



THE EUROPEAN ASSOCIATION OF  
JEHOVAH'S CHRISTIAN WITNESSES

October 1, 2012

From The European Association  
of Jehovah's Christian Witnesses

Contribution to the Report of the U.N. High Commissioner for Human Rights  
on the implementation of the new review mechanism of the Human Rights Council,  
established by GA Resolution 60/251 and  
by the Human Rights Council in Resolution  
5/1 of 18 June 2007 for the 16<sup>th</sup> session 2013 of the UPR  
(Dates of the WG: April 22 to May 3, 2013).

# TURKMENISTAN

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# WRITTEN SUBMISSION OF RELEVANT STAKEHOLDER TOWARDS THE UPR PROCESS

## SUMMARY OF THE SUBMISSION

**During the review of Turkmenistan in 2008 (10<sup>th</sup> Session of the UPR), the recommendation was made “to recognize conscientious objection to military service in law and practice and stop persecuting, imprisoning and repeatedly punishing conscientious objectors.”**

However, Turkmenistan continues to prosecute, convict, and imprison conscientious objectors to military service—sometimes repeatedly—in total disregard of appeals by the Human Rights Committee, the Committee against Torture, and the Special Rapporteur on freedom of religion or belief. In the first nine months of 2012, eight Jehovah’s Witnesses were prosecuted and convicted as conscientious objectors to military service. Some have been sentenced to the maximum term of 24 months imprisonment. These peaceful young men are singled out for harsh treatment by prison staff where they are severely beaten, threatened, and placed in solitary confinement.

Furthermore, all attempts by Jehovah’s Witnesses to obtain state registration have been denied, exposing Turkmen citizens who are Jehovah’s Witnesses to continued arrests, detention, and harassment for peacefully practicing their religious beliefs.

## I. INTRODUCTION

1. The *European Association of Jehovah’s Christian Witnesses* (the “Association”) is a Charity registered in the UK. The Association is assisting the adherents of the faith of Jehovah’s Witnesses in various areas of the world.

## II. REGISTRATION ISSUES

2. All attempts by Jehovah’s Witnesses to obtain state registration in Turkmenistan have been denied. The last application for registration was submitted on August 21, 2008, to the Gengeshi (Council) of Religious Affairs. No substantive response has been received in reply to that registration application. The Law on Religious Organizations of Turkmenistan purports to prohibit the activity of unregistered religious organizations.

## III. CONSCIENTIOUS OBJECTION

### A. Inhumane and Degrading Treatment for Conscientious Objectors

3. Turkmenistan has no provision for alternative civilian service. Article 219(1) of Turkmenistan’s Criminal Code makes it a criminal offence to “evade” military service, punishable by up to 24 months of imprisonment. Article 18(4) of Turkmenistan’s law “On Conscription and Military Service” expressly permits the repeated prosecution and imprisonment of conscientious objectors to military service. In 2012, eight conscientious objectors, who are Jehovah’s Witnesses, have been charged and convicted for refusing military service. Of these eight young men, two have been prosecuted and convicted twice under Article 219(1) of the Criminal Code.
4. During their trial, each conscientious objector explained the Bible-based reasons why he cannot accept military service. Each has respectfully requested the opportunity to perform alternative civilian service, a fact which is often reflected in the written court decisions.

5. Most conscientious objectors are arrested in the court room (or even right after their denial at a call-up office) and immediately placed in detention. Most imprisoned conscientious objectors have been repeatedly and severely beaten while being held in detention.
6. Most conscientious objectors are sent to the Seydi labor camp. The February 2010 report of Turkmenistan's Independent Lawyers Association described the inhumane conditions of the Seydi prison, including overcrowding, scarce food supplies, harsh climatic environment, and unsanitary conditions.
7. Brutal and repeated beatings and solitary confinements are routine treatment for Jehovah's Witnesses imprisoned as conscientious objectors. When arriving at the Seydi labor camp, they have all been subjected to 10 days in solitary confinement where they are beaten. Due to hostility to their religious beliefs, the prison staff singles out these peaceful young men for harsh treatment based on fabricated accusations that they have violated prison rules. As a result, they are put in "punishment cells" which means spending from three days to one month in a concrete cell with no bed, just a bucket serving as a "toilet." When not in solitary confinement, they are made to perform difficult physical work under the supervision of prison staff, who beat them for petty breaches of "rules" or mostly for no reason at all.
8. After being released from prison, these young men are made to report twice a week to the police for a period of several months.
9. On September 7, 2012, ten complaints were filed with the United Nations Human Rights Committee (UNHRC) regarding the prosecution and conviction of conscientious objectors who are Jehovah's Witnesses. The cases of Navruz Nasyrlaev and Ahmet Hudaybergenov, explained below, illustrate the inhumane and degrading treatment and punishment suffered by Jehovah's Witnesses who are conscientious objectors.
10. Mr. Navruz Nasyrlaev has been twice convicted for the same "offense." On April 19, 2009, weeks after turning age 18, Navruz Nasyrlaev was summoned by the Military Commissariat for the spring call-up for military service. He explained orally and in writing to representatives of the Military Commissariat that as one of Jehovah's Witnesses his religious conscience does not permit him to accept military service. Mr. Nasyrlaev did so a second time in October 2009 after being summoned for the fall call-up for military service. On November 23, 2009, Mr. Nasyrlaev was charged under Article 219(1) of the Criminal Code for refusing military service. His case was transferred to the Dashoguz City Court for proceedings.
11. On December 7, 2009, his trial took place. He testified that although his religious conscience does not permit him to accept military service, he respects the laws of Turkmenistan and is willing to fulfill his civic obligations by performing alternative civilian service. Nevertheless, the Dashoguz City Court convicted and sentenced Navruz Nasyrlaev to 24 months imprisonment under Article 219(1) of the Criminal Code. On January 3, 2010, his appeal was rejected by the Dashoguz Judicial Chamber on Criminal Cases (Appeals Instance).
12. Mr. Nasyrlaev was imprisoned at the LDK-12 prison near the town of Seydi, located in the desert of Turkmenistan and was singled out for harsh treatment. Immediately on his arrival to the prison, he was placed in quarantine for 10 days. On four separate occasions, he was put into a punishment cell, for periods lasting two to three days. On other occasions he was isolated in a "control unit" (punishment cell) for one month. He was repeatedly placed in the punishment cell because of the animosity the prison administration had to his beliefs as one of Jehovah's Witnesses. On one occasion, four officers from the Ashgabad special police forces (OMON) entered the punishment cell wearing masks and severely beat Mr. Nasyrlaev.

13. Mr. Nasyrlaev's conviction and imprisonment was the subject of an urgent appeal on February 12, 2010, by the Special Rapporteur on freedom of religion or belief and the Chair-Rapporteur of the Working Group on Arbitrary Detention. Turkmenistan ignored that urgent appeal. (A/HRC/16/53/Add.1, at §§ 384-391)
14. On December 7, 2011, Mr. Nasyrlaev was released from prison. One month after being released, he was again called up for military service. He refused the call-up for military service and explained to representatives of the Military Commissariat that his religious conscience does not permit him to accept military service. On May 1, 2012, he was again convicted by the Dashoguz City Court under Article 219(1) of the Criminal Code and given the maximum sentence of 24 months imprisonment. Because he was considered a repeat offender, he was ordered imprisoned in a strict regime prison. He was arrested in the court room and placed in detention.
15. Mr. Nasyrlaev appealed, and his appeals were dismissed by the appeal court and the Supreme Court. He is now imprisoned in the strict regime prison LBK-11 in the city of Seydi.
16. Ahmet Hudaybergenov turned age 18 in 2008. He was summoned several times for military service. Each time he explained in detail to representatives of the Military Commissariat why his religious conscience does not permit him to perform military service.
17. On September 4, 2010, Mr. Hudaybergenov was arrested and detained by police in a market in Turkmenabat, without being told the reason. The police officers, who did not present their identification documents, slammed Mr. Hudaybergenov's head against a wall and then took him to Police Station No. 2 in Turkmenabat. He was interrogated at the police station by approximately eight officials, including one person who identified himself as an employee of the department on religious affairs. The officials accused him of draft evasion and wanted to search him illegally. Mr. Hudaybergenov took out the Constitution of Turkmenistan and drew attention to the articles that supported his rights. One official seized Mr. Hudaybergenov's copy of the Constitution, threw it aside, and said: "I am your constitution, do not teach me about your rights." Another official grabbed Mr. Hudaybergenov by the throat and banged his head against the wall.
18. He was imprisoned at Police Station No. 2 in Turkmenabat for three days in a bare concrete cell, then detained in the narcotics division, without court order, for nine more days.
19. On September 20, 2010, Mr. Hudaybergenov was sentenced by the Turkmenabat City Court to 18 months imprisonment. He was taken to a detention facility in Turkmenabat where he was held for 18 days, where four times he was beaten by guards because of his religious convictions.
20. Mr. Hudaybergenov was then transferred to the Seydi prison where he was immediately placed in solitary confinement for nine days. The concrete cell had no bed and he was not allowed to go to the toilet. On the second day, he was summoned by an official named "Shakir" who was the head of the investigation department of the prison. The official showed Mr. Hudaybergenov a rubber baton and said that if he did not renounce his faith, the official would shove the baton up his anus.
21. Some days later this same official summoned Mr. Hudaybergenov and all other prisoners in solitary confinement. The prisoners were ordered to face the wall and the official proceeded to beat them on the head with his baton. After Mr. Hudaybergenov was released from solitary confinement he was summoned to the office of another official, where he was again beaten.
22. On March 20, 2012, Ahmet Hudaybergenov was released from prison. For the next three years he is required to check in twice a week at two different police stations. He faces the prospect of again being called up for military service and again being imprisoned as a conscientious objector.

### III. DOMESTIC IMPLEMENTATION OF FREEDOM OF RELIGION

#### B. Turkmenistan Ignores Special Rapporteur and UNHRC Recommendations

23. During the review of Turkmenistan in 2008 (10<sup>th</sup> Session of the UPR), the recommendation was made “to recognize conscientious objection to military service in law and practice and stop persecuting, imprisoning and repeatedly punishing conscientious objectors” (A/HRC/10/79 p.20 sub§ 12). However, conscientious objection to military service is still not recognized in Turkmenistan.
24. On January 12, 2009, the Special Rapporteur on freedom of religion or belief called on Turkmenistan to “ensure that conscientious objectors in Turkmenistan, in particular Jehovah's Witnesses who refuse to serve in the army due to their religious beliefs, be offered an alternative civilian service which is compatible with the reasons for conscientious objection” (A/HRC/10/8/Add.4, at § 68). As of this reporting period, Turkmenistan has still failed to act on that recommendation.
26. On February 12, 2010, the Special Rapporteur on freedom of religion or belief and the Chair-Rapporteur of the Working Group on Arbitrary Detention called on Turkmenistan to immediately release four imprisoned conscientious objectors (A/HRC/16/53/Add.1, at §§ 384-391). Turkmenistan ignored that urgent appeal.
27. On April 19, 2012, the Human Rights Committee called on Turkmenistan to enact a law providing for genuine alternative civilian service and to “halt all prosecutions of individuals who refuse to perform military service on grounds of conscience and release those individuals who are currently serving prison sentences” (CCPR/C/TKM/CO/1, at § 16). Turkmenistan ignored that request.
28. Furthermore, the inhuman and degrading conditions of imprisonment that conscientious objectors, as well as other prisoners, have to endure are set out in detail in the Concluding Observations of the Committee against Torture, dated June 15, 2011 (CAT/C/TKM/CO/1, at §§ 6, 10-14, 18, 25).
29. Turkmenistan has repeatedly been admonished by the Special Rapporteur on freedom of religion or belief, the Monitoring Group on Arbitrary Detention, the Committee Against Torture, the OSCE, and other international bodies to stop prosecuting and convicting conscientious objectors. Turkmenistan has ignored those pleas and continues to prosecute and imprison conscientious objectors.
30. The numerous attempts made for over 15 years by the *European Association of Jehovah's Christian Witnesses* to open a constructive dialogue with Turkmen authorities remain unanswered.

### IV. CONCLUSION

31. Jehovah's Witnesses in Turkmenistan and as a worldwide organization respectfully request the President of Turkmenistan as the ultimate Guarantor of the Constitution and human rights to:
  - (1) Desist from subjecting imprisoned conscientious objectors to inhumane and degrading treatment.
  - (2) Grant amnesty to Jehovah's Witnesses imprisoned as conscientious objectors to military service.
  - (3) Provide conscientious objectors to military service with genuine alternative civilian service, which is not controlled, directed, or supervised by the military.
  - (4) Grant state registration to Jehovah's Witnesses.