government's Commission for Work with Religious Organisations and Expert Analysis of Resources Containing Religious Information, Published and Printed Production in the capital Ashgabat.

At the Commission, the Jehovah's Witnesses raised the issue of an alternative civilian service, as well as pushing for the government to allow their communities to gain official registration (officials have always rejected such applications), to end harassment of young Jehovah's Witnesses and to allow a visit by foreign Jehovah's Witnesses.

"The meeting was cordial," Jehovah's Witnesses noted, "but the official recommended contacting the appropriate Ministries and commented specifically that he was unable personally to resolve the matter of registration."

Yusup Durdiyev, the Cabinet of Ministers official who chairs the government's Commission controlling religious communities, introduced himself on the phone on 5 January, but when Forum 18 asked him about the jailed conscientious objectors he claimed he could not hear. Subsequent calls went unanswered. The telephone of Commission specialist Nasrullah ibn Ibadullah went unanswered on 5 January. (Both Durdoyev and Nasrullah are former imams.)

Why no alternative civilian service?

Forum 18 was unable to find out why the authorities will not introduce an alternative civilian service and why conscientious objectors who are willing to perform such an alternative service, like the 10 Jehovah's Witness young men, continue to be jailed.

The telephone of the regime-appointed Chair of the Mejlis (Parliament) Human Rights Committee Yusupguly Eshshayev went unanswered on 5 January.

The official who answered the phone at the office of the regime-appointed Human Rights Ombudsperson Yazdursun Gurbannazarova on 5 January introduced herself, but when Forum 18 asked to speak to Gurbannazarova the official claimed she could not hear Forum 18. Subsequent calls went unanswered.

Asked why the regime is not willing to introduce a civilian alternative service in line with repeated United Nations (UN) recommendations, and why young men continue to be imprisoned, Ata (last name unknown) of the Foreign Ministry's International Organisations Department told Forum 18 in August 2020 that Turkmenistan "is dealing with these bodies, including the UN".

Ata said he did not agree that Turkmenistan is failing to implement UN human rights recommendations. "Our Department is dealing with difficult issues, including with the United Nations, the World Trade Organisation, the World Health Organisation, and the OSCE," he claimed. "We are trying to do our best."

Many prisoners of conscience

The nine jailed conscientious objectors are among the many people Turkmenistan has jailed for exercising freedom of religion or belief.

Five Muslims who met to study the works of theologian Said Nursi failed to overturn their 12-year jail terms at Turkmenistan's Supreme Court in July 2018. Four of the five are in the top-security prison at Ovadan-Depe, where prisoners have suffered torture and death from abuse or neglect.

More than 60 Muslims from in and around the eastern city of Turkmenabat were imprisoned in 2013 and after to punish them for their involvement in a Muslim study group. Most or all the prisoners are believed to be held at Ovadan-Depe. Relatives often have no information as to whether they are still alive. Three of the group are known to have died in prison.

Eight conscientious objectors currently in Seydi Labour Camp

Eight Jehovah's Witness conscientious objectors are known - as of 5 January - to be serving jail terms. All eight are currently imprisoned at the harsh Seydi Labour Camp in the desert in Lebap Region.

The address of the Seydi Labour Camp is:

746222 Lebap velayat
Seydi
uchr. LB-E/12
Turkmenistan

A prisoner died of coronavirus on 14 August 2020 in the neighbouring strict-regime labour camp (LB-E/11), Turkmen.news noted on 24 August 2020. Government officials claim that the country has no coronavirus infections.

In his complaint to the United Nations (UN) Human Rights Committee, former Jehovah's Witness prisoner of conscience Aibek Salayev stated that conditions in Seydi Labour Camp LB-E/12, where he was held, were "inhuman".

Salayev noted that the Camp was "known for its overcrowdedness, harsh climatic conditions, scarce supplies of food, medication and personal hygiene products, and for tuberculosis, skin diseases, its very high mortality rate, and physical abuse". Officials also threatened him with rape in the Camp.

The UN Human Rights Committee found that Turkmenistan had violated the rights of Salayev and another Jehovah's Witness former prisoner of conscience Vladimir Nuryllayev. The Views of the Committee on the case (CCPR/C/125/D/2448/2014) were adopted on 18 April 2019. It stated that Turkmenistan "is also under an obligation to take all steps necessary to prevent similar violations from occurring in the future".

Relatives who want to send food or other parcels to prisoners at either of the Seydi Labour Camps must bring the parcel to the marble arch in the remote village of Uchajy in neighbouring Mary Region, 150 kms (95 miles) away. Three times a month, prison guards collect the parcels to take them to the Labour Camps, Turkmen.news noted. Prisoners complain that parcels often are not handed over, or if they are fresh food has gone off, the news service added. Money can now be sent in parcels, but often is missing when a parcel is handed over.

Freed in 2020 after serving full jail terms

Five Jehovah's Witness conscientious objectors were freed from Seydi Labour Camp in 2020 after serving their sentences in full:

- Muhammetali Charygeldiyevich Saparmyradov (born 11 November 1995), freed on 19 March 2020 after completing his one-year jail term.
- Mekan Orazdurdiyevich Annayev (born 22 June 1999), freed on 26 June 2020 after completing his two-year jail term.
- David Andronikovich Petrosov (born 15 May 2001), freed on 30 September 2020 after completing his one-year jail term.
- Selim Yolamanovich Taganov (born 22 March 2001), freed on 3 October 2020 after completing his one-year jail term.
- Eziz Dovletmuradovich Atabayev (born 15 March 1998), freed on 19 December 2020 after completing his two-year jail term.

Further UN complaint

On 20 May 2020, Jehovah's Witnesses filed a complaint with the United Nations Working Group on Arbitrary Detention on behalf of 19 current or former jailed conscientious objectors. The 19 men are the eight currently imprisoned in Seydi Labour Camp, plus others who have been released after serving earlier sentences.

List of known jailed conscientious objectors

Nine conscientious objectors to compulsory military service (listed below) – all of them Jehovah's Witnesses – are known to be jailed. Eight are serving prison sentences: five under Criminal Code Article 219, Part 1 ("Rejecting call-up to military service"), Ashirov and Dovletov under Criminal Code Article 219, Part 2, and Atahanov under Criminal Code Article 344, Part 2. One other prisoner is awaiting trial.

- 1) Bahtiyar Amirjanovich Atahanov; born 17 June 2000; sentenced 15 July 2019 Tejen City Court under Criminal Code Article 344, Part 2; appeal rejected 20 August 2019 Ahal Regional Court; four years' ordinary regime labour camp.
- 2) Azat Gurbanmuhammedovich Ashirov, born 7 January 1999; sentenced 31 July 2019 Abadan District Court under Criminal Code Article 219, Part 2; appeal rejected 3 September 2019 Ashgabat City Court; two years' ordinary regime labour camp.
- 3) Serdar Nurmuhammedovich Dovletov, born 2 December 1993; sentenced 12 November 2019 Bayramali City Court under Criminal Code Article 219, Part 2; appealed rejected 3 December 2019 Mary Regional Court; three years' ordinary regime labour camp.
- 4) Kamiljan Ergashovich Ergashov, born 27 June 2001; sentenced 13 January 2020 Niyazov District Court under Criminal Code Article 219, Part 1; appeal rejected 4 February 2020 Dashoguz Regional Court; two years' ordinary regime labour camp.
- 5) Vepa Bahromovich Matyakubov, born 19 August 1998; sentenced 17 February 2020 Boldumsaz District Court under Criminal Code Article 219, Part 1; appeal rejected 17 March 2020 Dashoguz Regional Court; two years' ordinary regime labour camp (second sentence).

6) Sanjarbek Davranbekovich Saburov, born 12 August 1994; sentenced 6 August 2020 Niyazov District Court, under Criminal Code Article 219, Part 1; appeal rejected 1 September 2020 Dashoguz Regional Court; two years' ordinary regime labour camp (second sentence).

7) Eldor Davranbekovich Saburov, born 9 April 1999; sentenced 6 August 2020 Niyazov District Court, under Criminal Code Article 219, Part 1; appeal rejected 1 September 2020 Dashoguz Regional Court; two years' ordinary regime labour camp (second sentence).

8) Myrat Baymukhammedovich Orazgeldiyev, born 6 May 2002; sentenced 3 September 2020 Vekilbazar District Court, under Criminal Code Article 219, Part 1; appeal rejected 29 September 2020 Mary Regional Court; one year's ordinary regime labour camp.

9) Ruslan Khadynyaz oglu Artykmuradov; born 24 May 2000; arrested 15 December 2020, charged under Criminal Code Article 219, Part 1 (second sentence if convicted).
