



GENERAL INCORPORATED ASSOCIATION  
ASIA-PACIFIC ASSOCIATION OF  
**JEHOVAH'S WITNESSES**



THE EUROPEAN ASSOCIATION OF  
**JEHOVAH'S WITNESSES**

5 April 2023

**In behalf of**

**The European Association of Jehovah's Witnesses**

**And**

**Asia-Pacific Association of Jehovah's Witnesses**

**Contribution for the**

**44<sup>th</sup> session of the Universal Periodic Review  
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# **Turkmenistan**

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## **ABOUT THE SUBMITTING ORGANIZATIONS**

**The European Association of Jehovah's Witnesses (EAJW)** is a charity registered in the United Kingdom (No. 1085157) with membership throughout the member States of the Council of Europe.

**Asia-Pacific Association of Jehovah's Witnesses (APAJW)** is a general incorporated association registered in Japan with membership in Australia, Fiji, Guam, Hong Kong, India, Indonesia, Japan, Kazakhstan, Kyrgyzstan, Malaysia, Myanmar, New Caledonia, Papua New Guinea, Philippines, Republic of Korea, Solomon Islands, Sri Lanka, Tahiti, Taiwan and Thailand.

These associations work together to promote the protection of human rights and fundamental freedoms in various parts of the world, particularly when Jehovah's Witnesses face violations of such rights. This submission is prepared and submitted jointly.

## SUMMARY OF THE SUBMISSION

This submission to the Human Rights Council (HRC) on Turkmenistan highlights human rights issues and current failures to implement recommendations accepted by Turkmenistan during the previous Universal Periodic Review cycle.

Jehovah’s Witnesses in Turkmenistan and as a worldwide organization respectfully request the Government of Turkmenistan to:

- (1) Permit Jehovah’s Witnesses to officially register their peaceful religious activities and to enjoy the rights guaranteed under article 18 of the International Covenant on Civil and Political Rights (the Covenant);
- (2) Recognize the right to religiously motivated conscientious objection to military service and provide qualifying citizens, including Jehovah’s Witnesses, with a genuine alternative civilian service of a non-punitive nature, complying with international standards;
- (3) Meet with local representatives and international delegations of Jehovah’s Witnesses to discuss specific incidents and issues;
- (4) Abide by its commitment to uphold the fundamental freedoms guaranteed by the Constitution of Turkmenistan and the Covenant for all citizens, including Jehovah’s Witnesses.

## I. INTRODUCTION

1. Jehovah’s Witnesses have been present and active in Turkmenistan since the late 1980s. In 1991, soon after becoming independent from the Soviet Union, Turkmenistan began to place restrictions on religious freedom. Repeated efforts to resolve this situation through dialogue with the Turkmenistan authorities remain unsuccessful. Jehovah’s Witnesses do not have legal recognition in Turkmenistan despite numerous attempts to register their community.
2. State authorities, in particular officers of the Ministry of National Security, have repeatedly interrogated Jehovah’s Witnesses and ordered them not to engage in peaceful manifestation of their religious beliefs, terming such manifestation “illegal activities”. Adherents live in a climate of fear and harassment, and are constantly in jeopardy of arrest and possible imprisonment.
3. Turkmenistan has repeatedly imprisoned Jehovah’s Witnesses for their conscientious objection to military service. The government refuses to recognize the right to conscientious objection despite calls to comply with international standards. As a result, Witnesses who cannot in good conscience support the military are in jeopardy of imprisonment.

## II. ISSUES

### Registration:

4. Turkmenistan acceded to the Covenant on 1 May 1997. However, Jehovah's Witnesses do not have legal recognition in Turkmenistan despite numerous attempts to register their community prior to the COVID-19 pandemic. No progress has been made towards the desire of the Turkmenistan community of Jehovah's Witnesses to obtain such registration with a view to exercising the right guaranteed by article 18 of the Covenant: "in community with others and in public or private, to manifest [their] religion or belief in worship, observance, practice and teaching".
5. The Government of Turkmenistan has stated: "In 2022, the Ministry did not receive any applications for registration of religious organizations."<sup>1</sup> This is somewhat disingenuous in view of the difficulties imposed by the COVID-19 pandemic and the behaviour of the Government of Turkmenistan in avoiding dialogue with Jehovah's Witnesses on this issue.
6. To date, no response has been received to the numerous requests for an international delegation of Jehovah's Witnesses to meet with the Turkmenistan authorities in Ashgabat to discuss official registration.

#### **Interference with peaceful manifestation of religious beliefs:**

7. The Government of Turkmenistan has also stated: "The Constitution guarantees equal human and civil rights and freedoms and equality before the law, irrespective of ethnicity, skin colour, sex, origin, property or official status, place of residence, language, attitude to religion, political beliefs or any other circumstances."<sup>2</sup>
8. On 19 May 2015, a Turkmenistan court sentenced 52-year-old Bahram Hemdemov to four years in prison, in violation of articles 9 and 18 of the Covenant. Mr. Hemdemov was arrested two months earlier for holding a peaceful religious meeting in his home in Turkmenabad. He was released on 13 February 2019.
9. By way of illustrative, but by no means exhaustive, examples of treatment experienced by Jehovah's Witnesses in Ashgabat, Turkmenistan, a female Witness was summoned to a local mayor's office on 17 December 2020, but was unable to attend. On 7 January 2021, Major Murad Khayidov visited her workplace. She was questioned about her personal religious beliefs and about an arbitrary detention she was subjected to in 2014, in connection with these peaceful religious beliefs.
10. In early January 2021, a female Witness was detained by law enforcement officers and questioned about her social visits to other Witnesses. She wrote a statement explaining that she visits another female Witness for medical procedures and that some male Witnesses visit her husband, adding that she is not studying anything reprehensible. In February 2021, she was summoned again, but she refused to attend because of her family circumstances.
11. In early February 2021, a law enforcement officer came to the workplace of a male Witness and took him to the police station, where he was interrogated about an earlier detention.
12. Jehovah's Witnesses in Balkanabat are subject to similar harassment. On 7 November 2020, a Witness was summoned to the police station, allegedly to initiate a case against him because of his religious beliefs. Earlier, he had been summoned because of installing a VPN

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<sup>1</sup> Replies of Turkmenistan to the list of issues in relation to its third periodic report, CCPR/C/TKM/RQ/3, 30 November 2022, para. 104.

<sup>2</sup> Ibid., para. 27.

app on a personal electronic device. The officers demanded to inspect his personal documents.

13. On 9 December 2020, a female Witness was interrogated about her use of the Internet and her work. She explained that she teaches foreign languages online. The woman was evicted from a rented apartment and was threatened with fabricated charges if she refused to comply.
14. The following illustrative incidents took place in Dashoguz. On 16 September 2020, a Witness was detained at the airport and his backpack was searched. During the search, officials deleted the JW Library® app from his tablet and he was asked to sign a statement confirming that he had no objection to the removal of the app. He complied so as not miss his flight.
15. In March 2021, law enforcement officers summoned two women who were peacefully studying the Bible with Jehovah's Witnesses. The officers were aggressive, threatened the women with dismissal from their work and took away their cell phones in order to look for the JW Library® app. One cell phone was not returned.
16. In Turkmenabat, on 12 February 2021, a male Witness was detained while queueing to pay for his personal Internet connection and was taken back to his apartment by KGB officers. His personal computer, cell phone, and some written records were seized. The Witness was questioned and threatened with criminal prosecution. Later, his belongings were returned by a local district officer.
17. In Turkmenbashi, on 20 October 2020, a male Witness was summoned to the police station because he had visited the jw.org website. A KGB officer, Mergen Ataev, also interrogated the family of the Witness about whether they had been distributing literature downloaded from this website.
18. Also, in Turkmenbashi, on 28 May 2021, an employer told his Witness employee that he is a good worker with extensive experience but that he associates with “the wrong people”, meaning Jehovah's Witnesses. The employer said that if law enforcement officers “take an interest” in him, he would have to dismiss him.
19. While no prosecutions followed these incidents and none of Jehovah's Witnesses are currently imprisoned, adherents live in constant fear of harassment, loss of employment, prosecution and imprisonment by the authorities for peacefully exercising rights guaranteed under article 18 of the Covenant.
20. On 25 occasions during 2022, KGB officers conducted so-called “preventive measures” against Jehovah's Witnesses. Adherents were either summoned to law enforcement offices or interrogated at their workplace. The Witnesses were asked to set out their beliefs in writing and to confirm that an “explanatory talk” was conducted with them. They were told not to engage in any further “illegal activities” by meeting with fellow believers or by sharing their beliefs. In some cases, officers seized and examined the cell phones of Witnesses and deleted all publications or apps attributable to Jehovah's Witnesses.

#### **Conscientious objection to military service:**

21. From 2015 to 2019, the United Nations Human Rights Committee (CCPR) issued 13 separate Views against Turkmenistan in response to applications filed by individual Jehovah's Witnesses who had been imprisoned for conscientious objection in violation of article 18 of

the Covenant.<sup>3</sup> These decisions obligated Turkmenistan to provide alternative civilian service, outside the military sphere and not under military command. The CCPR also concluded that prison officials tortured some of the Witnesses in violation of article 7 of the Covenant, and stated that Turkmenistan is obliged to expunge criminal records and to pay adequate compensation.

22. To date, no steps have been taken to implement these Views.
23. In April 2017, the CCPR repeated its concern about the “continued failure to recognize the right to conscientious objection to compulsory military service and the repeated prosecution and imprisonment of Jehovah's Witnesses refusing to perform compulsory military service” by Turkmenistan. It called on Turkmenistan to “revise its legislation without undue delay” and to “provide for alternative service of a civilian nature outside the military sphere and not under military command for conscientious objectors, and halt all prosecutions of individuals who refuse to perform military service on grounds of conscience and release those who are currently serving prison sentences.”<sup>4</sup>
24. On 20 May 2020 (supplemented on 16 September 2020), a joint complaint for 22 imprisoned conscientious objector complainants was filed with the Working Group on Arbitrary Detention. (*Atakhanov and Others v. Turkmenistan*) Three further conscientious objectors were imprisoned with final court verdicts after the complaint was filed. Of those 25 conscientious objectors, 9 of them served their full prison sentence before the Presidential Decree of 8 May 2021 was issued.
25. Following the Presidential Decree dated 8 May 2021 (above), 16 imprisoned Jehovah's Witnesses who are conscientious objectors were released under a general amnesty. Some were subsequently summoned to enlistment offices, where they were questioned about their beliefs and asked whether these have changed.
26. On 11 March 2022, the CCPR published its Views on communication No. 3272/2018, *Begenchov v. Turkmenistan*. It reiterated that “the right to conscientious objection is inherent in the rights guaranteed by article 18 (1) of the Covenant and is not subject to any justification under article 18 (3) of the Covenant” (para. 3.3). Additionally, paragraph 6.5 found a violation of article 9 (1).
27. At the time of writing, none of Jehovah's Witnesses are imprisoned in Turkmenistan as conscientious objectors to military service. However, Turkmenistan has not taken any steps to implement the repeated Views of the CCPR by introducing a provision for alternative civilian service in harmony with international standards.

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<sup>3</sup> (1) *Abdullayev v. Turkmenistan*, CCPR/C/113/D/2218/2012, 25 March 2015; (2) *Ahmet Hudaybergenov v. Turkmenistan*, CCPR/C/115/D/2222/2012, 29 October 2015; (3) *Japparow v. Turkmenistan*, CCPR/C/115/D/2223/2012, 29 October 2015; (4) *Mahmud Hudaybergenov v. Turkmenistan*, CCPR/C/115/D/2221/2012, 29 October 2015; (5) *Aminov v. Turkmenistan*, CCPR/C/117/D/2220/2012, 14 July 2016; (6) *Matyakubov v. Turkmenistan*, CCPR/C/117/D/2224/2012, 14 July 2016; (7) *Yegendurdyew v. Turkmenistan*, CCPR/C/117/D/2227/2012, 14 July 2016; (8) *Nasyrlayev v. Turkmenistan*, CCPR/C/117/D/2219/2012, 15 July 2016; (9) *Nurjanov v. Turkmenistan*, CCPR/C/117/D/2225/2012, 15 July 2016; (10) *Uchetov v. Turkmenistan*, CCPR/C/117/D/2226/2012, 15 July 2016; (11) *Dawletow v. Turkmenistan*, CCPR/C/125/D/2316/2013, 29 March 2019; (12) *Nuryllayev and Salayev v. Turkmenistan*, CCPR/C/125/D/2448/2014, 29 March 2019 and (13) *Nazarov et al v. Turkmenistan*, CCPR/C/126/D/2302/2013, 25 July 2019.

<sup>4</sup> Concluding observations on the second periodic report of Turkmenistan, CCPR/C/TKM/CO/2, 20 April 2017, paras. 40 and 41.

28. During the autumn of 2022, call-ups included some 61 Jehovah's Witnesses of draft age, and their situation has not been resolved. During the most recent conscription period, 18 of these individuals were summoned to the enlistment office for military registration.

### **III. IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS**

29. Following its previous review in 2018, Turkmenistan supported specific recommendations made by member States. (A/HRC/39/3, para. 114) The report of the Working Group, the views of the State party concerning the recommendations and/or conclusions made, and its voluntary commitments and replies were adopted by the HRC on 20 September 2018. (A/HRC/DEC/39/101) The supported recommendations included the following:
30. Azerbaijan recommended: "Continue to bring national human rights legislation into line with international human rights standards." (A/HRC/39/3, para. 114.27)
31. Ireland recommended: "Reform the relevant legislation to bring it into line with its obligations under the International Covenant on Civil and Political Rights, including by simplifying the legal and procedural requirements for the registration of civil society organizations and by minimizing reporting obligations to authorities." (A/HRC/39/3, para. 114.28)
32. Morocco recommended: "Continue efforts to harmonize national legislation with international obligations of Turkmenistan." (A/HRC/39/3, para. 114.29)
33. Nigeria recommended: "Sustain its commitment in the promotion of religious tolerance, as well as its efforts in upholding human rights and fundamental freedoms." (A/HRC/39/3, para. 114.45)
34. Poland recommended: "Respect the rights of Christians to exercise their freedom of religion and belief without fear of imprisonments or other forms of persecutions." (A/HRC/39/3, para. 114.46)
35. Iraq recommended: "Take further efforts to improve the enjoyment of the right to opinion and expression." (A/HRC/39/3, para. 114.47)
36. Jehovah's Witnesses in Turkmenistan have seen no evidence of these recommendations being implemented despite support by the State party.
37. In addition, Turkmenistan undertook to examine the following recommendations and to provide responses no later than the thirty-ninth session of the HRC. (A/HRC/39/3, para. 116)
38. Argentina recommended: "Adopt the necessary measures in order to recognize the right to conscientious objection to compulsory military service." (A/HRC/39/3, para. 116.59)
39. The United States of America recommended: "Reform government practices that restrict freedoms of religion or belief, expression and movement to ensure that individuals are not punished for expressing their opinions or beliefs." (A/HRC/39/3, para. 116.61)
40. Latvia recommended: "Revise laws and practices in order to guarantee the full enjoyment of freedom of expression and freedom of assembly and ensure that any restrictions comply with the International Covenant on Civil and Political Rights." (A/HRC/39/3, para. 116.72)



41. Spain recommended: “Guarantee fully the rights of freedom of association, assembly and expression, and of the press.” (A/HRC/39/3, para. 116.73)
42. Italy recommended: “Strengthen efforts to guarantee the respect for fundamental freedoms, including by simplifying the procedures for legal registration of NGOs and religious groups.” (A/HRC/39/3, para. 116.74)
43. Mexico recommended: “Remove criminal penalties restricting freedom of opinion and expression.” (A/HRC/39/3, para. 116.90)
44. Jehovah’s Witnesses in Turkmenistan have seen no evidence of progress resulting from consideration of these recommendations by the authorities in Turkmenistan.

#### **IV. CONCLUSION AND RECOMMENDATIONS**

45. Jehovah’s Witnesses in Turkmenistan and as a worldwide organization express concern for the denial of the basic human right to freedom of religion or belief, the refusal to register their religious community, the ongoing harassment of believers, and the failure of Turkmenistan to introduce a genuine alternative civilian service for conscientious objectors. They respectfully request the Government of Turkmenistan to take the necessary steps to:
  - (1) Permit Jehovah’s Witnesses to officially register their peaceful religious activities and to enjoy the rights guaranteed under article 18 of the Covenant;
  - (2) Recognize the right to religiously motivated conscientious objection to military service and provide qualifying citizens, including Jehovah’s Witnesses, with a genuine alternative civilian service of a non-punitive nature, complying with international standards;
  - (3) Meet with local representatives and international delegations of Jehovah’s Witnesses to discuss specific incidents and issues;
  - (4) Abide by its commitment to uphold the fundamental freedoms guaranteed by the Constitution of Turkmenistan and the Covenant for all citizens, including Jehovah’s Witnesses.