

Turkmenistan

ENGLISH only

Religious Freedom Concerns

Statement by the European Association of Jehovah's Christian Witnesses

OSCE Supplementary Human Dimension Meeting, Vienna

14 and 15 April 2016

There have been positive developments in Turkmenistan over the past year, most notably the presidential amnesty of imprisoned Jehovah's Witnesses. However, Jehovah's Witnesses continue to experience serious violations of their fundamental rights in some regions.

- Police subject Jehovah's Witnesses to harassment and mistreatment, arbitrary arrest and detention, unwarranted searches, and fines merely for exercising their religious beliefs.
- In some instances, officials have imprisoned Jehovah's Witnesses on fabricated charges. This is the case with Bahram Hemdemov (in the photo), detained since **14 March 2015** and now serving a four-year term in the labour camp LB-K 12 in the town of Seydi.
- Government authorities have not acknowledged an application for legal registration that the Witnesses submitted in August 2008.
 - As an unregistered religion, Jehovah's Witnesses are denied the right to hold religious services, to practice their religious beliefs peacefully and share them with their neighbours, to own or use property for religious purposes, to receive donations, to carry out charitable activity, and to invite foreign citizens to participate in religious events.
 - The Witnesses cannot produce or import religious literature for their personal use.



Abuses and Restrictions of Religious Freedom

Raids on Religious Services

Background. On 1 January 2014, the new Code of Administrative Offence (CAO) was enacted, which now includes an offence for violating the procedure for religious activity (Article 76.1). Officials have used its broad provisions to charge Jehovah's Witnesses with violations for peacefully meeting together for worship on the grounds that their activity is illegal, since they do not have a registered religious entity.

Turkmenabad. On **14 March 2015**, police in Turkmenabad raided the home of Mr. Bahram Hemdemov, where 38 of Jehovah's Witnesses were gathered for worship. The police seized all of the Witnesses' religious literature and took them to the police station, where they were detained until the early morning hours. On **15 March 2015** at 4:00 am eight of the Witnesses (elderly women) were released; they were not fined. All 30 Witnesses were convicted under

the CAO—eight were sentenced to 15 days of administrative imprisonment, and the remaining 22 were fined. Almost all who served a 15-day term were detained again for 15 days. None of them received a copy of the court decision.

- On **19 May 2015**, the Lebap Region Court (Judge Gochmurad Charyyev) sentenced Bahram Hemdemov to four years of detention and confiscation of his property under Article 177(2) of the Criminal Code of Turkmenistan (inciting social, national, or religious enmity). Bahram Hemdemov's wife made many attempts to visit her husband, but the director of the detention facility, B. O. Amanov, created every kind of obstacle to prevent anyone from seeing Mr. Hemdemov until the verdict had entered into force. Thus, Mr. Amanov denied Mr. Hemdemov the possibility of appealing the verdict. A complaint has been filed regarding the unlawful actions of Mr. Amanov, but there has been no response thus far.

Mr. Hemdemov's wife submitted an appeal of his conviction to the General Prosecutor's Office and to the Supreme Court, but those appeals were rejected. Mr. Hemdemov's attorney filed a supervisory appeal with the Supreme Court on **6 August 2015**, and this is still pending. In the meantime, Mr. Hemdemov is imprisoned in the LB-K 12 labour camp in the town of Seydi. In **January 2016** a complaint was submitted to the UN Human Rights Committee (CCPR). Although there have been several amnesties over the past year, Mr. Hemdemov has not been included in the list of amnestied prisoners.

Campaign of Harassment and Mistreatment by Police in Turkmenabad

The raid on the religious meeting on 14 March 2015, described above, was one incident in a campaign of harassment and mistreatment of Jehovah's Witnesses that authorities in Turkmenabad initiated in 2015 and early 2016. Listed below are some of the most recent incidents:

- (1) On **23 March 2016**, a group of 20, including young children, gathered in a private home for the annual observance of Christ's death. Law enforcement officers knocked on the door at 8 p.m., but the homeowners did not answer the door. The officers maintained surveillance through the night, so no one dared to leave the home. The next day, four officers of the National Security Services and police broke into the apartment through the balcony. The officers were aggressive, rude, and assaulted several of the men and women. In searching the apartment the officers found only one Bible, and confiscated the homeowners' computer equipment, but did not make a record of their actions, file protocols, or invite witnesses to the search.

After interrogating the attendees, the officers took them to the police station—except one pregnant woman who fainted and needed hospital care. At the police station, officers insulted the women and beat two male Witnesses, strangling one of them and threatening the other with torture. The police fined the attendees and threatened a jail term of 15 days for anyone not paying the fine. The police released them the next morning, 25 March, at 8:30 a.m., but detained a male attendee for 15 days.

- (2) On **12 February 2016**, the police stormed into the residence of a male Witness when his sister with her two minor children arrived for a visit. Police seized the man's personal computer and photographed his family.
- (3) On **28 January 2016**, police arrested two female Witnesses while they were visiting homes with a Bible message. The police officers took them to the police station, where they seized all of their religious literature, a cell phone, and a tablet.

- (4) On **13 January 2016**, two minor Jehovah's Witnesses, were detained at school by Mekan Veliyev, an officer of the Ministry of National Security (MNS), and the inspector of cases involving minors. While Mekan Veliyev was trying to put them in the car, one boy ran away. MNS agents came later that day to his family's residence and in conducting a search, seized all of their religious literature.
- (5) On **18 November 2015**, police stopped a male Witness while he was visiting homes with a Bible message. The officers took him to his residence but when he refused them permission to enter his apartment, a representative of the Prosecutor's Office came and demanded that he open the door. The officers forced him to open the door and seized all of his personal religious literature. Later, at the police station, they forced him to sign an explanatory note saying that he voluntarily handed it over.
- (6) On **14 November 2015**, police officers came to conduct a search, without any warrant, at the residence of a male Witness. He did not let them in. On 19 November 2015, the police found him near his residence and conducted a search but did not find any religious literature.
- (7) On **10 November 2015**, police conducted a search at the residence of a male Witness, and seized all religious literature in the apartment and a personal computer. On 18 November 2015, police and Mekan Veliyev detained the Witness for 15 days in administrative detention under the CAO. He has yet to receive the court decision.
- (8) On **10 November 2015**, police searched the residence of a female Witness and seized all of her personal religious literature. Authorities told her employer that they should think of terminating her employment.
- (9) On **5 November 2015**, police detained two female Witnesses while they were visiting homes with a Bible message. Police officers Rahmanov, Begench Hudaibergenov, Faruh Ergeshov, Shukurov, and Rozigeldiev took them to a police station in the city of Turkmenabad, where they seized all of the women's religious literature.

Denial of Right to Conscientious Objection to Military Service

For many years, Turkmenistan has prosecuted, imprisoned, and physically mistreated conscientious objectors to military service. Thirteen cases were filed with the UN Human Rights Committee (CCPR) against Turkmenistan by Jehovah's Witnesses prosecuted for their refusal of military service. The CCPR decided the first of these cases, *Zafar Abdullayev v. Turkmenistan* (Communication No. 2218/2012), on **25 March 2015**. Mr. Abdullayev has been prosecuted and imprisoned twice for his refusal of military service. The CCPR found that the repeated prosecution and imprisonment of Mr. Abdullayev violated his right to freedom of religion and was contrary to the prohibition against repeat prosecution, in violation of Articles 14(7) and 18(1) of the International Covenant on Civil and Political Rights (ICCPR).

The CCPR also held that Mr. Abdullayev had been subjected to "torture" by prison officials in violation of Article 7 of the ICCPR and that the "deplorable" conditions of his imprisonment at the LBK-12 prison violated his right to be "treated with humanity and with respect for the inherent dignity of the human person" in violation of Article 10(1) of the ICCPR. The CCPR directed Turkmenistan to expunge Mr. Abdullayev's criminal record, to prevent similar violations in the future, and to adopt legislation "guaranteeing the right to conscientious objection."

On **29 October 2015**, the CCPR issued rulings on the cases of three other Witnesses who are conscientious objectors: *Mahmud Hudaybergenov* (Communication No. 2221/2012), *Ahmet Hudaybergenov v. Turkmenistan* (Communication No. 2222/2012), and *Sunnet Japparow v.*

Turkmenistan (Communication No. 2223/2012). The decisions found that the convictions and sentences for refusal of compulsory military service were an infringement of freedom of thought, conscience, and religion, in breach of Article 18(1). In each case the CCPR determined that the treatment to which authorities subjected the men violated the guarantee that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” according to Article 7 of the ICCPR. The CCPR also concluded that the deplorable living conditions violated the right of detainees to be treated “with humanity and with respect for the inherent dignity of the human person” according to Article 10 of the ICCPR.

The Views of the CCPR have not yet been implemented by Turkmenistan.

In a positive development, in October 2014 all of Jehovah’s Witnesses imprisoned for the conscientious objection to military service were released from prison based on a presidential amnesty. Since October 2014, six conscientious objectors who are Jehovah’s Witnesses have been prosecuted and convicted for refusing military service. Rather than imposing a prison sentence, the courts have ordered these young men to perform “corrective labour” under Article 219 of the Criminal Code, often for the maximum period of two years. The sentence of “corrective labour” compels a conscientious objector to pay 20 percent of his salary to the State budget.

Legal Recognition Withheld

On 21 August 2008, Jehovah’s Witnesses submitted an application for registration with the Gengeshi (Council) of Religious Affairs. To date, no response has been received.

State Censorship of Religious Literature

The State allows only registered religious groups legally to produce, import, export, and distribute religious materials. Even if a group is registered, all of its religious literature must be approved by the government and is under its control.

In **2015**, a number of Jehovah’s Witnesses in Ashgabat and Turkmenabad were convicted under the CAO for possession of so-called illegal religious literature. In past cases, authorities imposed fines for the alleged offences. However, beginning in December 2014, a court in Turkmenabad has imposed on both men and women the maximum sentence under the CAO of 15 days of imprisonment. The conditions of their detention have been deplorable and in several cases officers have severely beaten the Witnesses.

Positive Developments

On 22 October 2014, the President of Turkmenistan amnestied eight of Jehovah’s Witnesses who had been imprisoned. Six of the Witnesses had been imprisoned for conscientious objection to military service, while the other two had been imprisoned on fabricated criminal charges. On **17 February 2015**, the President of Turkmenistan amnestied another conscientious objector who is one of Jehovah’s Witnesses.

Jehovah's Witnesses respectfully request the government of Turkmenistan to:

- (1) Grant official registration to Jehovah's Witnesses
- (2) Introduce genuine alternative civilian service
- (3) Stop police threats, illegal searches and seizures, false accusations, beatings, and inhuman treatment of Jehovah's Witnesses
- (4) Allow Jehovah's Witnesses to import and use their religious literature legally
- (5) Allow Jehovah's Witnesses to hold religious meetings and assemblies and to practice their religious beliefs peacefully and share them with neighbours
- (6) Allow Jehovah's Witnesses to own or use property for religious purposes, to receive donations, to carry out charitable activity, and to invite foreign citizens to participate in religious events

Representatives of Jehovah's Witnesses welcome the opportunity to engage in a constructive dialogue with representatives of the Turkmenistan government.

For more information:

Please contact the Office of General Counsel of Jehovah's Witnesses at generalcounsel@jw.org

Visit the Newsroom at jw.org or scan the QR code below to learn about legal developments and human rights affecting Jehovah's Witnesses in Turkmenistan.



Scan the QR code below to read the special report "Imprisoned for Their Faith—Turkmenistan"

