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TURKMENISTAN: Another prisoner of conscience jailed on false charges?

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

For the second time in 2012, a Jehovah's Witness in Turkmenistan has been sentenced to four years in a labour camp for allegedly "distributing pornography". His fellow-believers insist to Forum 18 News Service that - like the first such prisoner Vladimir Nuryllayev - the charge against Aibek Salayev is fabricated to punish him for his faith. Salayev was sentenced on 12 April by the same Judge at Dashoguz City Court, Akmurad Akmuradov, who sentenced Jehovah's Witness conscientious objector Navruz Nasyrlaev to the maximum two-year strict regime labour camp sentence for this "offence". Salayev was brutally beaten by the ordinary police and MSS secret police "in the stomach, on the kidneys and on the head. As a result his face swelled up and he could not eat", local Jehovah's Witnesses who wished to remain unnamed for fear of state reprisals told Forum 18. Another conscientious objector, Juma Nazarov, has been arrested, and there are six other known Jehovah's Witness conscientious objector prisoners of conscience. There are also an unknown number of Muslim prisoners of conscience jailed for exercising their freedom of religion or belief. One other Jehovah's Witness conscientious objector is on a suspended sentence.

For the second time since the beginning of 2012, a Turkmen Jehovah's Witness has received a four-year labour camp sentence on charges of "distributing pornography". His fellow-believers have insisted to Forum 18 News Service that the charge was fabricated to punish him for his faith. The 33-year-old Aibek Salayev was sentenced on 12 April at Dashoguz [Dasoguz] City Court, in the north of the country, court officials told Forum 18 on 17 May. They added that a panel of judges at Dashoguz Regional Court rejected an appeal on 1 May. Salayev's lawyer then lodged an appeal to Turkmenistan's Supreme Court in the capital Ashgabat [Ashgabat] on 7 May. Jehovah's Witnesses, who wish to remain anonymous for fear of state reprisals, complain that Salayev was brutally beaten by police after his arrest. He was also beaten by Ministry of State Security (MSS) secret police officers and conscript soldiers while being held in pre-trial detention.

On 1 May the same Judge at Dashoguz City Court, Akmurad Akmuradov, sentenced Jehovah's Witness conscientious objector Navruz Nasyrlaev to the maximum two-year strict regime labour camp sentence for this "offence" (see below).

On 6 March the same court, but not the same judge, had sentenced Jehovah's Witness conscientious objector Zafar Abdullaev to the maximum two-year prison sentence (see F18News 18 April <http://www.forum18.org/Archive.php?article_id=1691>). This brings to seven the number of known sentenced conscientious objectors, six of them serving sentences of imprisonment. Another Jehovah's Witness conscientious objector, Juma Nazarov, has been arrested in Ashgabat and is facing prosecution on the same charges.

Judge Akmuradov refused to discuss anything with Forum 18 on 17 May, However, his secretary told Forum 18 from Dashoguz City Court the same day that Salayev was still being held at the pre-trial detention facility in the city. "He is due to be sent to labour camp soon, probably next week," the secretary - who would not give her name - told Forum 18. The telephone at the Detention Facility went unanswered each time Forum 18 called on 17 May.

Salayev is expected to be sent to serve his prison term at the special labour camp in Karabogaz (formerly Bekdash), a town on the Caspian Sea in Balkan Region, close to Turkmenistan's north-western border with Kazakhstan.

Judge Akmuradov's secretary did not discuss Nasyrlaev's case.

The telephone of Gurbanberdy Nursakhatov, Deputy Chair of the government's Gengesh (Council) for Religious Affairs in Ashgabat, went unanswered each time Forum 18 called on 17 May.

Earlier "distributing pornography" accusations

On 18 January, an Ashgabat court sentenced fellow-Jehovah's Witness Vladimir Nuryllayev on exactly the same charges to a four-year labour camp term. Jehovah's Witnesses insisted to Forum 18 that the charges were fabricated, and that Nuryllayev, like Salayev, was imprisoned to punish him for his faith (see F18News 25 January 2012 <http://www.forum18.org/Archive.php?article_id=1660>).

In early January, as Nuryllayev was awaiting trial, an anonymous message to Radio Liberty's Turkmen Service - seen by Forum 18 - claimed that an unnamed Muslim man had been imprisoned "last year" for distributing religious audio and video discs. The message said that officials had used the accusation of "distributing pornography" to imprison the Muslim. It has not been possible to verify the report (see F18News 25 January 2012 <http://www.forum18.org/Archive.php?article_id=1660>).

Meeting raided, home searched

Trouble began for Salayev on 7 March, when police raided a Jehovah's Witness meeting in Dashoguz. All 10 Jehovah's Witnesses present were detained, fellow Jehovah's Witnesses told Forum 18. After interrogation at Dashoguz Police Station, Salayev was arrested.

Police officers went to Salayev's home and demanded that his mother give them any religious literature he had at home. She produced several magazines, but police then entered his room and took all of his publications and his small notebook computer. The police also told Salayev's brother to help carry the notebook to the Police Station.

At the Police Station, police seized the computer without - as the law requires - completing a formal record of confiscation, recording witnesses for the official seizure, and checking the content of the computer in the witnesses' presence before seizing it. Salayev was then accused of distributing pornography. His relatives have filed complaints about the case.

Repeated beatings

Between 9 and 11 March, while he was held at Dashoguz Police Station, Salayev was beaten by police officers, Jehovah's Witnesses complained to Forum 18.

Salayev was then transferred to Dashoguz's Pre-trial Detention Facility. Jehovah's Witnesses say he was again brutally treated. "Aibek was beaten until he lost consciousness," they told Forum 18. "He was beaten in the stomach, on the kidneys and on the head. As a result his face swelled up and he could not eat." Jehovah's Witnesses stated that the beatings were conducted by MSS secret police officers. "When the MSS got tired, they asked others present [thought to be conscript soldiers doing compulsory military service] to continue beating Salayev." (Conscripts are often used for non-military state duties.) The MSS secret police officers described him as "spreading another religion and going against Muslims."

Copying discs - without a disc drive?

Investigators launched a criminal case against Salayev under Article 164, Part 2 of the Criminal Code. This punishes "production or distribution of pornographic items" more than once or by a group of people. The maximum penalty is five years' imprisonment.

An investigator claimed to Salayev's mother that the local administration had filed a complaint that he was distributing pornography. However, the investigator refused to show her the alleged complaint. Salayev's mother told the investigator that there was no way to insert a CD or DVD disc into her son's small notebook computer, so it was impossible for him to copy such discs.

Some of the Jehovah's Witnesses initially detained with Salayev heard police officers, when they brought Salayev's notebook computer to the Police Station, threatening to plant pornographic material on the computer.

Pressure on lawyer, family denied access

Local Jehovah's Witnesses helped Salayev's family to find a lawyer to represent him. On 15 March the lawyer, together with Salayev's mother and his brother, tried to see Salayev. The police investigator, Kakajan Piryyev, refused to talk in the presence of relatives and talked only to the lawyer in private in his office for about 15 minutes. Then the Investigator together with the lawyer went to the Chief of investigation, Babayev (first name unknown). Salayev's relatives were again not allowed to be present. After talking for about 15 minutes in Chief Babayev's office, Investigator Piryyev went on his own to the nearby building of the MSS secret police.

After Piryyev returning from the MSS building, Salayev's relatives were told that they would not be allowed to see him. His lawyer then went to the Pre-trial Detention Facility alone. After he arrived, officers called different offices by telephone for about an hour discussing the lawyer's arrival. An MSS secret police officer came to the Detention Facility and stated that he would be present during the lawyer's meeting with Salayev. The lawyer insisted that he had the right to talk to his client in private, which the authorities eventually conceded. At the end of the meeting the lawyer asked Salayev to read the case file, and sign it if everything was clear to him.

Local Jehovah's Witnesses state that it is obvious that the authorities have pressured the lawyer. This is not least because case files are normally dealt with by the police, and signed when the case is ready for court.

"Of course the police and the MSS work honestly"

At the 12 April trial which led to Salayev being sentenced to four years in a general regime labour camp, only two of three "witnesses" were present to testify. The third gave a written statement.

"The scenario was the same as in Nuryllayev's case. Allegedly, Aibek offered several religious books to read and when a person refused to take them he sold him a disc with pornographic content," Jehovah's Witnesses complained to Forum 18. They state that the witnesses could not answer questions put by Salayev's lawyer. These included: with whom did they watch the discs, and when and at what time the police seized the discs from them. The Court also ignored the lawyer's arguments that Salayev's computer could not technically have been used to copy discs.

Judge Akmuradov's secretary insisted to Forum 18 that the trial had been fair and denied that Salayev had been punished for his faith. "There was nothing about his faith in the verdict - the sentence was given because he distributed pornography. He had such discs when he was arrested." Told that Jehovah's Witnesses strongly dispute this and complain of maltreatment by the ordinary police and MSS secret police, the secretary responded: "Of course the police and the MSS work honestly - why would they punish an innocent man?"

The secretary claimed to Forum 18 that Salayev's parents, brothers, neighbours and friends had "violated order" in the courtroom. "They kept getting up, shouting that the trial was not fair and swearing. His mother in particular insulted the judge."

Supreme Court appeal for Nuryllayev

An appeal was lodged at the Supreme Court on 15 May on behalf of Nuryllayev, who was convicted on 17 January of the same offence as Salayev, Jehovah's Witnesses told Forum 18. Court officials say a decision should be made within 20 days, by 4 June. Telephones at the Supreme Court were on answerphones each time Forum 18 called on 17 May.

Nuryllayev was transferred in late February to the isolated top-security prison at Ovadan-Depe in the Karakum desert 70 kms (45 miles) north of Ashgabad. He is not being held in the top-security section, but works in the prison's manual labour section, mainly in the kitchens (see F18News 18 April 2012 <http://www.forum18.org/Archive.php?article_id=1691>).

Although Nuryllayev can receive parcels, he is not allowed to receive religious literature. He is said to be healthy, though he was concerned when one of the other prisoners in the manual labour section had to be sent off to hospital suffering from tuberculosis. "We hope neither he nor any of the other prisoners contracted it," one Jehovah's Witness told Forum 18.

Conscientious objector sentenced again

The same judge who sentenced Salayev, Akmuradov of Dashoguz City Court, also sentenced Jehovah's Witness conscientious objector Navruz Nasyrtaev on 1 May. The court chancellery told Forum 18 on 17 May that Nasyrtaev was given a two-year strict regime labour camp sentence 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. It is believed the strict-regime sentence was imposed rather than a general-regime sentence because he has already been sentenced on the same charge.

Turkmenistan's refusal to recognise the right to refuse military service, which is part of the internationally recognised right to freedom of religion or belief, breaks the country's international human rights commitments (see F18News 18 April 2012 <http://www.forum18.org/Archive.php?article_id=1691>).

Nasyrtaev has appealed against the sentence to Dashoguz Regional Court and is, like Salayev, being held in the Pre-trial Detention Facility in Dashoguz, Jehovah's Witnesses told Forum 18 on 17 May. The man who answered the phone at the Regional Court the same day claimed to Forum 18 that Nasyrtaev's appeal had not yet arrived.

The 21-year-old Nasyrtaev had served a previous two-year sentence on the same charges from 7 December 2009 (see F18News 3 February 2010 <http://www.forum18.org/Archive.php?article_id=1404>). He was freed from the Labour Camp in Seydi on 7 December 2011 at the end of his sentence.

Another conscientious objector arrested

In Ashgabad, another Jehovah's Witness, 19-year-old Juma Nazarov, is facing prosecution after refusing military service on grounds of religious faith. After he lodged his refusal on 25 April, his case was handed over to prosecutors, Jehovah's Witnesses told Forum 18. He was summoned to the Prosecutor's Office on the evening of 7 May where he was questioned about his refusal. Nazarov again signed a statement that he was refusing compulsory military service on grounds of his faith. He was allowed to return home after two and a half hours.

Prosecutors told Nazarov on 8 May to return on the afternoon of 10 May and report to Kerim Allaberdiyev. Prosecutors later told

Nazarov's mother that he had been ordered held in pre-trial detention. "When she decided to try to find out from the Prosecutor why this had been decided, he said she could do what she liked and could complain wherever she liked, but that it would not change anything," Jehovah's Witnesses told Forum 18. Nazarov is being held in the pre-trial investigation facility.

Other prisoners of conscience

Five other Jehovah's Witness conscientious objectors are already serving sentences in the Seydi general regime Labour Camp. They are: Sunet Japbarov, 18 months, Turkmenabad Court, December 2010; Matkarim Aminov, 18 months, Dashoguz Court, December 2010; Dovran Matyakubov, 18 months, Dashoguz Court, December 2010; Mahmud Hidaybergenov, 2 years, Dashoguz Court, August 2011; and Zafar Abdullaev, 2 years, Dashoguz Court, March 2012. The three who were sentenced in December 2010 are due to complete their sentences in June 2012. The address of Seydi Labour Camp is:

Turkmenistan,

746222 Lebap vilayet,

Seydi,

uchr. LB-K/12

The most recent of these prisoners of conscience to reach the Seydi labour camp was Abdullaev. He was sentenced on 6 March nearly a year after completing a suspended sentence on exactly the same charges (see F18News 18 April 2012 <http://www.forum18.org/Archive.php?article_id=1691>).

On his release under amnesty in February 2012, former Protestant prisoner of conscience Pastor Ilmurad Nurliev expressed concern over several Muslim prisoners in Seydi Labour Camp who might have been imprisoned to punish them for exercising their freedom of religion or belief. He particularly highlighted the case of Musa (last name unknown), a young Muslim from Ashgabad who seems to have been imprisoned for teaching the Koran to children (see F18News 20 February 2012 <http://www.forum18.org/Archive.php?article_id=1669>).

One conscientious objector is known to be serving a suspended prison sentence. Jehovah's Witness Akmurad Nurjanov was given a one-year suspended sentence in February 2012. Senior school students were taken to Ashgabad's Azatlyk District Court to witness his conviction, in what Jehovah's Witnesses described to Forum 18 as a "show trial" (see F18News 16 February 2012 <http://www.forum18.org/Archive.php?article_id=1668>). (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=1676>.

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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