

Jehovah's Witnesses in

Turkmenistan

Religious Freedom Concerns

Statement by the European Association of Jehovah's Christian Witnesses

OSCE Human Dimension Implementation Meeting, Warsaw

21 September 2015 – 2 October 2015

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 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

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. All 38 Witnesses were convicted under the CAO—eight were sentenced to 15 days of administrative imprisonment, and the remaining 30

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.

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 early 2015.

(1) On 6 February 2015, authorities detained and repeatedly sentenced four of Jehovah's Witnesses to maximum terms of administrative detention. Mekan Veliyev, an officer of the Ministry of National Security (MNS), beat all but one of the detainees. One of the men was beaten so severely that he lost consciousness three times during the beating. The victims filed formal complaints with the presidential administration and the Office of the Prosecutor General.

One Witness, Mr. Nazarov, served two terms of administrative detention, each of 15 days' duration. Another two of Jehovah's Witnesses, Ms. Adylova and Mr. Dzhumaev, were each sentenced to three separate terms of 15 days' administrative detention: from 6–21 February, 16–31 March, and 31 March to 15 April 2015.

(2) On 20 February 2015, police conducted an illegal search of the residence of Ms. Zeynep Husaynova and her son Tohtabay Husaynov. All their religious literature was seized.

(3) On 14 March 2015, Mr. Serdar Hemdemov, the 19-year-old son of Bahram Hemdemov (mentioned above), was attending a religious meeting held in his father's home. During his detention, MNS officer Mekan Veliyev repeatedly beat Serdar and interrogated him. On 16 March, he was sentenced to 15 days of detention under the CAO.

On 31 March 2015, Serdar was convicted under the CAO for "disorderly conduct" and sentenced to another 15 days of detention. On 17 April 2015, he was placed in isolation and severely beaten.

(4) On 16 March 2015, Emirdzhan Dzhumnazarov, who was in attendance at the religious meeting held in Mr. Hemdemov's home on 14 March, was convicted under the CAO for alleged "disorderly conduct" and sentenced to 15 days of detention. While he was in prison, law-enforcement officials—including MNS officer Mekan Veliyev—beat him, kicked him, and subjected him to obscene insults. Mr. Dzhumnazarov was also

threatened with torture by electrocution. Mr. Dzhumnazarov served a total of 35 days of administrative detention.

- (5) On 18 March 2015, the police detained Mr. Dovlet Kandymov, who was in attendance at the religious meeting held in Mr. Hemdemov's home on 14 March. He was subsequently sentenced to two successive sentences of 15 days of administrative detention under the CAO. Authorities kept him in jail until 18 April, when they sentenced him to a third term of administrative detention because police alleged that they had received "a complaint from his wife." While Mr. Kandymov was detained, MNS officer Mekan Veliyev repeatedly beat him in an attempt to force him to testify against Mr. Hemdemov.
- (6) On 18 April 2015, Mr. Dovlet Byashimov was arrested by the police as he was leaving his house. He was jailed for "disorderly conduct" under the CAO, and was released on 26 April 2015.
- (7) On 6 May 2015, Mr. Konstantin Vlaskin was walking on the street when police arrested him. The police beat Mr. Vlaskin and searched his home without a search warrant, then took him to the city police department in Qurbansoltan. He was detained for two days in a concrete cell without a bed and denied the right to call his relatives or an attorney. On 8 May 2015 a court convicted him under the CAO and ordered him imprisoned for 15 days. During his administrative imprisonment, Mr. Vlaskin was interrogated by officer "Mekan Veliyev" of the MMNS, the same officer responsible for much of the brutal treatment of the other Witnesses arrested in Turkmenabad. On 23 May 2015, Mr. Vlaskin was released.

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." 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, however, five 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. The Witnesses commend the President and the Government for this fair and reasonable action in behalf of human rights.

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

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