

PUBLIC

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Prisoners of conscience

TURKMENISTAN

Bayram Ashirgeldiev (m), aged 20
Nuryagdy Gairov (m), aged 27

Jehovah's Witnesses Bayram Ashirgeldiev and Nuryagdy Gairov have been detained for refusing to serve in the army on religious grounds, and are currently awaiting trial. Amnesty International regards them as prisoners of conscience, and is calling for their prompt and unconditional release.

Jehovah's Witness sources informed Amnesty International on 3 July that the two men were detained on 14 June and have been charged with "evasion of call-up to military service" (Article 219, part 1 of the Criminal Code of Turkmenistan). It is currently not known when their trial will take place. They could be sentenced to up to two years' imprisonment.

The two young men are currently believed to be held in a pre-trial detention facility in the capital Ashgabat. According to reports, they have not been able to meet with their lawyers and their family members have not been allowed to visit them. It is understood that the men are kept in one cell with 20 to 30 other detainees, in a cell which lacks ventilation and is extremely hot during the day. Temperatures in Ashgabat are currently around 33 degrees Centigrade.

The older brother of Nuryagdy Gairov was recently summoned for interrogation to a police department which deals with organized crime and terrorism. It is not known what he was questioned about but it may be an attempt by the authorities to harass family members in order to put pressure on the young men to serve in the army.

Nuryagdy Gayrov had already previously served a prison sentence to punish him for his conscientious objection to military service. Amnesty International adopted him as a prisoner of conscience and campaigned for his release (see AI report: *Turkmenistan: Harassment and imprisonment of religious believers*, AI Index: EUR 61/007/2000, March 2000). He was detained in December 1999 and sentenced in January 2000 to a year's imprisonment. Although he was included in a prisoners' amnesty in April 2000 which made him eligible for early release, he was not released because he refused - for religious reasons - to swear an oath of allegiance to the President, which was required from all prisoners who were included in this and other prisoners' amnesties. To punish him for refusing to swear the oath he was reportedly put in an isolation cell and beaten so severely that he fell unconscious. He was released in November 2000.

BACKGROUND INFORMATION

In Turkmenistan there is no civilian alternative for young men whose conscientiously-held beliefs preclude them from carrying out compulsory military service, and those who refuse conscription face imprisonment under criminal law.

In February 2007, Amnesty International issued a list of recommendations calling on the new government to bring Turkmenistan's human rights record in line with its obligations under international human rights law (see EUR 61/005/2007, 8 February 2007). Among other issues the organization recommended that Turkmenistan "introduce legislative provisions to ensure that a civilian alternative of non-punitive length is available to all those, whose conscientiously-held beliefs preclude them from performing military service."

However, the cases of Nuryagdy Gairov and Bayram Ashirgeldiyev confirm that the new government has not taken steps to change its policy with regard to conscientious objectors.

All cases of conscientious objectors that have come to the attention of Amnesty International in recent years have been Jehovah's Witnesses, whose religious beliefs do not permit them to bear arms for a secular power or to swear oaths, including that of allegiance required of army conscripts in Turkmenistan.

Amnesty International considers a conscientious objector to be any person liable to conscription for military service who refuses to perform armed service for reasons of conscience or profound conviction. Their profound conviction may arise from religious, ethical, moral, humanitarian, philosophical, political or similar motives. But regardless of the conscientious base to their objection, the right of such individuals to refuse to carry weapons or to participate in wars or armed conflicts should be guaranteed.

Amnesty International does not question the right of governments to conscript individuals into the armed forces, nor does it agree or disagree with the motives of individual conscientious objectors, but it urges governments that all those liable to conscription are given the opportunity to perform an alternative to armed service on the grounds of their conscience or profound conviction.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Russian or Turkmen or your own language:

- stating that Amnesty International regards the conscientious objectors Nuryagdy Gairov and Bayram Ashirgeldyyev as prisoners of conscience and calls for their prompt and unconditional release;
- expressing concern at allegations that their lawyers and their family members have been denied access to them, which violates Turkmenistan's obligations under international human rights law;
- expressing concern at allegations that law enforcement officers have harassed relatives of Nuryagdy Gairov and Bayram Ashirgeldyyev to increase pressure on the two young men to perform military service;
- urging the authorities to give assurances that all reported harassment of the family members of the two young men will stop immediately;
- calling on the authorities to introduce legislation to ensure that a civilian alternative of non-punitive length is available to all those, whose conscientiously-held beliefs preclude them from performing military service.

APPEALS TO:

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Salutation: Dear President

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COPIES TO:

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and to diplomatic representatives of Turkmenistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 16 August 2007.