

AMNESTY INTERNATIONAL TURKMENISTAN: APPEAL CASES

November 2002¹; AI Index: EUR 61/004/2002; public

Repeat Prisoner of Conscience Nikolay Shelekhov

On 2 July 2002 21-year old Nikolay Shelekhov was sentenced a second time for his objection to serve in the army on religious grounds. The Jehovah's Witness was convicted of "evasion of military call-up" (Article 219 Part 1 of the Criminal Code of Turkmenistan) and sentenced to 18 months' imprisonment by the President Niyazov District Court in the capital city of Ashgabat. At an appeal hearing conducted in Ashgabat City Court on 6 August, the sentence was upheld. During this latter hearing, the text of the appeal was not read out and the proceedings lasted only ten minutes. Tamara Shelekhova, Nikolay Shelekhov's mother, in a shocked voice told Amnesty International in an interview on 29 October: "I think they didn't even read our appeal." His family is now planning to appeal to the Supreme Court.

Amnesty International regards Nikolay Shelekhov as a prisoner of conscience and calls for his immediate and unconditional release.

Nikolay Shelekhov had previously been convicted for his conscientious objection in August 2000. During his imprisonment, he contracted several illnesses, including kidney problems, and is still suffering from them today. In December 2000, reportedly following his refusal on religious grounds to swear an oath of allegiance to the President, he was forced to spend 15 days in an extremely cold and wet punishment cell.

Upon completion of his sentence on 1 December 2001, the young man was released. However, he did not realize how quickly his freedom would once again be forfeited. He is currently being held in a prison colony in the eastern city of Turkmenabad (formerly Chardzhev). Nikolay Shelekhov's mother told Amnesty International in the same interview: "I hope that your action will help. I very much hope Nikolay will be released under the upcoming December amnesty."

BACKGROUND INFORMATION:

The Central Asian state of Turkmenistan became independent following the break-up of the Soviet Union in 1991. Since then it has been dominated by President Saparmurad Niyazov, who has exercised a monopoly on power as both head of state and head of government. The government is extremely intolerant of dissent, restricting political and civil liberties and retaining tight control of the media.

There is no civilian alternative for young men who object to compulsory military service on grounds of conscience. Those who refuse conscription face imprisonment under criminal law. Amnesty International continues to receive reports of young men imprisoned in Turkmenistan solely for their refusal to serve in the army on religious grounds (for more information refer to *Appeal Case Sheet* Prisoner of Conscience Kurban Zakirov, AI Index: EUR 61/003/2002).

¹ Please send appeals until 31 January 2003.

Religious groups other than Sunni Muslims and Russian Orthodox Christians face harassment and imprisonment, as well as external and internal exile. Police officers are said to have physically and verbally abused members of religious minority groups to punish them for their religious affiliation. (For more information on religious minority groups in Turkmenistan, please refer to AI's report *Turkmenistan: Harassment and imprisonment of religious believers*, AI Index: EUR 61/07/00, March 2000).

INTERNATIONAL LAW AND CONSCIENTIOUS OBJECTION:

Amnesty International believes that everyone has the right to refuse to carry arms on conscientious grounds and considers anyone imprisoned for exercising this right a prisoner of conscience. The right to conscientious objection is a basic component of the right to freedom of thought, conscience and religion. The Constitution of Turkmenistan guarantees this right,² which is also articulated in the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights (to which Turkmenistan is a state party). It has been recognized as such in resolutions and recommendations adopted by the United Nations (UN) Commission on Human Rights and the UN Human Rights Committee.³ These bodies have urged governments to guarantee that individuals objecting to compulsory military service because of their conscientiously held beliefs are given the opportunity to perform an alternative service. They have stated explicitly in a number of resolutions that this alternative service should be of a genuinely civilian character and of a length which cannot be considered as punitive. They have also recommended that individuals be permitted to register as conscientious objectors at any point in time before their conscription, after call-up papers have been issued, or during military service. Similarly, the UN Commission on Human Rights has emphasized that information about how to seek recognition as a conscientious objector should be readily available to all those facing conscription into the armed forces - as well as to those already conscripted.

Furthermore, as a member of the Organization for Security and Co-operation in Europe (OSCE), Turkmenistan has also committed itself to "consider introducing... various forms of alternative service, which are compatible with the reason for conscientious objection..." as stated in Article 18.4 of the 1990 Copenhagen Document.

Until a civilian alternative to army service is created, Nikolay Shelekhov (and others who share his religious convictions) will continue to face imprisonment and subsequent abuse in Turkmenistan's harsh prison facilities. Amnesty International has pressured Turkmenistan for the development of law and procedure which make adequate provision for conscientious objectors. In doing so, Amnesty International has urged the authorities to release all young men detained solely for their conscientious objection to military service, and to take all appropriate steps to introduce a civilian alternative service of a non-punitive nature, and a fair procedure in law for applying it, for all those whose beliefs preclude them from carrying out compulsory military service.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Russian, Turkmen or your own language (if writing in Russian it would be good to apologize for not writing in Turkmen and explain that this is because you do not know the language)

² Article 26 of the Constitution of Turkmenistan states: "Citizens of Turkmenistan have the right to freedom of conviction and the free expression of those convictions."

³ For further information on the issue of conscientious objection in general see *Out of the Margins: The right to conscientious objection to military service in Europe*, AI Index: EUR 01/02/97, April 1997.

- expressing concern that Nikolay Shelekhov was sentenced to 18 months' imprisonment in July 2002 for his refusal on religious grounds to serve in the army;
- stating that Amnesty International believes that everyone has the right to refuse to carry arms on conscientious grounds;
- stating that Amnesty International considers Nikolay Shelekhov a prisoner of conscience and calls for his prompt and unconditional release;
- expressing concern at reports that Nikolay Shelekhov has been punished for the second time under Article 219 Part 1 of the Criminal Code of Turkmenistan ("evasion of military call-up"), in violation of Article 14(7) of the International Covenant on Civil and Political Rights;
- urging the authorities to introduce without delay legislative provision to ensure that a civilian alternative of non-punitive length is available to those whose religious, ethical, moral, humanitarian, philosophical or other conscientiously-held beliefs preclude them from performing military service. This would be in line with Turkmenistan's commitment as a member of the OSCE as stated in Article 18.4 of the 1990 Copenhagen Document.

WHOM TO WRITE TO:

Please note that it may be difficult to send faxes. If a voice answers during office hours, repeat 'fax' until connected; fax machines may be switched off outside office hours - five hours ahead of GMT

President, Saparmurad NIYAZOV

Turkmenistan; 744000 g. Ashgabat; Apparat Prezidenta; Prezidentu Turkmenistana NIYAZOVU S.A; TURKMENISTAN

Faxes: + 993 12 – 35 51 12

Salutation: Dear President Karimov,

Procurator General of Turkmenistan, Gurbanbibi ATAJANOVA

Turkmenistan; g. Ashgabat; ul. Seidi, 4; Prokuratura Turkmenistana; Generalnomu prokuroru ATAJANOVOY G.; TURKMENISTAN

Faxes: +993 12 – 35 46 50

Salutation: Dear Procurator,

Minister of Foreign Affairs of Turkmenistan: Rashit MEREDOV

Turkmenistan; 744000 g. Ashgabat; pr. Magtymguly, 83; Ministerstvo inostrannykh del Turkmenistana; Ministru MEREDOVU R.; TURKMENISTAN

Faxes: +993 12 - 51 14 30 / 35 49 18

Salutation: Dear Minister,

COPIES TO:

Chairman of the Supreme Court of Turkmenistan, Ysa RAKHMANOV

Turkmenistan; 744000 Ashgabat; prospekt Saparmurad; Turkmenbashi, 18; Verkhovny Sud Turkmenistana; Predsedatelyu RAKHMANOVU Y.; TURKMENISTAN

Tel: +993 12 - 25 62 19, +993 12 - 25 63 88

Salutation: Dear Chairman,

and to diplomatic representatives of TURKMENISTAN accredited to your country.

ADDITIONALLY:

You can also send a letter to NIKOLAY SHELEKHOV to give him moral support. **Important:** You may mention AI in your letters to him. Please be aware that correspondence from abroad will be subjected to very strict control from the authorities, so be careful not to raise any political questions.

Prison address

Turkmenistan; Lebapsky veloyat; g. Turkmenabad (byvshy Chardzhou); LBK 10;
Zaklyuchennomu Shelekhovu Nikolayu; TURKMENISTAN

Thank you for your support!

PLEASE SEND ANY REPLIES FROM THE TURKMEN AUTHORITIES AS SOON AS POSSIBLE TO THE INTERNATIONAL SECRETARIAT OF AMNESTY INTERNATIONAL. (South Caucasus and Central Asia Research and Campaign Team; Amnesty International; 1 Easton Street; London WC1X ODW; United Kingdom)