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TURKMENISTAN: Maximum sentence for latest conscientious objector

By Felix Corley, Forum 18 News Service <<http://www.forum18.org>>

Jehovah's Witness Mahmud Hudaybergenov was given the maximum two-year labour camp sentence in early August in Turkmenistan's north-eastern city of Dashoguz for refusing compulsory military service on grounds of religious conscience, local Jehovah's Witnesses told Forum 18 News Service. He was prevented from lodging an appeal. He is the eighth current known imprisoned conscientious objector, while the ninth known religious prisoner of conscience is a Protestant Pastor Ilmurad Nurliev. Another Jehovah's Witness given a one-year labour camp sentence on the same charges in July was freed under amnesty in late August. Meanwhile, one Ashgabad-based observer told Forum 18 the number of Muslims the Turkmen authorities are likely to allow to travel on the haj pilgrimage to Mecca in November is "about 180", out of a quota believed to be 5,000. While one regional state religious affairs official told Forum 18 pilgrims' documentation has been prepared and sent to Ashgabad, no official would give Forum 18 the number. The Saudi Arabian Embassy in Ashgabad told Forum 18 the number of haj visas it is issuing is "secret information".

As President Gurbanguly Berdymukhamedov signed the decree ordering the next call-up to compulsory military service, Forum 18 News Service has learnt that two further Jehovah's Witnesses have been sentenced this summer for refusing compulsory military service on grounds of conscience, the first known sentences for conscientious objection in 2011. Ashirgeldy Taganov - who is from Turkmenistan's capital Ashgabad [Ashgabat] - was sentenced to one year in a labour camp in July, Jehovah's Witnesses told Forum 18. He was then freed under amnesty in late August. However, a further Jehovah's Witness, Mahmud Hudaybergenov, was given the maximum two-year labour camp sentence in the north-eastern city of Dashoguz [Dashhowuz] in August. Although he is still in Dashoguz, it seems likely he will be transferred to the labour camp in Seydi, where the eight other known religious prisoners of conscience (seven Jehovah's Witness conscientious objectors and one Protestant pastor) are being held.

Meanwhile, no government officials or the Saudi Arabian Embassy in Turkmenistan's capital Ashgabad will reveal how many pilgrims will be allowed to travel on this year's haj pilgrimage to Mecca, which takes place in early November. One Ashgabad-based observer put the number likely to travel this year at "about 180", out of a quota believed to be 5,000.

Forum 18 was unable to ask officials of the government's Gengesh (Council) for Religious Affairs in Ashgabad why further conscientious objectors are being imprisoned or whether and, if so, why Muslims wishing to travel freely on the haj pilgrimage are denied this right. A service announcement for all the Gengesh's telephones said that access was temporarily unavailable each time Forum 18 called between 19 and 22 September.

No alternative service

President Berdymukhamedov signed the decree ordering the autumn call-up on 18 September, the government website noted the same day. The Decree specified that all male Turkmen citizens who have reached the age of 18 and are not subject to deferment will be called up between October and December. (Turkmenistan organises the call-up twice a year.)

Turkmenistan currently has no alternative service, and those who cannot perform military service on grounds of conscience are prosecuted under Article 219, Part 1 of the Criminal Code. This punishes refusal to serve in the armed forces in peacetime with a maximum penalty of two years' imprisonment. Turkmenistan has ignored international calls for conscientious objector prisoners to be freed and a civilian alternative service to be introduced (see F18News 29 April 2011 <http://www.forum18.org/Archive.php?article_id=1566>).

Murad Atabaev, Deputy Chair of the Mejlis (Parliament) Committee on the Protection of Human Rights and Freedoms, told Forum 18 in early September that work on drafting an Alternative Service Law has not begun, though he claimed that such a Law would be considered in 2012 (see F18News 5 September 2011 <http://www.forum18.org/Archive.php?article_id=1609>).

Jehovah's Witness young men have repeatedly expressed a readiness to perform an alternative, civilian service not under military control.

One year sentence, then amnesty

The 22-year-old Taganov, who is from Ashgabad, was found guilty on 7 July after a two-day trial by a court in the capital, Jehovah's Witnesses told Forum 18. He was sentenced under Criminal Code Article 219, Part 1 to one year's imprisonment in labour camp. He had not been in detention in the run-up to the trial and was arrested in the court room when the verdict was announced.

After the trial, Taganov was taken to the detention centre at Yashlyk, 40 kms (25 miles) south-east of Ashgabad. However, he was then included in the late August prisoner amnesty decreed by the president to mark the Muslim Night of Omnipotence, which this year fell on 26-27 August. Taganov was freed on 25 August after seven weeks' detention, Jehovah's Witnesses told Forum 18.

Taganov was first called up in 2007 when he reached 18. In October 2007 he told the conscription board that he was could not do military service on grounds of conscience. In December 2007 an Ashgabad court gave him an 18-month suspended sentence under Criminal Code Article 219, Part 1 after what Jehovah's Witnesses complained was a "hasty" trial with "careless" procedure (see F18News 10 January 2008 <http://www.forum18.org/Archive.php?article_id=1069>).

However, Taganov was included in the February 2008 prisoner amnesty and released from his sentence (see F18News 14 February 2008 <http://www.forum18.org/Archive.php?article_id=1088>).

Six months after his release though, in August 2008, Taganov was summoned again to be told he must serve in the army. He was then left alone until spring 2010, when he was again summoned. However, it was not until July 2011 that officials once again insisted that he serve and, when he refused once more, brought him to criminal trial.

Imprisoned and not amnestied

Mahmud Hudaybergenov, the second Jehovah's Witness conscientious objector known to have been sentenced in 2011, was tried in Dashoguz under Article 219, Part 1. He was sentenced to two years' imprisonment on 9 August, Jehovah's Witnesses told Forum 18. They say the 21-year-old was prevented by the authorities from lodging an appeal, while his relatives chose not to.

Mahmud Hudaybergenov's fellow Jehovah's Witnesses believe he will be sent to the labour camp in the desert near Seydi in Lebap Region of eastern Turkmenistan, where all the eight other known religious prisoners are being held.

Jehovah's Witness conscientious objectors make up eight of Turkmenistan's nine current known religious prisoners of conscience. As well as Mahmud Hudaybergenov, there are: Navruz Nasyrbaev, two years, Dashoguz Court, December 2009; Aziz Roziyev, 18 months, Seydi Court, August 2010; Dovleyet Byashimov 18 months, Turkmenabad (formerly Charjew) Court, August 2010; Ahmet Hudaybergenov, 18 months, Turkmenabad Court, September 2010; Sunet Japbarov, 18 months, Turkmenabad Court, December 2010; Matkarim Aminov, 18 months, Dashoguz Court, December 2010; and Dovran Matyakubov, 18 months, Dashoguz Court, December 2010.

The ninth known religious prisoner of conscience is Pastor Ilmurad Nurliev, who leads Light to the World Protestant Church in the town of Mary east of Ashgabad. Arrested in August 2010, he was given a four-year labour camp term in October 2010 with "forcible medical treatment" on charges of swindling. His community insist the charges were fabricated to punish him for his religious activity. He had tried in vain to register his church. In December 2010 he was transferred to the Seydi Labour Camp (see F18News 22 December 2010 <http://www.forum18.org/Archive.php?article_id=1525>).

Another Jehovah's Witness is still believed to be serving a suspended sentence under Article 219, Part 1: Denis Petrenko, given a two year suspended sentence in Ashgabad in April 2010. This required him to live under some restrictions at home and report regularly to the authorities (see F18News 29 April 2011 <http://www.forum18.org/Archive.php?article_id=1566>).

Amnesties rarely free religious prisoners of conscience

Prisoners of conscience are rarely included in the regular presidentially-decreed prisoner amnesties. Apart from Taganov, who has now been amnestied twice, no-one else is known to have been included since 2007 (see F18News 24 May 2010 <http://www.forum18.org/Archive.php?article_id=1448>).

No imprisoned Jehovah's Witness conscientious objectors nor Protestant pastor Nurliev were freed in the February 2011 prisoner amnesties. Only Taganov was included in the August 2011 amnesty. In the wake of the August amnesty, one of Pastor Nurliev's friends told Forum 18: "Ilmurad's wife Maya is so disappointed - he has now been imprisoned for a year. She again sits at home and cries" (see F18News 5 September 2011 <http://www.forum18.org/Archive.php?article_id=1609>).

One of the Jehovah's Witness then prisoners, Mukhammedmurad Annamamedov, was on the list of those to be amnestied in May 2010. He had signed a document regarding his release and was waiting for his discharge. However, the prison administration later informed him that they received an order from "above" not to release him. He was freed from Seydi along with his brother

Sakhnetmurad only in May 2011 after serving his full sentence (see F18News 5 September 2011 <http://www.forum18.org/Archive.php?article_id=1609>).

Limited haj pilgrimage again this year?

Although the Muslim haj pilgrimage to Mecca takes place this year in early November and officials have told Forum 18 that pilgrims' documents are already being processed, Forum 18 has been unable to find any public announcement of how many pilgrims the government intends to allow to travel this year.

The haj pilgrimage is an obligation for all able-bodied Muslims who can afford it at least once in their lifetime. The quota allocated by the Saudi Arabian authorities to Turkmenistan is believed to be about 5,000.

Since the 1990s, the Turkmen government has tightly controlled its citizens' participation in the haj, allowing no more than one state-sponsored aeroplane of pilgrims each year and banning pilgrims from travelling independently. Between 2005 and 2008, and again in 2010, only 188 people - including pilgrims and their government minders - were allowed to travel each time. In November 2009, the government abruptly cancelled the group's departure, allegedly to prevent infection with the H1N1 virus (see F18News 19 October 2010 <http://www.forum18.org/Archive.php?article_id=1500>).

Lack of telephone access meant that Forum 18 was unable to ask Gengesh officials in Ashgabad about the November haj pilgrims. Gengesh officials in several regions - including Mary, Dashoguz, Lebap and Balkan Regions - declined to tell Forum 18 on 19 and 20 September how many pilgrims would be travelling from their regions or how would-be pilgrims were selected.

An official of Mary Region Gengesh - who did not give his name - told Forum 18 on 19 September that would-be pilgrims "have to apply and join a queue". He declined to give any indication of the numbers on the waiting list, even whether it is in the tens, hundreds or thousands. The official said the documentation for pilgrims from the region due to travel this November has already been sent on to the Gengesh in Ashgabad, but refused to say who needed to approve the successful applications before they were sent to the capital.

An aide to the hyakim (administration head) in the city of Turkmenbashi told Forum 18 on 19 September that decisions over who goes on the haj are taken at the regional level, so for the city such decisions are taken in Balkanabad, the capital of Balkan Region.

Officials of the Consular Department of the Saudi Arabian Embassy in Ashgabad refused to say how many haj visas are being issued this year. "This is secret information," one official told Forum 18 on 20 September. Forum 18 received no response by the end of the working day in Ashgabad on 22 September to its written request for this information.

However, one Ashgabad-based observer - who asked not to be identified - told Forum 18 on 21 September that "about 180" pilgrims will be sent again this year. The expert said that candidates are chosen by the state, which also pays their costs. "I don't believe it is for financial reasons that only about 180 pilgrims are sent each year." The observer declined to speculate on why the government imposes such a low limit.

An Ashgabad-based source told Forum 18 in November 2008 that the Cabinet of Ministers approves the list of those authorised to travel on the haj. The source said would-be pilgrims have their documents processed through the local religious affairs official in the hyakimlik (administration) where they live, though all the decisions on who may or may not travel are taken in Ashgabad. The Ministry of State Security secret police is also involved (see F18News 19 November 2008 <http://www.forum18.org/Archive.php?article_id=1219>).

Despite government claims since 2007 that pilgrims were able to travel independently outside the framework of the state-sponsored group, all the evidence Forum 18 found was that this was not allowed, either by the Turkmen or the Saudi authorities. One would-be independent pilgrim who sought a haj visa from the Saudi Arabian Embassy for the November 2010 pilgrimage was told "gently" that they should gain a place on the official list approved by the Turkmen government and handed to the Embassy (see F18News 19 October 2010 <http://www.forum18.org/Archive.php?article_id=1500>). (END)

For a personal commentary by a Protestant within Turkmenistan, on the fiction - despite government claims - of religious freedom in the country, and how religious communities and the international community should respond to this, see <http://www.forum18.org/Archive.php?article_id=728>.

For a personal commentary by another Turkmen Protestant, arguing that "without freedom to meet for worship it is impossible to claim that we have freedom of religion or belief," see <http://www.forum18.org/Archive.php?article_id=1128>.

More reports on freedom of thought, conscience and belief in Turkmenistan can be found at <<http://www.forum18.org/Archive.php?query=&religion=all&country=32>>.

For more background information see Forum 18's religious freedom survey of Turkmenistan at

<http://www.forum18.org/Archive.php?article_id=1512>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at <http://www.forum18.org/Archive.php?article_id=1351>.

A printer-friendly map of Turkmenistan is available at
<<http://education.nationalgeographic.com/education/mapping/outline-map/?map=Turkmenistan>>.

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