

Jehovah's Witnesses in

TURKMENISTAN

Religious Freedom Concerns

Statement by the European Association of Jehovah's Christian Witnesses

OSCE Human Dimension Implementation Meeting, Warsaw

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During 2016, Jehovah's Witnesses were subjected to harassment and mistreatment, beatings, intimidation, unwarranted searches, detention, seizure of religious publications, and fines for exercising their religious beliefs and, in one case, for merely attending a religious meeting.

- Government authorities have not acknowledged an application for legal registration submitted in August 2008.
- **Bahram Hemdemov** has been imprisoned since 14 March 2015 and is currently serving a four-year sentence in the Seydi Labour Camp LB-K 12 for his religious activity during a peaceful meeting of Jehovah's Witnesses.
- **Mansur Masharipov** was arrested on **30 June 2016** on fabricated criminal charges of attacking police officers. On **18 August 2016**, a court sentenced him to one year in a general regime prison colony.
- In **March 2016**, Parliament adopted "The Law of Religion and Religious Organizations," which states that all unregistered religious organisations are illegal. Attempts to meet with representatives of the Gengeshi (Council) of Religious Affairs have so far been unsuccessful.
- The 1 January 2014 Code of Administrative Offences includes the offence of violating the procedure for religious activity (Article 76.1). Officials have used its broad provisions to prosecute Jehovah's Witnesses for peacefully meeting together for worship, since they are without registration.

Abuses and Restrictions of Religious Freedom

Harassment by Officials

- (1) **Gazadzhak (Region of Lebap)**. On **23 April 2016**, police arrested five of Jehovah's Witnesses. During a search of one of the Witnesses' apartments, the police planted religious literature to fabricate "evidence" against him, and beat him at the police station. On **25 April 2016**, all five individuals were fined TMT 100 (EUR 25).
- (2) **Turkmenbashi**. On **24 April 2016**, two of Jehovah's Witnesses were sharing a Bible message with their neighbours when police detained them. The police took the Witnesses

to the police station, where they beat one of the Witnesses and threatened to throw him from the fourth floor. On **6 May 2016**, the Witnesses were fined TMT 100 (EUR 25).

Interference With Religious Services

- (1) **Turkmenabad**. On **5 June 2016**, two police officers and the local sheriff in civilian clothing interrupted a religious meeting at the home of a male Witness. They conducted a search and seized personal religious literature belonging to his mother. Two male Witnesses were brought to the police station, where they were pressured to write an explanatory note.
- (2) On **28 May 2016**, on the pretext of a passport check, the police and the local sheriff, P. Klichev, raided a home where some of Jehovah's Witnesses were gathered for worship. Two Ministry of National Security (MNS) representatives conducted a search and seized religious literature. Three of those in attendance were taken to the police station. One of the Witness men was beaten and threatened with 15 days' detention.
- (3) On **23 March 2016**, a group of 20 Jehovah's Witnesses, including young children, were attending the annual Memorial of Christ's death, their most sacred event, in a private home. Five law-enforcement officers in civilian clothing broke into the apartment through the balcony. The officers were Maksat, from the MNS; Toyli, from the City Police Department; Lieutenants Piriyevev Shatlik and Annaev Begench; and local sheriff Beshimov Begench. The officers were aggressive and rude and beat both men and women. They searched the apartment and found one Bible. They confiscated a printer and a personal computer without providing any documentation.

A pregnant woman in attendance fainted and had to be taken to the hospital by ambulance. The rest of those in attendance were taken to the police station, where some of the women were insulted and two male Witnesses were beaten again. One was strangled and lost consciousness, while the other was threatened with torture by electric shock. The police officers demanded that they write a statement with the reasons for gathering and the names of those in attendance. Two men were detained for 15 days without a court hearing. The remainder of those detained were released on **25 March**.

On **19 April 2016**, eight Witnesses were fined TMT 500 (EUR 126) under Article 75-2 of the Administrative Code. In **June 2016**, two of Jehovah's Witnesses discovered that TMT 200 (EUR 50) had been deducted from their pension.

Four of the eight who were fined determined that they would appeal the decisions against them. One of them received a copy of the decision against her and filed an appeal on **9 June 2016**. The three others have yet to receive their decisions, despite repeated requests.

On **1 August 2016**, in response to the Witnesses' collective complaint against the police actions of 23 March and thereafter, the Prosecutor's Office of the city of Turkmenabad sent a written reply stating that the police officers of the city of Turkmenabad committed no violations of the rules and regulations during their "investigation." The Prosecutor's Office therefore stopped its investigation of the complaint.

Interference With Manifestation of Belief

Because Jehovah's Witnesses are not legally registered, they are denied permission to share their religious beliefs with their neighbours, to import and distribute religious literature, or to gather together for peaceful religious meetings.

- (1) **Ashgabat**. On **20 June 2016**, one of Jehovah's Witnesses was summoned to the director's office at the kindergarten where she worked. Three officials in civilian clothing

questioned her: police officer Arslan, a representative of the Department for Religious Affairs of the local City Hall, and Maksat of the MNS. They searched her bag without permission and found personal copies of religious literature. The officials also threatened another Witness who worked in the same kindergarten and took her personal literature. Later, both of the Witness women were pressured into resigning from their employment.

- (2) On **21 April 2016**, two female Jehovah's Witnesses were walking on the street when a police officer (Mr Ataev) and an MNS officer (he identified himself as Mr Murad but did not show his identity card) arrested them. The officers pinioned the women, took them to the police station, and seized their personal religious literature. The officers, especially Mr Murad, were very abusive. Both women were fined TMT 100 (approximately EUR 25). On **24 May 2016**, the city court left the penalty unchanged. An appeal to the General Prosecutor's Office is being prepared.
- (3) On **16 February 2016**, one of Jehovah's Witnesses who had been sentenced to one year of correctional labour as a conscientious objector was on his way to visit a friend when an officer of the MNS approached him. The officer demanded the computer hard drive that the Witness was carrying and took him to the police station, where the hard drive was seized. On **22 February 2016**, the Witness was fined TMT 200 (EUR 50).
- (4) On **2 February 2016**, a male Witness spoke about the Bible with a man on the street. Immediately thereafter, police officers Vepa Tailakov and Yazgeldi Nursahatov took the Witness man to the police station to verify his identity. They searched his phone and confiscated it after finding religious publications downloaded on it. Later that day, the Witness was fined TMT 200 (EUR 50). On **1 March 2016**, the City Court left the penalty unchanged. An appeal to the General Prosecutor's Office is being prepared.
- (5) On **20 January 2016**, a female Witness was forcibly taken to the police station after she was found talking to others about the Bible. At the police station, an officer confiscated her personal Bible and her phone, and she was accused of distributing religious booklets. She was held for about five hours.
On **27 January 2016**, the Witness was fined TMT 200 (EUR 50). On **23 February 2016**, the City Court left the penalty unchanged. An appeal to the General Prosecutor's Office is being prepared.
- (6) On **19 January 2016**, two police officers and the local sheriff went to the home of a female Witness. They explained that one of her neighbours complained that she had given him a religious magazine, although the Witness is certain that she has never spoken with the man about her religion. She was taken to the police station, where she discovered that the religious magazine they produced as evidence was not published by Jehovah's Witnesses. Nonetheless, the police officers searched her personal laptop, found downloaded publications from the website of Jehovah's Witnesses, and seized the computer.
On **27 January 2016**, the Witness was fined TMT 200 (EUR 50). On **23 February 2016**, the City Court left the penalty unchanged. An appeal to the General Prosecutor's Office is being prepared.
- (7) **Turkmenabad.** On **20 April 2016**, a male Witness was arrested near his home and was taken to the police station. The police confiscated his personal copy of the Bible and then took him home and demanded all his religious literature. He was detained for 15 days without a court hearing.

RELIGIOUS FREEDOM CONCERNS — TURKMENISTAN

- (8) On **18 March 2016**, officers from police department No. 6 went to the workplace of two of Jehovah's Witnesses. They searched the workplace and then conducted a search at the Witnesses' homes, where they confiscated one man's personal literature. Later, he was fined TMT 500 (EUR 126).
- (9) On **12 February 2016**, police officers burst into the home of one of Jehovah's Witnesses while his sister and her two minor children were there visiting. The police seized his personal computer and photographed his family members. Among the officers were Murat Hudaybergenov of the police department and Mergen Karyagdiev of the Prosecutor's Office.
- (10) On **10 February 2016**, police major Gahriman, Lieutenant Otem, and MNS officers Berdi Ataev and Mekan Valiev raided the home of a female Witness. She and her son were taken to the police station, where their mobile phones were confiscated and they were threatened with arrest for espionage.
- (11) On **28 January 2016**, two female Witnesses were arrested while sharing the Bible's message with their neighbours. They were taken to the police station, where their cell phones, tablets, and all of their religious literature was seized.
- (12) On **13 January 2016**, two young boys who are Jehovah's Witnesses were detained at school by MNS officer Mekan Veliyev and the inspector of cyases involving minors. While Mr Veliyev was trying to put the children in his car, one of them ran away. The other boy was then locked in a school classroom. Later that day, MNS agents searched the home of the boy who ran away and seized all of the religious literature belonging to the family.

Denial of Right to Conscientious Objection to Military Service

Turkmenistan has consistently prosecuted, imprisoned, and physically mistreated conscientious objectors to military service. Seventeen such cases have been filed with the UN Human Rights Committee (CCPR) by Jehovah's Witnesses. The first of these cases, *Zafar Abdullayev v. Turkmenistan* (Communication No. 2218/2012), was decided on **25 March 2015**. The CCPR found that prosecuting and imprisoning Mr Abdullayev twice for his refusal of military service not only violated his right to freedom of religion but also goes 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 ICCPR Article 7, 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 ICCPR Article 10(1). The CCPR directed that Turkmenistan expunge Mr Abdullayev's criminal record to prevent similar violations in the future and that they adopt legislation "guaranteeing the right to conscientious objection."

On **29 October 2015**, the CCPR issued rulings on the cases of three more Witnesses who are conscientious objectors: *Mahmud Hudaybergenov* (Communication No. 2221/2012), *Ahmet Hudaybergenov* (Communication No. 2222/2012), and *Sunnet Japparow* (Communication No. 2223/2012).

On **15 and 16 July 2016**, the CCPR issued rulings on five additional cases: *Nasyrlayev v. Turkmenistan* (Communication No. 2219/2012), *Aminov v. Turkmenistan* (Communication No. 2220/2012), *Matyakubov v. Turkmenistan* (Communication No. 2224/2012), *Nurjanov v. Turkmenistan* (Communication No. 2225/2012), and *Uchetov v. Turkmenistan* (Communication No. 2226/2012).

In all nine decisions, the CCPR found the convictions and sentences for refusal of compulsory military service to be an infringement of freedom of thought, conscience, and religion, in breach of Article 18(1). In each case, the CCPR also determined that the authorities' treatment of the men violated the ICCPR Article 7 guarantee that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." In addition, the CCPR 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," under ICCPR Article 10.

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

On the domestic level, the following cases are pending:

- (1) **Doshoguz.** On **17 July 2016**, Sanjarbek Saburov was placed in preventive detention while awaiting trial. A complaint regarding the detention was filed with the Presidential Administration, the General Prosecutor's Office, the Ministry of Internal Affairs, and the Turkmen National Institute of Democracy and Human Rights. On **9 August 2016**, Mr Saburov received a two-year conditional sentence and was released. On **10 August 2016**, the Dashoguz Regional Prosecutor's Office responded to Mr Saburov, stating that they would readdress his complaint to the Dashoguz District Prosecutor's Office. The response from the Doshoguz District Prosecutor's Office is still pending.
- (2) **Seydi.** On **2 and 11 May 2016**, Artur Yangibayev sent a written petition to the Military Commissariat, explaining his conscientious objection to military service. On **16 June 2016**, two representatives of the Military Commissariat, along with the local sheriff, went to his home and took him to the Prosecutor's Office, where he was threatened with 15 years' imprisonment. The officers applied severe psychological pressure and forced him to write a letter retracting his earlier written petition for alternative service as a conscientious objector. A complaint about the coercion to which he was subjected was filed with the Presidential Administration and the General Prosecutor's Office. On **8 August 2016**, he was placed in preventive detention while awaiting trial. On **30 August 2016**, Mr Yangibayev received a two-year conditional sentence and was released.
- (3) **Ashgabat.** **Between February and August 2016**, four Witness men were charged according to Part 1 of Article 219 of the Criminal Code. Merdan Ochanov, Konstantin Sivkov, and Ruslan Rahmetulov received two-year conditional sentences, and Dayanch Dzhumayev was sentenced to one year of correctional labour (meaning that 20 percent of his salary is withheld and paid to the State budget). None of them was imprisoned.

State Censorship of Religious Literature

The State allows only registered religious groups to produce, import, export, or distribute religious materials.

Societal Abuses and Discrimination

- (1) **Turkmenabad.** On **5 June 2016**, one of Jehovah's Witnesses who works in a hospital refused to salute the flag. On **7 June 2016**, the hospital director and a lawyer demanded that he write an explanation indicating the reason for his decision. The Witness refused to do so. On **9 June 2016**, about ten people from the Democratic Party of Turkmenistan and the political union of the hospital prepared a report and tried to convince the Witness to salute the flag. They threatened that if he did not sign a paper stating that he regretted his decision, they would send his case to the City Hall, and the hospital director told him that he would endeavour to have him fired.

(2) **Doshoguz.** Teachers of an eighth-grade student who is one of Jehovah's Witnesses have exerted considerable pressure on her because she refuses to wear a flag lapel pin, as do the rest of the students. One teacher threatened to pull her hair out. Later this teacher contacted the student's mother and tried to convince her to force her daughter to wear a lapel pin. This student's two younger sisters have also been pressured by the teachers.

Positive Developments

On **17 February 2015**, the President of Turkmenistan amnestied a conscientious objector who is one of Jehovah's Witnesses. The World Headquarters of Jehovah's Witnesses sent a letter thanking the President and the Government for this fair and reasonable action on behalf of human rights. Since then, no Witnesses who are conscientious objectors to military service have been imprisoned.

Meetings With Officials

In **July 2016**, two representatives of Jehovah's Witnesses visited the Turkmen National Institute of Democracy and Human Rights, which operates under the President of Turkmenistan. They discussed the registration of the religious organization, the general attitude of the government toward Jehovah's Witnesses, the possibility for an alternative civilian service, as well as four positive decisions of the CCPR regarding conscientious objectors. The officials recommended that the Witnesses visit the Ministry of Justice to clarify the issue of possible registration. Local representatives plan to make another attempt to meet with the authorities regarding the registration issue.

Religious Freedom Objectives

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

- (1) Release Bahram Hemdemov, who was imprisoned for peaceful religious activity
- (2) Release Mansur Masharipov, who was also imprisoned for peaceful religious activity
- (3) Permit Jehovah's Witnesses to register their religious organisations in the country
- (4) Recognize the right to conscientious objection to military service and provide for alternative civilian service
- (5) Allow Jehovah's Witnesses legally to import and share Bibles and their Bible-based literature
- (6) Terminate illegal searches and seizures of religious literature from homes of believers
- (7) Stop arresting and prosecuting people for attending peaceful religious gatherings

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 to learn more about legal developments and human rights affecting Jehovah's Witnesses in Turkmenistan.

