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Legalize the right to conscientious objection to military service on religious or philosophical grounds.

Human Rights Without Frontiers Int'l recommends to Armenia, Azerbaijan, Belarus, Georgia, Turkey and Turkmenistan to legalize the right to conscientious objection to military service on religious or philosophical grounds.

HRWF (26.09.2013) -

Armenia

By January 2004 Armenia should have introduced a civilian alternative to compulsory military service. In the last nine and a half years, about 275 JW were imprisoned as objectors, around 30 per year. In 2011, Armenia was condemned by the European Court on Human Rights on this issue. In May of this year, the Armenian has adopted new amendments to the 2003 Alternative Service Law and to the 2003 Law on Implementing the Criminal Code. The young people that are now called up are sent to a civilian service.

Two types of alternative service are now available:

- a.) "Alternative military service" for 30 months which is not connected with bearing, keeping, maintaining or using weapons;
- b.) "Alternative labour service" for 36 months not connected with the armed forces.

However, the conscientious objectors that are currently serving a prison term have still in prison for months.

Azerbaijan

Azerbaijan's two known imprisoned conscientious objectors sentenced last year to one year imprisonment – both Jehovah's Witnesses - have been freed as part of a prisoner amnesty in June last on the occasion of the late President Heydar Aliiev's 90th birthday.

Both conscientious objectors had been imprisoned under Article 321.1 of the Criminal Code. This states: "Evasion without lawful grounds of call-up to military service or of mobilisation, with the purpose of evading serving in the military, is punishable by imprisonment for up to two years [in peacetime]".

Three former imprisoned conscientious objectors have lodged cases to the European Court of Human Rights in Strasbourg.

Azerbaijan has not adopted a law on alternative civilian service, although this was one of the commitments it made upon accession to the Council of Europe in 2001.

Belarus

While the constitution provides for the right to alternative civilian service, the law makes no provision for conscientious objectors. Persons charged with draft evasion face penalties ranging from fines to five years in prison.

Georgia

In two cases reported this year by the Jehovah's Witnesses involving alternative service for compulsory active military duty, the Ministry of Defense denied initial requests for exemptions, but granted the requests in follow-up appeals. Authorities granted the appeal of one Jehovah's Witness in which the individual was fined for non-fulfillment of military or alternate service, but denied the appeals of three others.

Turkey

In its national law, Turkey fails to recognize the right to conscientious objection and no civilian alternative to military service is available. Conscientious objectors who have publicly stated their refusal to carry out military service have been subjected to criminal prosecution and imprisonment of up to three years. On release, they often receive new call-up papers, and the process is repeated. Turkey has failed to implement the 2006 ruling of the European Court of Human Rights that required Turkey to amend its legislation to prevent the "civil death" of conscientious objectors repeatedly prosecuted and convicted for their refusal to carry out military service, found by the Court to be a violation of Article 3 of the European Convention on Human Rights (prohibition of degrading treatment). Over the last two years, in several cases starting with *Erçep v. Turkey* in November 2011, Turkey was found to have violated Article 9 of the European Convention on Human Rights that guarantees the right to freedom of thought, conscience and religion.

In 2012, the Court applied the Grand Chamber's judgment in the cases *Savda v. Turkey*¹⁹ and *Tarhan v. Turkey*, and found violations of article 9 of the European Convention. These were the first "secular" cases addressed by the Court which did not involve Jehovah's Witnesses. In *Savda v. Turkey*, the applicant, a Kurd, had been subject to repeated call-ups, prosecutions and imprisonment. The Court also found violations of the European Convention's article 3 (inhuman or degrading treatment) and article 6 (right to a fair trial). The judgment also noted that the applicant's case was characterized by an absence of a procedure on the part of the State to examine his request for recognition of conscientious objector status, and consequently his request was never examined by the authorities who made use of criminal law provisions penalizing his refusal to carry out military service.

Turkmenistan

In March of this year, Jehovah's Witness conscientious objector Atamurat Suvkhanov was sentenced to one year in prison for refusing to perform military service on conscientious grounds.

This sentence brings to nine the number of known imprisoned conscientious objectors. A further four are serving suspended prison sentences. Another young Jehovah's Witness in the capital Ashgabad, Danatar Durdyev, was convicted on the same charges in January, but was instead given a heavy fine.

In Turkmenistan, military service for men between the ages of 18 and 27 is compulsory and is generally two years. There is no alternative to compulsory military service.

The refusal to serve in the armed forces in peacetime is punishable by a maximum penalty of two years' imprisonment under Criminal Code Article 219, Part 1.

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 UN Human Rights Committee where 10 objectors had filed a complaint.

New prisoner of conscience; police raid children's camp

Forum 18 (29.08.2013) - Yet another young Jehovah's Witness in Turkmenistan has been imprisoned for refusing to perform compulsory military service because he believes it would go against his conscience, Forum 18 News Service has learnt. Twenty-year old Amirlan Tolkachev's 18-month prison sentence handed down in early July brings to nine the number of known imprisoned conscientious objectors, all of them Jehovah's Witnesses. Others have been fined or received suspended sentences. All would be ready to perform an alternative civilian service, were one to exist.

Fifteen sentenced conscientious objectors – many of them still in prison - have lodged complaints to the UN Human Rights Committee in Geneva, three of them today (29 August) (see below).

Tolkachev's imprisonment came just days after police raided and broke up a Baptist children's summer camp in the south-eastern town of Mary. Two fines were handed down. Police refused to explain to Forum 18 why they raided the children's camp (see below).

No comment

No officials were prepared to comment on why conscientious objectors are still being imprisoned and why religious communities' summer camps are raided. The man who answered the telephone of Gurbanberdy Nursakhatov, Deputy Chair of the government's Gengesh (Council) for Religious Affairs in the capital Ashgabad [Ashgabat], put the phone down on 29 August before Forum 18 could even begin to put its questions.

Pirnazar Hudainazarov, Chair of the Mejlis (Parliament) Committee on the Protection of Human Rights and Freedoms, insisted the same day before Forum 18 had even asked any question that it should call the Foreign Ministry as it is a foreign press organisation. Asked what difference it made whether Forum 18 was based inside or outside Turkmenistan, he responded: "There's a great difference if you are the foreign press." Without explaining, he put the phone down.

18-month prison sentence

A criminal case was lodged against Tolkachev, a Jehovah's Witness from the eastern town of Turkmenabad [Turkmenabat] (formerly Charjou), after he refused compulsory military service. He was accused of violating 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.

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 UN Human Rights Committee.

Tolkachev, who will mark his 21st birthday on 25 October, was tried at Turkmenabad City Court and sentenced on 10 July to 18-months' imprisonment, Jehovah's Witnesses told Forum 18. Telephones at the court – as well as at Lebap Regional Court - went

unanswered each time Forum 18 called on 29 August. Forum 18 was thus unable to find out if Tolkachev has appealed against the conviction and, if so, whether the appeal has been heard.

Nine imprisoned conscientious objectors

Tolkachev's imprisonment brought to ten the number of known imprisoned Jehovah's Witness conscientious objectors. However in early August, a month after Tolkachev's sentencing, one of the other prisoners, Mahmud Hudaybergenov, was freed and is back at home, Jehovah's Witnesses told Forum 18. Sentenced to two years' imprisonment at Dashoguz Court in August 2011, he had served his full sentence before being released. After his trial, he had been prevented from appealing against his conviction.

The current known imprisoned conscientious objectors are: Zafar Abdullaev, 2 years, Dashoguz Court, March 2012; Navruz Nasyrlayev, 2 years, Dashoguz Court, May 2012; Juma Nazarov, 18 months, Ashgabad Court, July 2012; Dovran Matyakubov, 2 years, Dashoguz Court, December 2012; Yadgarbek Sharipov, one year, Dashoguz Court, December 2012; Matkarim Aminov, 2 years, Dashoguz Court, January 2013; Arslan Dovletov, 18 months, Dashoguz Court, January 2013; Atamurat Suvkhanov, one year, Dashoguz Court, March 2013; and Amirlan Tolkachev, 18 months, Turkmenabad Court, July 2013.

Forum 18 has not been able to find out if Tolkachev has already been sent to serve his sentence in a labour camp. Nasyrlayev, Matyakubov and Aminov received strict regime labour camp terms and are all believed to be in the strict regime section of the Labour Camp in the desert near Seydi in eastern Lebap Region. The other five are in the general regime section of the Camp.

The address of the general regime Seydi Labour Camp is:

Turkmenistan,

746222 Lebap vilayet,

Seydi,

uchr. LB-K/12

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

uchr. LB-K/11

UN complaints

In September 2012, ten Jehovah's Witness conscientious objectors lodged applications to the United Nations (UN) Human Rights Committee protesting against their imprisonment and maltreatment. The complaints note that especially in the Seydi Labour Camp, where most of the conscientious objector prisoners are held, they have regularly been subjected to spells in the punishment cell and some have been brutally beaten.

The decision to prosecute one of the applicants, Atamurat Suvkhanov, for a second time despite his poor medical condition, harsh pressure on the other young men who reject military service on grounds of conscience since then, a raid on the family home of another applicant Navruz Nasyrlayev and close surveillance of their families, is state retaliation for the UN appeals, Jehovah's Witnesses believe.

Undeterred, two further Jehovah's Witness conscientious objectors filed similar appeals to the UN Human Rights Committee on 1 May 2013, Danatar Durdyev and Arslan

Davletov. While Davletov is a current prisoner, Durdyev, convicted on the same charges in January 2013, was instead given a heavy fine.

Three further complaints were lodged on 29 August on behalf of three more of the current prisoners, Juma Nazarov, Yadgarbek Sharipov and Atamurad Suvkhanov, Jehovah's Witnesses told Forum 18.

Dialogue sought

"The Human Rights Committee has already communicated 11 of those applications to Turkmenistan and we are waiting on receiving their response, which should be provided to us in the coming weeks," Jehovah's Witnesses involved in the applications told Forum 18 on 29 August. "We will then have about two months to reply to the observations of Turkmenistan and the matter will then go to the Committee for decision."

However, Jehovah's Witnesses stress that they would like to resolve the problem of the continuing arrests and imprisonment of conscientious objectors through dialogue with Turkmenistan's government. "We are optimistic that this issue could be resolved within Turkmenistan, in view of the fact that the right to conscientious objection to military service is universally recognized as a fundamental human right," they told Forum 18.

At the end of the review of Turkmenistan's human rights record during the Universal Periodic Review (UPR) at the UN Human Rights Council in Geneva in April 2013, the Turkmen delegation promised to respond to the Human Rights Council by September 2013 on many UPR recommendations submitted by other governments, including one to "protect the rights of conscientious objectors".

Forum 18 was unable on 29 August to reach Deputy Foreign Minister Vepa Hadjiev – who led the Turkmen delegation to the UPR at the UN – to find out what response it was going to make to the UN on this and other religious freedom concerns raised during the UPR.

Children's camp raided

Meanwhile, the Baptist church in the town of Mary tried to hold a children's summer camp on its premises from 25 June. However, the camp was "suddenly raided" by 15 police officers on 28 June, Baptists who asked not to be identified for fear of state reprisals complained to Forum 18. Police were soon followed by two medical personnel and other officials.

"Everyone and everything was noted down," Baptists told Forum 18. Among the officials was one with a camera. "Despite our indignation over the filming he was actively rushing around filming all the rooms and places where the children were or something was underway, including the kitchen, sleeping room, lessons, shower, toilet – in fact anything that could be filmed." Officials took some of the food – including meat, vegetables, bread and jam – allegedly for testing.

Police questioned all the children present for three hours. They also phoned the children's parents and demanded that they immediately come and collect them. "The parents were in a panic and began to ring us to find out what was going on," Baptists told Forum 18. Police insisted that the local children be sent home, while children from other places had to leave by the following day.

Church leaders were summoned to the local court on 1 July. The church's local leader was given two fines under the Code of Administrative Offences. One fine punished holding an unregistered religious meeting under Article 205, Part 4 ("violation of procedures established by law for organising and holding religious meetings"). The fine was 750 Manats (1,600 Norwegian Kroner, 200 Euros or 265 US Dollars). The second

fine was 300 Manats for failure to comply with sanitary norms. "Officials insisted the fines were paid immediately, otherwise they would confiscate property," Baptists told Forum 18.

Baptists reject the basis of the fines, insisting that the church has registration as a branch of the registered Baptist Church in Ashgabad. They also insist that hygiene standards were maintained, pointing out that about 80 per cent of the food came from local shops and the market.

Baptists also fear that the film taken by the official could be edited "in any way they like" to be used to discredit the church.

By contrast, Baptists noted to Forum 18 that another of their summer camps in a different city took place without incident.

No police comment

As is often the case in Turkmenistan, no official was prepared to explain why the Baptist children's summer camp in Mary was raided and fines were handed down. Because Nursakhatov of the Gengesh for Religious Affairs in Ashgabad put the phone down, Forum 18 was unable to ask him. Similarly, parliamentary human rights committee head Hudainazarov was unwilling to discuss anything with Forum 18.

Forum 18 tried to find out also from the head of Mary police. However, the man who on 29 August answered his phone – who refused to say if he was or was not the police chief – refused absolutely to discuss the raid. "Who are you?" he kept asking Forum 18. He then insisted the questions should be addressed to the Interior Ministry in Ashgabad "or the higher organs", which he did not identify. He then put the phone down.

Earlier harassment of summer camps

Summer camps for families and young people have long been popular among religious communities in the region. But authorities have often targeted them.

A Christian youth summer camp organised by two registered Pentecostal churches in the village of Sekiz-Yab north-west of Ashgabad was raided in July 2010. Protestants who were at the event, but asked not to be identified for fear of state reprisals, told Forum 18 that camp participants were insulted, pressured, and threatened. Some were subsequently fired from their state jobs.

About forty members of Path of Faith Baptist Church in Dashoguz who travelled to the resort of Avaza on the Caspian Sea for an August 2011 holiday were detained, questioned and insulted by the police and the local imam because of their faith. They were forced to abandon their holiday.

Ninth imprisoned conscientious objector

Forum 18 (25.03.2013) - Just months before reaching his 27th birthday, the upper age limit in Turkmenistan for compulsory military service for men, and despite poor health, Jehovah's Witness conscientious objector AtamuratSuvkhanov has again been imprisoned, Forum 18 News Service has learned. The Military Prosecutor's Office in the northern Dashoguz [Dasoguz] Region refused to discuss his case with Forum 18. Jehovah's Witnesses told Forum 18 Suvkhanov is under "strong pressure" in Dashoguz

Investigation Prison, where another conscientious objector prisoner was beaten earlier this year.

Suvkhanov's one-year prison sentence brings to nine the number of known imprisoned conscientious objectors, eight of them from Dashoguz Region. A further four are serving suspended prison sentences. Another young Jehovah's Witness in the capital Ashgabat [Ashgabat], DanatarDurdyyev, was convicted on the same charges in January, but was instead given a heavy fine.

In 2012, ten Jehovah's Witness conscientious objectors filed appeals against their treatment to the United Nations (UN) Human Rights Committee.

The complaints note that especially in the Seydi Labour Camp, where eight of the nine current conscientious objector prisoners are held, they have regularly been subjected to spells in the punishment cell and some have been brutally beaten.

Jehovah's Witnesses believe that the harsh punishments meted out to Suvkhanov and their other young men who reject military service on grounds of conscience since then, and close surveillance of their families, is state retaliation for the UN appeals.

No alternative service

All the conscientious objectors were sentenced 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.

Turkmenistan offers no alternative to compulsory 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.

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 UN Human Rights Committee.

Health problems ignored

The latest sentenced conscientious objector, Suvkhanov, who will be 27 in July, has already served one prison sentence for refusing military service.

In December 2004, Dashoguz City Court handed him an 18-month sentence under Criminal Code Article 219, Part 1. However, he was freed in April 2005 under amnesty.

Suvkhanov was suddenly called up again in the late 2012 conscription drive.

On 5 December 2012 he presented himself to the Conscription Commission in Dashoguz for a medical examination. After its officials ignored his medical condition, he noted in a later complaint seen by Forum 18, he went two days later to the hospital, which diagnosed osteochondrosis and problems with his heart and pancreas. On 10 December 2012 he was admitted to the hospital as an in-patient, making him unable to attend the Conscription Commission three days later.

Even though Suvkhanov said he had informed the Conscription Commission in writing that he would be unable to attend on the appointed day, his case was handed over to the Military Prosecutor's Office. A new criminal case under Article 219, Part 1 was launched.

On 12 December 2012, Suvkhanov sent the Defence Ministry and the Regional Military Prosecutor's Office copies of his medical diagnosis. He complained that the medical

commission had not even examined him, but had approved him for service on the orders of the head of the Military Commission.

In replies of 25 and 26 December 2012, seen by Forum 18, both the Defence Ministry and the Regional Military Prosecutor's Office told Suvkhanov that they found no violations in the actions of the Conscription Commission.

K. Bayramov, the official at the Regional Military Prosecutor's Office who drafted the reply on behalf of the office head B. Jumagylyjov, refused to discuss Suvkhanov's case. "We don't give information by telephone," he told Forum 18 from Dashoguz on 25 March. He then put the phone down.

Equally uncommunicative was one of the Military Prosecutors, J. Khanova. As soon as Forum 18 had asked about Suvkhanov and the other Jehovah's Witness conscientious objectors prosecuted in Dashoguz Region she put the phone down. The same happened each time Forum 18 called back.

One-year imprisonment

On 13 March, Judge Italmaz Bayhanov of Dashoguz City Court found Suvkhanov guilty of violating Criminal Code Article 219, Part 1. He handed down a one-year general regime labour camp term.

That same day, Suvkhanov signed and filed an appeal against his conviction to Dashoguz Regional Court. In the appeal, seen by Forum 18, he argues that Article 6, Part 2 of Turkmenistan's Constitution declares that "generally recognised norms of international law" - including the country's international human rights obligations - override other provisions of domestic law. He also argues that Article 18 of Turkmenistan's Religion Law guarantees the right to freedom of conscience.

Suvkhanov also complained to the Regional Court that the Military Conscription Office had not taken account of his medical condition.

Judge Bayhanov was not available when Forum 18 called on 25 March. His secretary at the City Court - who did not give his name - refused to discuss Suvkhanov's case. "Come here to the court to discuss it," he told Forum 18. "I can't speak by phone."

The woman who answered the phone of the Regional Court on 25 March refused to give any information about when Suvkhanov's appeal was or will be heard. She also refused to put Forum 18 through to any other court official who could give this information. "We can't give information by telephone," she said, before putting the phone down.

Judge Bayhanov of Dashoguz City Court had sentenced another of the Jehovah's Witness conscientious objectors in January (see below). He had also handed down administrative fines on some of the eleven local Baptists punished for their religious activity in October 2012.

"Strong pressure", secret police surveillance

Suvkhanov and his family have been kept under close Ministry of State Security (MSS) secret police surveillance ever since the case against him was launched in December 2012, Jehovah's Witnesses complained to Forum 18.

When family members visited Suvkhanov in the Investigation Prison in Dashoguz they were followed. Officers covertly listened in to their conversations with Suvkhanov in the prison. "The relatives reported that their telephones are also tapped."

"From Atamurat's behaviour, it was obvious that they put strong pressure on him in the prison," Jehovah's Witnesses complained to Forum 18. "He told his relatives that the authorities intend to keep him for quite a long time in the investigation prison trying to break his will."

Beaten, then transferred

Meanwhile, two other imprisoned Jehovah's Witness conscientious objectors sentenced in January have been transferred from Dashoguz Investigation Prison to the labour camp where they will serve their sentences. MatkarimAminov and ArslanDovletov were transferred on 25 February from Dashoguz to the labour camp in the desert near Seydi in eastern Lebap Region.

Relatives of Aminov reported that they learned from him that, while he was in cell No. 39 of the Investigation Prison, his fellow inmates beat him under MSS secret police orders, Jehovah's Witnesses complained to Forum 18.

"The purpose was to break his faith and force him to participate with the rest of the prisoners in a Muslim prayer, raising his hands."

Aminov, who will be 22 on 17 April, was convicted by Judge Bayhanov of Dashoguz City Court on 8 January and sentenced to two years' imprisonment in a strict regime camp. He served an 18-month prison term on the same charges between December 2010 and June 2012.

Dovletov, who is 20, is serving his first sentence for refusing military service on conscientious grounds. He was convicted in Dashoguz on 9 January and sentenced to 18 months' imprisonment.

"Danger to society"?

According to the court verdict, seen by Forum 18, Aminov refused military service in December 2012 after he had again been called up, citing his faith as a Jehovah's Witness. He told the court that "he understood that the people of God should not take up weapons (arm themselves), fight or take the oath. On the basis of this, he cannot enter the ranks of Turkmenistan's armed forces for temporary military service, take weapons in his hands or put on a military uniform."

B. Gurbanbayev, head of the 2nd Division of Dashoguz Military Conscription Office, confirmed to the court that Aminov had declared in writing on 15 December 2012 that he was unable to serve in the armed forces for religious reasons. However, the verdict records, Gurbanbayev added that Aminov had no lawful basis to be exempted from military service. The court noted Aminov's written willingness to perform an alternative to military service.

The verdict declares that in handing down the two-year strict regime prison term to Aminov, the court took into account "the level and character of his danger to society". He was arrested in the courtroom when the sentence was delivered.

Appeal rejected

SharofotAminova, Aminov's mother, lodged a complaint against the sentence to Dashoguz Regional Court. However, in a 29 January response, seen by Forum 18, P. Bayramov, chair of the Regional Court, rejected her appeal.

Bayramov insisted that Aminov had "recognised his guilt" and that "his criminal actions had been correctly formulated". He rejected Aminov's mother's insistence that her son had the right to have his conscientious objection recognised in line with Turkmenistan's Constitutional guarantees of freedom of conscience.

The woman who answered the phone of the Regional Court on 25 March refused to put Forum 18 through to Judge Bayramov.

Harsh camp conditions

With the transfer of Aminov and Dovletov to labour camp in Seydi, eight of the nine known imprisoned conscientious objectors - all Jehovah's Witnesses - are now being held there.

The imprisoned conscientious objectors are: Mahmud Hudaybergenov, 2 years, Dashoguz Court, August 2011; ZafarAbdullaev, 2 years, Dashoguz Court, March 2012; NavruzNasyrlayev, 2 years, Dashoguz Court, May 2012; JumaNazarov, 18 months, Ashgabad Court, July 2012; DovranMatyakubov, 2 years, Dashoguz Court, December 2012; YadgarbekSharipov, one year, Dashoguz Court, December 2012; MatkarimAminov, 2 years, Dashoguz Court, January 2013; ArslanDovletov, 18 months, Dashoguz Court, January 2013; and AtamuratSuvkhanov, one year, Dashoguz Court, March 2013.

Nasyrlayev, Matyakubov and Aminov received strict regime labour camp terms and are all believed to be in the strict regime section of Seydi Labour Camp. The other five are in the general regime section of the Camp.

In addition to the Jehovah's Witnesses' complaints to the UN of maltreatment at the Seydi Camp, several former prisoners held in the general regime section of the Camp in recent years to punish them for their religious activity have complained to Forum 18 of conditions there. "If the guards find a reason they can beat you," one complained to Forum 18. "They can easily find an excuse, such as forgetting the badge you must wear, which carries your name, Criminal Code Article you were sentenced under and barrack number. I was beaten and kicked for my faith on my arrival."

The main work at the camp is at the nearby brick factory. "In the past it was even worse there," another former prisoner told Forum 18. "The administration gave norms as to how many bricks you should make. Even if you reached it they never acknowledged it."

IlmuradNurliev is a Protestant pastor from Mary held there until his release in February 2012.

Nurliev told Forum 18 in the wake of his release that "very many letters" for him from around the world - perhaps as many as 500 - had reached the labour camp. However, guards only gave him two of them - one from Norway and one from the United Kingdom.

"The first letter arrived about six months after I arrived, and they summoned me to hand it over," Nurliev told Forum 18. "The second came after that. But when more arrived, they stopped handing them over. Yet even knowing that people had not forgotten me was a great encouragement."

Discrimination over amnesty?

Another current prisoner in Seydi Labour Camp is Protestant Christian UmidGojayev. He was arrested in Dashoguz on 19 April 2012 and sentenced on 16 May 2012 to four years' imprisonment on charges of hooliganism under Article 279 of the Criminal Code.

Gojayev's arrest followed an argument with four neighbours over access to a well in the yard where they live in Dashoguz. Protestants told Forum 18 that during the fight, he was forced to defend himself against the four men.

Gojayev hit one on the head with a brick, causing injury. Several days later, he and his family reconciled with the victim and paid him for hospital expenses.

However, when the police learned that the case involved a Protestant Christian, they insisted that the case should be brought to court, despite the withdrawal of the complaint by the victim. Protestants told Forum 18 that they believe the prosecution was disproportionate and point out that none of the four men were prosecuted. "The investigator told one of Umid's relatives that because he is a believer, they wouldn't forgive him," one Protestant told Forum 18.

In June 2012, Gojayev was transferred to the general regime Seydi Labour Camp, Protestants told Forum 18. They complain that despite four prisoner amnesties since his imprisonment - which have included other prisoners sentenced under the same Criminal Code Article - Gojayev has not been freed because of his faith.

"This is discrimination," one Protestant who knows Gojayev told Forum 18.

"Umid was told in the labour camp he is not being included in the amnesties because he reads the Bible."

No comment - as usual

As is usually the case over such human rights violations, no official at the national level in Ashgabad was prepared to comment to Forum 18 on the new conscientious objector prisoner or the treatment of the existing prisoners.

Gurbanberdy Nursakhatov, Deputy Chair of the government's Gengesh for Religious Affairs, identified himself when Forum 18 called on 25 March.

However, he put the phone down as soon as Forum 18 identified itself.

Subsequent calls went unanswered.

Pirnazar Hudainazarov, Chair of the Mejlis (Parliament) Committee on the Protection of Human Rights and Freedoms, insisted to Forum 18 on 25 March before it had even asked any question that it should call the Foreign Ministry. He then put the phone down.

Raid, two-day detentions, torture, rape threat, fines

Forum 18 (14.02.2013) - Seven weeks after the United Nations (UN) Human Rights Committee sought a response from Turkmenistan's government to complaints by ten Jehovah's Witness conscientious objectors, about 30 police officers raided the lead complainant's family home in the northern city of Dashoguz. Two members of the Nasyrlyayev family, with four guests, were taken to a police station and three were held for 40 hours. According to their statements seen by Forum 18 News Service, all six were beaten, one of them severely, while one detainee was threatened with being raped on a table in the police station. Three were then fined. Religious literature was confiscated.

Most of the maltreatment took place at Police Station No. 1 near the Nasyrlyayev family home in Dashoguz. However, the most severe beating took place at Dashoguz City Police Station's Detention Facility, where one detainee was tied up off the ground by his arms and legs until he lost consciousness, Jehovah's Witnesses complained.

Duty officers at the various police numbers in Dashoguz repeatedly refused to identify the city head of police or provide any number for him. "Just come here to the police station," one told Forum 18 on 14 February. Each time Forum 18 asked the same day about the raid, detentions, torture, beatings and threats, the duty officers put the phone down.

One of the sons in the family, NavruzNasyrlyayev, is currently serving his second sentence in labour camp in Seydi for refusing compulsory military service on grounds of religious conscience. He was given a two-year strict regime labour camp sentence in May 2012, a sentence upheld by Turkmenistan's Supreme Court in July 2012. Nasyrlyayev and nine other conscientious objectors had appealed to the UN Human Rights Committee, which registered their complaint (UN reference G/SO 215/51 TKM (10)-(19)) and as is normal practice sent it to the government of Turkmenistan on 7 December 2012.

The raid, detentions, torture, beatings and threats "were obviously designed to punish and intimidate the Nasyrlyayev family for the ten complaints of conscientious objectors to military service filed against Turkmenistan," the lawyer for the conscientious objectors has complained to the UN on 6 February 2013.

Late-night raid and literature confiscation

About 30 police officers raided the Nasyrlyayev family home in Dashoguz at about 10 pm on 24 January, Jehovah's Witnesses told Forum 18. The family were hosting a married couple - whose names are known to Forum 18 - and another man HudayarIsmailov. All are Jehovah's Witnesses. A fourth guest, BahramShamuradov, also a Jehovah's Witness, arrived at 11 pm after police had already begun their raid.

About 10 of the officers were in uniform. The other approximately 20 intruders were in civilian clothes and some smelt of alcohol. "They did not have a search warrant or any other authorisation for their unlawful raid," Jehovah's Witnesses told Forum 18. "They did not give their names and did not explain the reason for the raid."

The intruders seized the personal belongings of the Nasyrlyayev family and their guests, including Jehovah's Witness literature as well as Shamuradov's personal computer. "The victims understood that most of the police officers were from the 6th Department of the Dashoguz Police and that at least one official was from the Prosecutor's Office."

One of the 6th Department police officers was recognised as SerdarSaparov, who is said to have ordered the beating of a Jehovah's Witness prisoner of conscience in 2012.

The police's 6th Department is notionally responsible for counter-terrorism and organised crime work, but is often very active against people exercising their right to freedom of religion or belief.

Torture at police station

Police then took TahirNasyrlyayev and his son Abdurasul to the nearby Police Station No. 1, together with their four guests. "At the police station, the officials repeatedly beat all six persons over their kidneys with plastic bottles filled with water, as well as on the back of their neck," Jehovah's Witnesses complained to Forum 18. "This was done so as not to leave bruising."

Police pressured the Jehovah's Witnesses to sign statements that they had been participating in an "illegal" religious meeting. After initially refusing to sign, two of the six eventually did so and were released at about 2 am on 25 January.

Police continued to beat the husband of the married couple, Jehovah's Witnesses told Forum 18, although he suffers with a herniated disc and osteochondrosis (painful swelling of the upper part of the shinbone, just below the knee). They also beat TahirNasyrlyayev "in addition to mocking and cursing them". At 4 am on 25 January, police stopped beating them and put them in a detention cell, where they were held for the next ten hours.

The two men were then taken to the City Police headquarters, where they were accused of violating Article 205 of the Code of Administrative Offences ("Violation of the law on religious organisations") for allegedly holding an "illegal" religious meeting. At 11 pm on 25 January, police returned them to the local police station, where they were put in a detention cell with about 10 other prisoners.

Torture and rape threat

The wife of the married couple was singled out for what Jehovah's Witnesses state was "particularly despicable treatment" at Police Station No. 1. She protested and tried to intervene when police beat her husband in her presence. Officers then took her into another room, where she could still hear the beating.

Officers tried to pressure her to write a statement that she and her friends had been conducting "illegal" religious activity, saying that they would otherwise prosecute her husband on criminal charges, but she refused. They then screamed at her, kicked her in the kidneys, spat in her face and dragged her by the hair. When she said she would file a complaint against them if they did not stop, they threatened to kill her and her husband.

The police then threatened to rape her if she refused to sign a statement that she had not been mistreated. One uniformed officer told her she had 10 minutes to consider her decision.

"He pointed to a table in the room and said he would be the first to rape her on the table and that the other officers would do so afterwards," Jehovah's Witnesses complained. "This policeman then turned to the other police and said that those who wanted to participate in the rape should stay and the rest should leave. Some of the police left. The remaining police then threatened that they would bring her husband into the room to witness their despicable actions."

Under this pressure, she signed a statement that she did not have any complaints against the police. She was freed at about 3.30 am on 25 January and driven home by police in a white car.

Severe beating

Shamuradov, who arrived at the Nasyrlyayevs' home while the police raid was underway, was immediately taken to Police Station No. 1, where he said he was repeatedly kicked and punched in the kidneys. Police tried to pressure him to sign a statement that he had been participating in a meeting of an "illegal sect". At about midnight he was taken to the city Police Station's detention facility. When a new shift arrived at 9 am on 25 January, interrogations resumed. He was again beaten and mocked.

In the early afternoon, the police took a rope and tied Shamuradov by his hands and feet spread eagled to the bars of the cell, Jehovah's Witnesses complained. He could not touch the floor. He was kept in this position for several hours and eventually passed out from the pain.

When he regained consciousness he was taken back to the Dashoguz City Police Station, where he was charged with the two others. He was held overnight with them in Police Station No. 1's detention cell.

UN Committee against Torture finding

In 2011 the UN Committee against Torture found that, in Turkmenistan, "persons deprived of their liberty are tortured, ill-treated and threatened by public officers, especially at the moment of apprehension and during pretrial detention, to extract confessions and as an additional punishment after the confession".

Fines

On the morning of 26 January, police took the three men – TahirNasyrlyayev, Shamuradov and the husband of the married couple - to Dashoguz City Court. At "very brief" separate trials in the afternoon, Judge MaksatMyradov found all three guilty under Administrative Code Article 205, Parts 1 and 2.

Each was fined 750 Manats (1,450 Norwegian Kroner, 195 Euros or 265 US Dollars), an official of the City Court confirmed to Forum 18 from Dashoguz on 13 February. The sum is about two months' average local wages for those in work. The three were then freed, about 40 hours after being detained.

Shamuradov's verdict – seen by Forum 18 – claims that in the Nasyrlyayev family home on the evening of 24 January he "participated in the activity of the religious group Jehovah's Witnesses, which is specifically and officially not registered by Turkmenistan's Justice Ministry". The verdict notes that it cannot be appealed against.

All unregistered exercise by groups of people of freedom of religion and belief in Turkmenistan is illegal.

Forum 18 was unable to find out from Judge Myradov why he fined the three Jehovah's Witnesses. Each time Forum 18 called on 13 February, the man who answered his phone listened in silence for some time before putting the phone down.

Forum 18 was unable to reach the new head of the Dashoguz Region Gengesh (Council) for Religious Affairs (and also regional imam) AnnaorazRepov, or his deputy HudainazarArtykov. The telephone at their office in Dashoguz went unanswered each time Forum 18 called on 13 and 14 February.

Some state officials in the Gengesh for Religious Affairs, which restricts freedom of religion or belief for all, have a dual role as clergy within religious communities.

Complaints

In the days after their ordeal, five of the Jehovah's Witnesses taken to the police station and beaten wrote letters of complaint to various state agencies, including President GurbangulyBerdimukhamedov, the General Prosecutor's Office in the capital Ashgabat [Ashgabat], the Prosecutor's Office in Dashoguz and the State Commission for Reviewing Citizens' Communications Concerning Activities of Law-Enforcement Agencies in Ashgabat.

In his 30 January letter of complaint, seen by Forum 18, Shamuradov told President Berdimukhamedov that he had been punished simply for following his faith. "No one has the right to beat me, humiliate me or hang me to the point of my passing out for this, since Turkmenistan's Constitution says in Article 12 that every citizen of Turkmenistan has the right to choose for himself any religion. I therefore request that you take immediate measures to punish the law-breakers."

The five have not received any response to their complaints, Jehovah's Witnesses told Forum 18.

The five Jehovah's Witnesses' lawyer also submitted a complaint on 6 February to the Office of the UN High Commissioner for Human Rights (OHCHR), with a copy to President Berdimukhamedov and the General Prosecutor's Office in Ashgabad.

The lawyer told the OHCHR that they think the police raid and brutality was directly linked with complaints to the OHCHR by the 10 Jehovah's Witness conscientious objectors to military service. "The above actions which targeted the family of NavruzNasyrlyayev and their guests - just a few weeks after the above mentioned ten complaints were communicated to Turkmenistan - were obviously designed to punish and intimidate the Nasyrlyayev family for the ten complaints of conscientious objectors to military service filed against Turkmenistan on 7 September 2012".

"On behalf of NavruzNasyrlyayev and the other nine complainants, I request that the [UN Human Rights] Committee ask that Turkmenistan desist from any further acts of direct or indirect coercion of the [complainants]," the lawyer asked.

Turkmenistan continues to imprison conscientious objectors, with four new imprisonments in December 2012 and January 2013.

No comment - as usual

As is usually the case over such human rights violations, no official at the national level in Ashgabad was prepared to comment to Forum 18 on the raid, detentions, torture, beatings, threats and fines. GurbanberdyNursakhatov, Deputy Chair of the government's Gengesh for Religious Affairs, identified himself when Forum 18 called on 13 February. However, he put the phone down as soon as Forum 18 identified itself. Subsequent calls went unanswered.

PirnazarHudainazarov, Chair of the Mejlis (Parliament) Committee on the Protection of Human Rights and Freedoms, insisted to Forum 18 on 13 February that its questions on the raids, beatings, threats, religious literature confiscation and fines "should be addressed not to me but to the Foreign Ministry". And he added: "I'm not authorised to deal with such questions", before putting the phone down.

An official of the government's National Institute for Democracy and Human Rights in Ashgabad told Forum 18 on 13 February that its Director, YazdursunGurbannazarova, was travelling elsewhere in Turkmenistan.

However, ShemshatAtajanova, a Head of Department at the Institute, insisted the same day that she could "give nothing" by telephone. "We need concrete facts," she told Forum 18. "We have to investigate what happened." Asked if her Institute would do so, Atajanova said those affected would have to send their appeal to the Institute in writing. Asked why such raids, literature confiscations, torture, police brutality and fines keep occurring, she responded that one cannot act on the basis of unverified claims. She made no comment on the findings of the UN Committee against Torture.

Earlier Dashoguz police violence

The raid on the Nasyrlyayev home and the subsequent raid, detentions, torture, beatings, threats and fines came four months after police in the same city also used violence during a raid on a local Protestant family.

In September 2012, police and local officials raided the Path of Faith Church in Dashoguz, which meets in the home of the Shirmedov family. Police confiscated religious literature and took 15 church members to the police station for questioning. The mother of the family, 68-year-old Kerime (Klara) Ataeva, who stayed behind at the house while the

others were questioned, had her hands beaten until they bled. Eleven church members were fined in early October under Administrative Code Article 205.

One of the church members fined complained to Dashoguz Regional Court and to the Prosecutor's Office. However, they both replied to him in December 2012 that the fines could not be challenged, Protestants complained to Forum 18. Police have not returned the confiscated literature.

Turkmenistan imposes strict censorship on religious literature, even including locally-printed books of poetry.

Lebap Region summonses, interrogations, confiscations

Meanwhile, several Protestants in Lebap Region of eastern Turkmenistan have been summoned since the beginning of 2013, Protestants have told Forum 18. Several were summoned to the village council and were interrogated by officials, including representatives of the local Gengesh for Religious Affairs. Officials confiscated Christian literature from them.

Those summoned were forced to write statements about their religious activity. One was asked from which website the individual had downloaded religious materials. Officials warned those summoned not to gather local Protestants for meetings for worship.
