

29 September 2014

TURKMENISTAN: Freed after four weeks, but court "failed to correct an injustice"

By Felix Corley, Forum 18 News Service

After nearly four weeks' imprisonment, during which Bibi Rahmanova suffered "severe physical abuse", she was released from prison in Dashoguz in northern Turkmenistan on 2 September. But her conviction on charges she strongly denies of assaulting a police officer still stands, and she can within the next four years only leave her home city with state permission, according to the decision seen by Forum 18 News Service. No action has been taken against officials who assaulted her and her husband and detained her four-year old child. Rahmanova's release from prison leaves nine other individuals known to be in prison because of their faith. Six are conscientious objectors to compulsory military service (all Jehovah's Witnesses). Two other Jehovah's Witnesses are imprisoned on charges their fellow Jehovah's Witnesses insist were fabricated. One Protestant is in prison on charges his fellow Protestants say should not have led to imprisonment. Murad Atabaev of Parliament's Committee on the Protection of Human Rights claimed that a proposed Alternative Service Law had been drafted in 2013 but that he had not seen the text. "When it will be adopted - I don't know," he told Forum 18.

Jehovah's Witness Bibi Rahmanova - sentenced to four years' imprisonment on 18 August - had her sentence suspended on appeal on 2 September, according to the court decision seen by Forum 18 News Service. She was freed from prison in Dashoguz in northern Turkmenistan that evening after nearly four weeks' detention. She will now serve her four-year conditional sentence at home, living on probation for three years. During that time she must maintain "good behaviour" and needs permission from the authorities to leave her home city of Dashoguz or move to another location.

Jehovah's Witnesses welcome Rahmanova's release from prison, which they note "improved her situation". "The family is delighted to be reunited again," they told Forum 18. However, they lament that the appeal court decision "failed to correct an injustice" by rejecting her appeal for an acquittal.

The 33-year-old Rahmanova - who is married with a four-year-old son - suffered "severe physical abuse" while in detention, both from staff and from some of her fellow prisoners, Jehovah's Witnesses told Forum 18.

The appeal court verdict notes that criminal charges against her husband, Vepa Tuvakov were dropped. It gives the date for this as 2 July, but this appears to be a mistake, as Rahmanova and Tuvakov were detained only on 5 July and criminal charges against both were lodged after that.

Rahmanova's release from prison leaves nine other individuals known to be in prison because of their faith. Six are conscientious objectors to compulsory military service (all Jehovah's Witnesses). Two other Jehovah's Witnesses were imprisoned on charges their fellow Jehovah's Witnesses insist were fabricated to punish them for their faith. One Protestant is in prison on charges his fellow Protestants say should not have led to imprisonment (see below).

Although a parliamentary deputy told Forum 18 that a draft Alternative Service Law was prepared in 2013, he said he did not know if and when it might be adopted (see below).

Also a Protestant has been fined for possessing religious literature which has not passed through the compulsory state censorship (see below).

The telephone of Gurbanberdy Nursakhatov, Deputy Chair of the government's Gengesh (Council) for Religious Affairs in the capital Ashgabad [Ashgabat], went unanswered each time Forum 18 called on 29 September.

Arrest, criminal charges

Trouble began for Rahmanova at Dashoguz train station late in the evening of 5 July. She, her husband and their son had gone there to collect religious literature sent to them from Ashgabad. Officials of the Ministry of State Security (MSS) secret police, Transport Police, Police 6th Department and the local Religious Affairs office seized the family as they picked up the consignment. The MSS

secret police had learnt at lunchtime that day that the couple would be collecting the literature. It remains unclear how they found this out.

The couple's son was freed on the morning of 6 July and Rahmanova in the evening. Tuvakov was released only on 11 July. Rahmanova heard police discussing how they would fabricate a criminal case against her husband, who was also beaten at the police station.

However, although criminal charges were lodged against both, Rahmanova was arrested on 7 August. She had been accused the previous day of violating Criminal Code Article 211, Part 1 ("resisting the police with violence not risking life or health" with a prison sentence of up to two years) and Article 279, Part 2 b (which punishes hooliganism "connected with resisting a law enforcement officer" with a prison sentence of up to five years).

On 18 August, Judge Gaigysyz Orazmuradov of Dashoguz City Court sentenced Rahmanova to four years' imprisonment in a general regime labour camp. She was held in Dashoguz Investigation Prison while awaiting her appeal (see F18News 20 August 2014 <http://www.forum18.org/archive.php?article_id=1987>).

Appeal

In her 27 August appeal, filed the following day and seen by Forum 18, Rahmanova insisted she had not assaulted any of the officials at the train station and was not guilty of any crime. She therefore called for the conviction to be overturned. She said she had responded "instinctively" when officers touched her inappropriately when seizing her mobile phone which she had hidden inside her shirt.

Rahmanova noted that the officers "had not hidden the fact that they had come to the railway station because of our religious affiliation". She pointed out that they already knew that she and her husband were Jehovah's Witnesses without needing to ask and that the religious affairs official of the hyakimlik (administration) also "happened to be there".

A panel of three judges, headed by Judge G. Agoyliyev, heard Rahmanova's appeal at Dashoguz Regional Court on 2 September. She was given no notice of the appeal hearing, so no lawyer was able to represent her, Jehovah's Witnesses complained to Forum 18.

The Judges rejected Rahmanova's insistence she had not assaulted the officers, claiming that her assertions were "unfounded". In its account of the events on the evening of 5 July, the court decision claims that the Jehovah's Witness literature Rahmanova and her husband were collecting from the station was "prohibited for reading or distribution in Turkmenistan" as it had not been approved by the Justice Ministry.

The decision claims that Dashoguz Regional Prosecutor G. Balliyeva had deemed the four-year prison sentence "too harsh", given that Rahmanova is a woman and the mother of a four-year-old son and had no previous criminal record. The Judges therefore upheld the Prosecutor's Office request to amend the verdict to a suspended sentence.

No one at Dashoguz Appeal Court would discuss the case with Forum 18 on 29 September or put Forum 18 through to any of the three judges who rejected Rahmanova's appeal.

Nine known religious prisoners of conscience

Six of the current known religious prisoners of conscience are conscientious objectors, all of them Jehovah's Witnesses:

1. Dovran Matyakubov, aged 21, 2 years, Dashoguz Court, December 2012;
2. Matkarim Aminov, aged 23, 2 years, Dashoguz Court, January 2013;
3. Amirlan Tolkachev, aged 21, 18 months, Turkmenabad Court, July 2013;
4. Suhrab Rahmanberdiyev, aged 18, 18 months, November 2013;
5. Pavel Paymov, aged 23, 1 year, Ashgabad Court, February 2014;
6. Merdan Amanov, aged 19, 1 year, Ashgabad Court, July 2014.

Two other prisoners - both Jehovah's Witnesses - were imprisoned on charges of possessing pornography, which fellow Jehovah's Witnesses insist were fabricated:

7. Aibek Salayev, aged 35, 4 years, Dashoguz Court, April 2012;

8. Bahram Shamuradov, aged 42, 4 years, Dashoguz Court, July 2014.

A Protestant has been imprisoned on charges of hooliganism. Local Protestants insist the criminal charges were brought disproportionately because of his religious beliefs:

9. Umid Gojayev, aged 32, 4 years, Dashoguz Court, May 2012.

All the known religious prisoners of conscience are in the general regime section of the labour camp in the desert near Seydi, in the eastern Lebap Region, except for Matyakubov and Aminov. The two men (who are both serving second sentences on the same charges) are in the strict regime section of the same camp.

The address of the general regime Seydi Labour Camp is:

Turkmenistan

746222 Lebap vilayet

Seydi

uchr. LB-K/12

The strict regime camp has the same address, but with the code:

uchr. LB-K/11

No alternative service

Turkmenistan offers no alternative to military service. Article 41 of the Constitution describes defence as a "sacred duty" of everyone and states that military service is compulsory for men. Military service for men between the ages of 18 and 27 is generally two years.

Those who refuse military service on grounds of conscience are convicted 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 (see Forum 18's Turkmenistan religious freedom survey <http://www.forum18.org/archive.php?article_id=1676>).

Turkmenistan's refusal to recognise the right to refuse military service, which is part of the right to freedom of religion or belief, breaks the country's international human rights commitments, and was criticised in March 2012 by the United Nations Human Rights Committee (see F18News 18 April 2012 <http://www.forum18.org/Archive.php?article_id=1691>).

Will Alternative Service Law ever be adopted?

Murad Atabaev, Deputy Chair of the Mejlis (Parliament) Committee on the Protection of Human Rights and Freedoms, claimed that a proposed Alternative Service Law had been drafted in 2013 but that he had not seen the text. "When it will be adopted - I don't know," he told Forum 18 from Ashgabad on 29 September. Asked if President Gurbanguly Berdimukhamedov wishes such a law to be adopted, he responded with a laugh: "I don't know."

Atabaev referred all further questions to Pirnazar Hudainazarov, Chair of the Mejlis Legislative Committee. However, the same day Hudainazarov absolutely refused to answer any of Forum 18's questions on whether such a Law will ever be adopted. "You have to go via the Foreign Ministry," he kept repeating, without explaining why adoption of laws is an issue for the Foreign Ministry.

Atabaev told Forum 18 in September 2011 that an Alternative Service Law would be considered in 2012, though he admitted that work on drafting such a Law had not begun (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.

Fine for electronic religious literature

A Protestant away from Ashgabad was fined in early September after electronic versions of religious literature were found on a relative in August. Police and local hyakimlik officials had detained and questioned the relative about the literature for some hours.

The Protestant - who asked not to be identified for fear of further state reprisals - was found guilty of violating Article 76, Part 1 of

the Administrative Code. The Judge fined the Protestant 200 Manats (450 Norwegian Kroner, 55 Euros or 70 US Dollars).

Article 76, Part 1 of the new Administrative Code - which came into force on 1 January - punishes "violation of the procedure established by law for conducted religious rites and rituals, the carrying out of charitable or other activity, as well as the production, import, export and distribution of literature and other materials of religious content and objects of religious significance" with a fine on individuals of 1 to 2 base units, on officials of 2 to 5 base units and on legal organisations of 5 to 10 base units. Each base unit is 100 Manats (see F18News 20 December 2013 <http://www.forum18.org/archive.php?article_id=1911>).

Religious literature is under tight state censorship. The Gengesh must approve any religious literature before it is used. Gengesh officials stamp copies of books they have approved. Literature without such a stamp is liable to confiscation and individuals can be subject to punishment (see Forum 18's Turkmenistan religious freedom survey <http://www.forum18.org/archive.php?article_id=1676>). (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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