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TURKMENISTAN: Religious freedom survey, March 2012

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Ahead of the examination of Turkmenistan's record at the UN Human Rights Committee, Forum 18 News Service notes that freedom of religion or belief in Turkmenistan, and other intertwined human rights, remain highly restricted. Among systematic violations noted in Forum 18's religious freedom survey are: prisoners of conscience including conscientious objectors jailed for exercising freedom of religion or belief, who face beatings and other maltreatment; prisoners' severely limited religious freedom; lack of fair trials and due legal process; state control of religious leaders and communities; racial discrimination; severe restrictions on religious education and sharing beliefs, including banning women from studying academic theology in the country; a registration system apparently designed to impose state control; a ban on unregistered religious activity, and great difficulty in those who want it acquiring registration; raids on both registered and unregistered groups; MSS secret police informer recruitment; restrictions on having a place of worship, even for registered groups; fear of openly discussing human rights violations; severe haj restrictions, an exit ban list and other freedom of movement restrictions; and censorship of religious literature and other material. The interlocking nature of Turkmenistan's human rights violations appear designed to impose total state control of all of society.

Ahead of the examination of Turkmenistan's record under the International Covenant on Civil and Political Rights (ICCPR) at the United Nations (UN) Human Rights Committee in New York on 15 and 16 March, Forum 18 News Service notes that freedom of religion or belief and other human rights remain highly restricted. The country remains one of the most repressive regimes in the world, human rights violations having increased under President Gurbanguly Berdymukhamedov, who has ruled Turkmenistan since December 2006. In the February 2012 presidential election the state claimed he received 97 per cent of the vote.

Serious systematic violations Forum 18 has documented include: prisoners of conscience including conscientious objectors jailed for exercising freedom of religion or belief, who face violence and other maltreatment; prisoners' severely limited religious freedom; lack of fair trials and due legal process; state control of religious leaders and communities; racial discrimination; severe restrictions on religious education and sharing beliefs, including banning women from studying academic theology in the country; a registration system apparently designed to impose state control; a ban on unregistered religious activity, and great difficulty in those who want it acquiring registration; raids on both registered and unregistered groups; MSS secret police informer recruitment; restrictions on having a place of worship, even for registered groups; fear of openly discussing human rights violations; severe haj restrictions, an exit ban list and other freedom of movement restrictions; and censorship of religious literature and other material.

Denial of freedom of religion or belief is intertwined with denial of the rights to freedoms of assembly, of speech, of expression, and freedom of movement. Turkmenistan is not a state where the rule of law applies, so human rights enshrined in the Constitution - including religious freedom - do not exist in practice. Similarly, the country's systematic violations break its international human rights commitments. Strict restrictions on freedom of religion or belief - and similar restrictions on political, media, trade union, and other non-governmental activity - are designed to ensure that the regime maintains total control over all aspects of society.

Geographically, Turkmenistan is the second largest country in Central Asia. It is mostly desert and so has the smallest population with over 5 million people. Around 85 per cent are ethnic Turkmen (regarded as being of Muslim background) with the rest being made up of ethnic Uzbeks (likewise of Muslim background), Slavs (mainly Russians and Ukrainians, many of Russian Orthodox or other Christian background) and smaller minorities of Kazakhs, Tatars, Armenians, Azeris and others. Despite vast natural resources - mainly natural gas - many people live in poverty. The state has minimal to non-existent transparency about its extremely large revenue and expenditure. Many people have left the country to work - sometimes illegally - in Turkey or elsewhere.

Prisoners of conscience

Five of the six currently confirmed prisoners of conscience jailed for exercising their freedom of religion or belief are conscientious objectors to military service. The sixth confirmed religious freedom prisoner of conscience is a Jehovah's Witness, given a four year sentence but not for conscientious objection.

This sixth and most recent known prisoner of conscience is Ashgabad resident Vladimir Nuryllayev. He was arrested in November 2011, several weeks after police seized his religious literature and computer. He was accused of "spreading pornography" which is banned under Criminal Code Article 164, Part 2. He was tried on 18 January 2012 at Ashgabad's Azatlyk District Court, found guilty

and sentenced to four years' imprisonment. His appeal was rejected at a 10-minute hearing at Ashgabat City Court on 14 February. Nuryllayev's fellow Jehovah's Witnesses insist he is innocent of the accusations, which they say were brought to punish him for his religious affiliation.

Nuryllayev was transferred in late February 2012 to the prison in Ovadan-Depe, an isolated prison in the desert 70 kms (45 miles) north of Ashgabat. Although a closed section of the prison houses political prisoners serving harsh sentences, Nuryllayev was among 20 general regime prisoners assigned to a different section there to conduct manual labour, including in the kitchens.

The unconfirmed reports of prisoners of conscience jailed for exercising their right to freedom of religion or belief all relate to Muslims. One unconfirmed report says a Muslim was imprisoned in 2011, apparently for distributing religious CDs and DVDs and also on false charges of "distributing pornography". Adding to these unconfirmed reports, on his February 2012 release from Seydi Labour Camp Pastor Ilmurad Nurliev expressed concern over several Muslims who may have been imprisoned to punish them for exercising their freedom of religion or belief. Musa (last name unknown), a young Muslim from the capital Ashgabat [Ashgabat], seems to have been given a four-year sentence to punish him for teaching the Koran to children. He leads prayers in the prison mosque. Pastor Nurliev said the former Chief Imam of Mary Region, Muhammed-Rahim Muhammedov, was imprisoned apparently for resisting the authorities. However, the exact details of his case similarly remain unclear.

Protestant pastor Nurliev was sentenced to four years' jail in August 2010, with "forcible medical treatment", for his leadership of Light to the World Protestant Church in Mary. He was freed under amnesty in February 2012.

Officials have repeatedly denied that anyone is punished for human rights related or political reasons. Speaking at the 18 November 2011 session in Geneva of the UN Committee on Economic, Social and Cultural Rights to consider Turkmenistan's report, a member of the Turkmen delegation First Deputy Justice Minister Batyr Arniyazov "said that there were no political prisoners or politically motivated prosecutions in Turkmenistan" (see UN summary at E/C.12/2011/SR.38). "All prisoners had been convicted of criminal offences. Due process was guaranteed and court proceedings were open to the public except in specific cases provided for under the law; all decisions were, however, made public."

No alternative service

Turkmenistan's January 2010 report to the UN Human Rights Committee under the ICCPR states: "Turkmen law does not provide for unarmed service". Article 41 of the Constitution describes defence as a "sacred duty" of everyone and states that military service is compulsory for men. Military service for men between the ages of 18 and 27 is generally two years. Conscientious objectors face trial under Article 219, Part 1 of the Criminal Code, which punishes refusal to serve in the armed forces with a maximum penalty of two years' imprisonment.

Young Jehovah's Witnesses insist they would be willing to do any form of alternative, non-military service, were it to be introduced. The current lack of any alternative service means that male Jehovah's Witnesses of draft age who have not served in the military can be arrested at any time.

Government officials' statements to foreign counterparts that some form of alternative service might be introduced have not, to date, resulted in any verifiable specific action.

Conscientious objectors imprisoned

At the beginning of President Berdymukhamedov's rule, sentences for conscientious objectors were non-custodial. From May 2009 imprisonment of conscientious objectors resumed. As of early March 2012, five Jehovah's Witnesses had been jailed for refusing military service, while another is believed to be serving the final month of a suspended sentence. Only one of the sentenced Jehovah's Witnesses was included in the prisoner amnesties proclaimed by President Berdymukhamedov between 2009 and 2011. Instead, the then five prisoners of conscience were before the May 2010 amnesty sent to Seydi Labour Camp punishment unit, for alleged violations of prison rules. Jehovah's Witnesses think this was to make them ineligible for amnesty.

The five current imprisoned Jehovah's Witness conscientious objectors are: Ahmet Hudaybergenov, 18 months, Turkmenabad Court, September 2010; Sunet Japbarov, 18 months, Turkmenabad Court, December 2010; Matkarim Aminov, 18 months, Dashoguz [Dashhowuz] Court, December 2010; Dovran Matyakubov, 18 months, Boldumsaz Court, December 2010; and Mahmud Hudaybergenov, 2 years, Dashoguz Court, August 2011. All five were being held in March 2012 at the general regime Seydi Labour Camp, in the desert in the Lebap Region of eastern Turkmenistan.

In April 2010, an Ashgabat court sentenced Jehovah's Witness conscientious objector Denis Petrenko to a two-year suspended sentence, though without specifying any conditions or restrictions (such as night-time curfew and ban on leaving the town imposed in earlier cases) during this period. He is now in the final month of his original sentence.

In February 2012, Ashgabat-based Akmurad Nurjanov was given a one-year suspended prison sentence for refusing compulsory military service. Senior school students were taken to Azatlyk District Court to witness his conviction, in what Jehovah's Witnesses

described to Forum 18 as a "show trial". However, they speculated that the presence of many school students might have led the authorities to choose a non-custodial sentence.

Prison violence and maltreatment

Jehovah's Witness conscientious objector Dovleyet Byashimov, who completed an 18 month sentence at the end of January 2012, was the victim of brutality in prison. When his parents were allowed a short meeting with their son in Turkmenabad prison in early September 2010, just weeks after his trial, they "saw that he had been beaten black and blue," Jehovah's Witnesses told Forum 18.

Three other former religious prisoners of conscience – who all served their sentences at the Seydi Labour Camp - reveal that solitary confinement and violence by guards were routine treatment within the Camp. "The cell was cold. I could only sleep in a seated position and I was barely fed," Jehovah's Witness conscientious objector Sakhetmurad Annamamedov, who was freed from the Seydi Camp in May 2011 at the end of his two-year sentence, testified. "A member of the OMON riot police entered my cell on two occasions and beat me on the head and neck with his baton." Shadurdy Ushotov, who was freed from the Seydi Labour Camp in July 2011 after completing a two-year sentence, sustained head injuries from a beating he received from an OMON officer. "I needed six stitches to close the wound," Jehovah's Witnesses quoted him as testifying.

Sakhetmurad's brother, Mukhammedmurad Annamamedov endured similar treatment during his two years of imprisonment, which also ended in May 2011. "I spent six consecutive days in solitary confinement," Jehovah's Witnesses quoted him as testifying. "There was nothing in the cell, only bare concrete. Officers threatened that if I did not renounce my religion, they would put me in a much stricter prison regime."

Prisoners and their families have also noted the harsh conditions in the Labour Camp, where it is very hot in summer and freezing in winter. "It is set in the desert and is close to several chemical works," the family of then Baptist prisoner of conscience Vyacheslav Kalataevsky told Forum 18 in 2007. "Of course conditions are not easy. It is like something from the Middle Ages".

The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Turkmenistan acceded to on 25 June 1999, defines torture as: "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity".

Under Article 6 of the Convention Turkmenistan is obliged to arrest any person suspected on good grounds of having committed torture. Under Article 4 Turkmenistan is obliged to try them under criminal law which makes "these offences punishable by appropriate penalties which take into account their grave nature".

Prisoners' severely limited religious freedom

Article 10 of the Criminal Procedural Code adopted in March 2011 claims to guarantee prisoners the right to religious freedom. This includes the right for those in lower security designated labour camps to visit (presumably registered) places of worship in the settlement where the camp is located. Prisoners in all harsher categories of imprisonment have the right to invite clergy of registered religious organisations. Article 10 also allows prisoners to perform religious rites in prison premises provided by the administration and have religious literature.

Muslims in the general regime section of Seydi Labour Camp (but not necessarily in the punishment unit or the strict regime section) have access to a prison mosque with prayers led by a Muslim knowledgeable enough to lead them. But other prisoners appear not to have similar access to religious literature and worship. Protestant pastor Nurliev was denied access to a Bible throughout his imprisonment, despite his personal requests to the head of the Seydi Labour Camp. Jehovah's Witness prisoners similarly do not have access to any religious literature of their choice.

There is a mosque located in the general regime section of the Seydi Labour Camp, and some Islamic literature available to prisoners in that section. But there does not appear to be any other provision for prisoners to exercise their freedom of religion or belief in Seydi Labour Camp or in any other of Turkmenistan's prisons.

Lack of fair trial, false testimony used

Trials are often marked by lack of due legal process and other illegalities, as noted above. Other examples of this took place in the October 2010 trial of Pastor Nurliev. He was sentenced to four years' imprisonment, having been charged with swindling money from two women who occasionally attended church meetings and two men whom he had never met. His family and church members vigorously refuted the allegations and pointed to police pressure on people to give false testimony against him, as well as serious inconsistencies in the prosecution's claims.

The verdict stated that Nurliev was to be "given forcible medical treatment to wean him off his narcotic dependency". The court ordered this enforced treatment under Article 94, Part 2 of the Criminal Code, which states: "Measures of a medical character can be prescribed by a court alongside a punishment in relation to people who have committed crimes who suffer from alcoholism, or drug or substance addiction, with the aim of healing or the creation of conditions enabling the achievement of the aims of the punishment." Despite the verdict, Nurliev was not given "forcible medical treatment" during his imprisonment.

This verdict was not based on independent medical testimony, and Pastor Nurliev's wife and fellow-church members were seriously concerned for his health, as he is a diabetic and his wife was initially denied the possibility of giving him his medication.

The authorities have also on occasion reused old "offences" committed by individuals, as a pretext for further harassment.

State control of religious leaders

Both Article 12 of Turkmenistan's Constitution and the 2003 Religion Law (misleadingly called the Law on the Freedom of Religious Confession and Religious Organisations) claim to guarantee religious freedom. But all exercise of this fundamental human right is tightly controlled and restricted by the state. The Sunni Muftiate (Muslim Spiritual Administration) - the only form of the majority religion Islam permitted - is under tight government control. The government's Gengesh (Council) for Religious Affairs in Ashgabat names the Chief Mufti (who is ex officio a Deputy Chair of the Gengesh) and imams down to the district level. State control is symbolised by the location of the Gengesh's offices in the same building as the Muftiate and the Russian Orthodox administration, in one wing of Ashgabat's "Turkish" mosque.

Some state officials in the Gengesh have a dual role as clergy within religious communities. Many if not all senior Muslim clergy are officials in the Gengesh. The Chief Mufti Yalkab Hojagulyyev has a staff position at the central Gengesh as a Deputy Chair, as did his predecessor Gurban Haitliev. Until his appointment in September 2009, Haitliev was head of the Lebap regional Gengesh as well as the region's Chief Imam. Officials appointed to head regional branches of the Gengesh are also often appointed as new regional Chief Imams.

Successive Chief Muftis have been removed from office, often with little publicity. Hojagulyyev's appointment as Chief Mufti appears not to have been publicly announced and little is known about him, but in June 2011 he was listed second by the state news agency among the Gengesh's leading staff congratulating the President on his birthday. In September 2009, when Haitliev replaced Rovshen Allaberdiyev as Chief Mufti, he was formally appointed by the leadership of the Muftiate, but sources told Forum 18 that it is inconceivable that the decision was not taken by President Berdimukhamedov. Many regional imams were also transferred to new duties at the same time.

Regional Gengeshes select candidates for vacant Muslim posts in their region, but the Ministry of State Security (MSS) secret police has the decisive input. This is based on information collected by the MSS on a candidate's ancestry (they must be at least mostly ethnic Turkmen), relatives, political views and activity. Those with a positive recommendation go to the central Gengesh in Ashgabat for final approval. "They will only be approved if they are 'clean'," one Muslim told Forum 18.

Mullahs - who perform rituals related to births, circumcisions, marriages and deaths in a small district of perhaps 100 families over several streets - do not face such extensive scrutiny on being appointed. They are appointed by district imams, after they have been checked by the MSS. Ethnic minorities, such as Uzbeks, are not barred from being mullahs.

In recent years, devout Muslims have expressed concern about the state's replacement of imams who had thorough Islamic theological education with those with less, if any, theological education. Officials have stated that imams cannot be appointed if they have trained outside Turkmenistan. Ethnic Uzbek minority imams in the northern Dashoguz [Dashowuz] Region have been removed (see the section 'Discrimination based on promoting a homogeneous culture' below).

Sermons by imams at Friday prayers are increasingly used to convey state messages, with the Gengesh "recommending" to imams topics they should and should not cover. The prayers conclude with a short prayer for the President. "Some Muslims are offended by this, others not," a Muslim in the country told Forum 18.

State control of religious communities

Permission from the Gengesh for Religious Affairs is required to acquire a place for religious meetings, publish or acquire religious literature or for a religious group to invite foreign guests. Such permission is rarely granted and, if it is, is frequently accompanied by unwritten demands, such as a willingness to cooperate with the MSS secret police.

Meeting for worship in unapproved venues - such as private homes - is dangerous and can lead to raids and fines, especially in locations close to Turkmenistan's borders with Uzbekistan and Iran. Even religious communities that have state registration often cannot rent premises for worship and thus cannot meet as communities.

Muslim young men in some regions are barred by the state from wearing beards, and women are banned from wearing a hijab

(headscarf). One Dashoguz Muslim told Forum 18 that local police summon bearded young men for "preventative talks", which include instructions to shave off their beards. Regional Gengesh officials close to the southern border with Iran have warned workers during talks in factories that beards and full headscarves are not allowed, a local resident told Forum 18 in 2010. Residents of Ashgabad told Forum 18 that such restrictions do not appear to be imposed there.

Father Andrei Sapunov of the Russian Orthodox Church, another Deputy Chair of the Gengesh, has, since President Niyazov's time, had particular responsibility for Christian and other non-Muslim affairs. This gives Sapunov an official power of veto over the affairs of other Christian churches. Unlike with the Islamic community, however, Berdymukhamedov's government does not appear to appoint religious leaders of other faiths.

Fr Sapunov's state role is acknowledged within the MSS secret police, even by local officers outside Ashgabad. In many raids on Protestant churches in different regions of the country, MSS officers have told Protestants that they must receive permission from Sapunov before they can operate. Some members of the Russian Orthodox Church have told Forum 18 that they have evidence that Sapunov passes information received in the confessional - which the church teaches he should never reveal to anyone - to the MSS secret police.

Members of religious minorities have complained to Forum 18 that officials of the Gengesh appointed under President Berdymukhamedov tend to discriminate against them in favour of state-controlled Islam more than their predecessors appointed under former President Niyazov. Gengesh officials appear to more frequently question and threaten religious minorities during raids than previously. However, for fear of state reprisals, victims of such human rights violations are often reluctant to discuss this.

Under pressure from the government, in October 2007 the Russian Orthodox Church took its 12 parishes away from the Uzbek-based diocese and formed them into a Patriarchal Deanery under the Patriarch in Moscow. The bishop who administers the parishes in Turkmenistan is Bishop Feofilakt (Kuryanov) of Pyatigorsk in Russia. Visits by the Uzbek-based bishop were very rare, but since Feofilakt's October 2008 appointment he has been able to visit parishes in Turkmenistan frequently.

Discrimination based on promoting a homogeneous culture

Although President Berdymukhamedov allows Sunni Islam to operate within tight limits, this is not the case for Shia Islam, which is mainly professed by the ethnic Azeri and Iranian minorities in the west of the country who are traditionally more devout than ethnic Turkmens. Official intolerance of Shia Islam is manifested in ways, such as refusal to allow Shia rituals among the approximately 188 people (including MSS secret police and other officials) permitted to make the haj pilgrimage (see below).

This continues former President Niyazov's policy of promoting an ethnically homogeneous Turkmen-speaking Turkmen national culture. Sunni but not Shia Islam is seen as a part of this. So too was the Niyazov-era removal of ethnic Uzbek imams in the north of the country. Racial discrimination continues, as ethnic Uzbeks still cannot become imams in the north. No-one whose ethnicity is mainly non-Turkmen is thought to hold any Muslim religious office anywhere higher than the small district mullah level.

The promotion of a homogeneous culture is also evident in official harassment of ethnic Turkmen members of religious minorities, as well as of non-Turkmen minorities. The Russian Orthodox Church is tolerated, but the government has effectively banned the Armenian Apostolic Church. An estimated 15 percent of those who attend Russian Orthodox churches are said by local people to be from the Armenian Apostolic Church, although the Armenian Church is of the Oriental not the Orthodox family of Christian Churches. No Armenian Apostolic communities have legal status. The Turkmen delegation confirmed this to the UN Committee on the Elimination of Racial Discrimination (CERD) session in Geneva on 24 February 2012, insisting that this was because the Church had not applied.

Ethnic Turkmens who are members of non-Muslim faiths (especially those who live in small towns or villages) face public humiliation and accusations from officials of betraying their nation. Ethnic Turkmen Protestants have frequently told Forum 18 that they are summoned before the community, accused of betraying their "ancestral faith", and pressured to renounce Christianity. This frequently happens to their children also, who are at times publicly humiliated in front of their whole school. Religious minority communities led by ethnic Turkmen or which conduct their activity in Turkmen are almost always barred from gaining legal status.

Religious education and sharing beliefs severely restricted

Formal religious education - apart from small scale basic education in some mosques and Russian Orthodox churches - is almost totally banned. Religious communities cannot arrange lectures, courses or extended study and training programs, such as setting up degree or diploma courses. As the government stated in its January 2010 report (CCPR/C/TKM1) to the UN Human Rights Committee: "Teaching of religion privately is banned".

The single exception to the ban on formal religious education within the country is a small Muslim Theological Section in the History Faculty of Magtymguly Turkmen State University in Ashgabad, the only institution authorised to train imams. Ten new students joined in September 2010 at the beginning of the academic year, maintaining the level of 50 students in its five-year course of study. Numbers since then remain unknown. The section faces restrictions on the number of students and has been banned from

employing foreign staff. All candidates need the approval of the Gengesh and, more importantly, the MSS secret police, Muslims told Forum 18.

Women are prohibited from studying in the Theological Section, and therefore from studying academic theology – Muslim or otherwise – within Turkmenistan.

Muslims are not allowed to travel abroad for religious education. However, Russian Orthodox men are allowed to study for the priesthood outside the country, as are male and female choir-leaders. Apart from these Russian Orthodox students, no-one else can get the necessary state permission to study religious subjects abroad. Those who do study abroad have to conceal this from the state, otherwise they risk being prevented from leaving the country. On return, their foreign religious qualifications are not recognised by the state. It is unclear why the state largely exempts the Russian Orthodox Church from the restrictions that affect every other faith.

Other religious communities have been harassed for trying to give their members less formal religious education. For example, ten officials from the local Gengesh department of Ashgabad's Kopetdag district, the Justice Ministry, the MSS secret police, local police and the Tax Ministry raided a Bible class at a Protestant church in April 2008. They threatened that any further religious teaching without specific permission from the Gengesh could lead to the church being closed down, for teaching religion "without approval".

Sharing religious beliefs in public is extremely hazardous, and in the state-controlled media is impossible. Religious believers - especially Protestants and Jehovah's Witnesses - have been fired from their jobs or evicted from their homes because of their faith. Their children have also been threatened with expulsion from schools.

Registration system used as a control system

The registration system for acquiring legal status seems designed to ensure close government control of religious communities. The Gengesh has to approve registration applications, which are then handed to the Justice Ministry. A special Commission attached to the Justice Ministry processes registration applications for religious and social organisations. According to an April 2005 Presidential Decree, amended in September 2005, this Commission includes the Justice Minister and the Deputy Chair of the Gengesh, the First Deputies of the Justice Minister, the Foreign Minister, the General Prosecutor, the MSS secret police, the Interior Minister, as well as the Deputy Head of the State Service for Registering Foreign Citizens. Any of these bodies can reject applications, a frequent occurrence for communities the government does not like - especially non-Muslim communities led by ethnic Turkmen people. This often happens outside Ashgabad.

Under changes to the Religion Law and a Presidential Decree issued in March 2004, communities with five adult citizen founders can theoretically apply for legal status. The leader must be a Turkmen citizen and must have higher religious education. But in practice registration is rarely given and - if given - is associated with extralegal requirements, as noted below.

The unregistered exercise of freedom of religion of belief is banned, in defiance of international human rights standards (see below).

One of the main reasons for communities not applying for registration is official use of registration applications as an opportunity to impose extra-legal requirements. If communities obtain registration, they then need to be entered on the Register of Legal Entities, which requires the entry to be renewed by the religious community every three years. Communities also have to allow state officials to attend any meeting they wish to, read any document the community produces, and check the community's accounting and banking of donations on a weekly basis. Registered religious communities have told Forum 18 that they are also required to collaborate with the MSS secret police. If a community receives two official warnings about "violations" of the law or regulations, registration can be stripped from them.

Numbers registered

The government told the UN CERD in February 2012 that 128 religious communities had state registration. 99 of them were Sunni Muslim, five Shia Muslim, 13 Russian Orthodox and 11 of other faiths (including one Catholic, one Hare Krishna, one Baha'i, one Baptist, one Pentecostal, one Greater Grace, one Seventh-day Adventist and one New Apostolic community). It identified the five registered Shia Muslim communities as: the Imam Riza community (Ashgabad); the Shikhalov community (Bagir village in Ahal Region); the Hezreti Ali community (Turkmenbashi [Türkmenbashi, formerly Krasnovodsk]); the Huseini community (Turkmenabad); and the Muhamed Resulalla community (Iolatan District of Mary Region).

The numbers the government gives appear to reflect what is known of the current situation. But this has not been independently verified, not least whether all five of the Shia Muslim communities are indeed registered.

Comparing the government's January 2010, January 2012, and February 2012 figures to the UN Human Rights Committee, only three new Muslim communities are stated to have gained legal status between January 2010 and January 2012. One further Muslim community appears to have been registered in early 2012. The only non-Muslim community to gain legal status since January 2010 was Ashgabad's Catholic community - which has been protected by the diplomatic status of its two priests and chapel. It finally

gained legal status in March 2010, after 13 years of negotiation. The Justice Ministry agreed to allow a foreign citizen to head the community. Turkmenistan has no native Catholic priests.

Some Shia Muslim communities and the Armenian Apostolic Church are among those known to Forum 18 to have had applications rejected, or to have decided that they should not submit applications because of the tight restrictions imposed. A number of Protestant communities and Jehovah's Witnesses are known to Forum 18 to be still trying - and still failing - to gain legal status. Many religious communities have stopped applying for registration, and have decided to operate quietly without legal status.

Arbitrary registration denials

Registration denials have often been arbitrary. Religious communities which the government does not wish to register are generally told that their applications contain "grammatical mistakes" or other "errors". One religious community was reportedly told that the reason for the rejection was that its leader is blind, while another was rejected because its leader is female.

One of the communities that has applied for registration - so far in vain - is the Path of Faith church in Dashoguz, an independent Turkmen-speaking Baptist congregation. It filed its application in 2005. "We don't understand why they won't do it," church members told Forum 18 in January 2010. "The Justice Ministry finally said they would register us in January 2009 and that a commission would come here to Dashoguz to examine our documents. But nothing has happened." Ashgabad's Pentecostal Church has been in a state of legal uncertainty since 2008, when it applied to the Justice Ministry to record the change of pastor, change of legal address, and to re-register a revised statute. "They won't re-register the congregation, so it makes the legal status unclear," one Protestant told Forum 18. "This means it can't rent property because the authorities will say: you don't have registration any more."

Registration limitations

Religious communities have complained to Forum 18 that the Religion Law contains no mechanism for granting legal status to branches of religious organisations in other geographic locations. Registered communities can in practice give permission for local branches to meet, which requires notification to the Gengesh in Ashgabad and the local administration, the police and MSS secret police. This means that a branch can in practice meet, but formally the main registered branch must approve in writing anything a branch in another area tries to do. Officials have frequently used this as an excuse to raid and harass religious believers, even when the main branch of the community has given written permission for their religious activities.

For example, the pastor of a Dashoguz-based Protestant church was questioned in January 2010 after a birthday party in a nearby village, where he prayed briefly at the request of the host. The party was raided by police and officials of the District Gengesh who told the pastor that by praying there he was violating the Religion Law. Police claimed that he needed extra permission to conduct any religious work in the district and ignored his insistence that the church's registration allows him to conduct religious activity throughout Dashoguz Region.

Similarly a Christian youth summer camp organised by two registered Pentecostal churches in the village of Sekiz-Yab north-west of Ashgabad was raided in July 2010. Protestants who were at the event, but asked not to be identified for fear of state reprisals, told Forum 18 that camp participants were insulted, pressured, and threatened. Some were subsequently fired from their state jobs.

Unregistered freedom of religion or belief banned

Unregistered religious activity remains an offence under Article 205 of the Code of Administrative Offences ("violation of the law on religious organisations"), although Forum 18 is aware of only a handful of uses of this article in 2011 and 2012 as the basis for prosecutions of unregistered activity. The government's January 2010 report (CCPR/C/TKM1) to the UN Human Rights Committee stated: "The activity of unregistered religious organisations is banned. An individual carrying out religious activity in the name of an unregistered religious organisation bears responsibility in accordance with the Law of Turkmenistan."

Article 205, which was last amended in October 2003, specifies fines that are between five and ten times the minimum monthly wage for refusing to register a religious community or participating in an unregistered religious community. Fines can be doubled for repeat offenders. Under Niyazov and during the first two years or so of Berdymukhamedov's rule, many believers of a variety of faiths were fined under this article, including Baptists, Hare Krishna devotees, and Jehovah's Witnesses.

Raids on unregistered and registered groups

However Article 205 is still used. In January 2011 after a raid on unregistered Protestants in a private flat in Turkmenabad in eastern Turkmenistan, heavy fines were imposed on about five of those present. All were fined under Article 205 Part 2 ("Support for or participation in the activity of a religious group of religious organisation not officially registered in accordance with the legally established procedure"). Local people told Forum 18 that the fines imposed on the Protestants represent between one and two months' average wages for those in an average state job in Turkmenabad. Most people in towns, and especially villages, outside Ashgabad are very poor. In villages most people live in a subsistence economy with no formal wages. "I don't know how these people are going to pay the fines," one source familiar with the case told Forum 18.

Two children present were forced to stand before their entire schools and publicly insulted. As in the case of the children bullied by the state, state agencies have in recent years appeared to prefer to find other 'informal' means, such as raids, to try to stop the unregistered religious activity. This is de facto treated as if it were a criminal offence.

Unregistered religious communities face regular raids by MSS secret police officers, backed up by ordinary police officers (especially from the 6th Department, which notionally counters terrorism and organised crime), officials of the local administration, and local religious affairs officials, who work closely together in suppressing and punishing all unregistered religious activity.

Members of registered religious communities also suffer these raids or, more frequently, less brutal visits by officials. In July 2011 about 40 members of the Path of Faith Church from Dashoguz in the north had arranged for a shared summer holiday in Avaza, near Turkmenbashi on the Caspian Sea coast in the west of the country. Soon after they arrived at their accommodation, police, eight officials in civilian clothes, and the imam of Turkmenbashi, Chary-hajy Mommalyev, raided the group. (Like all imams, Mommalyev is also the city representative of the Gengesh for Religious Affairs.)

"Church members had just arrived, settled the children and had the hot food ready on the table when the officials burst in," Protestants complained to Forum 18. The officials collected the identity documents of the 16 adults and took the church members to Police Station No. 2. "Under the guise of registering them, the officers began to question them one by one. They put psychological pressure on them, humiliated them morally and insulted them because of their faith, especially Imam Chary-hajy." They told Forum 18 that the imam accused one female church member of having sexual relations with a man not her husband, in what they interpreted as a means to offend and humiliate her.

When church members insisted that the local registration requirement for short visits within Turkmenistan had been abolished, and that local registration was therefore not necessary, an official insisted that "for security reasons" officials needed to know who was staying in the area.

Church members were not formally arrested, but were held until well after midnight. They were then forced to return to the police station each day for the next three days for questioning. Only then were their identity documents returned. The church members decided it would be safer to abandon the holiday and return home.

Church members did not know how the local officials knew that they had arrived on holiday. However, one official told church members that at least one official from Dashoguz travelled to Turkmenbashi to follow them, Protestants told Forum 18.

MSS secret police informer recruitment

Local MSS secret police officers regularly summon Muslim and Orthodox clerics to report on activity within their communities. Some believers have told Forum 18 that the MSS secret police also runs agents in each Muslim and Orthodox community. In addition to these agents, other believers are regularly interviewed by MSS secret police officers and forced to reveal details of the community's religious life. The MSS secret police and local ordinary police also try to recruit agents in unregistered religious groups.

Restrictions on having a place of worship

A major problem identified by those within the country – and faced even by registered communities - is not being able to freely maintain public places of worship. As one Turkmen Protestant from a region far from the capital put it to Forum 18, "You cannot build, buy, or securely rent such property, let alone put up a notice outside saying 'This is a place of worship.'" The Protestant source added that "the government likes to be able to say to outsiders 'We have registration' and show them communities in Ashgabad. But people don't look at what we experience in places away from the capital, where we have no hope of registration. Without freedom to meet for worship, it is impossible to claim that we have freedom of religion or belief."

This means that many communities cannot gather all their members together. Some have told Forum 18 they can only meet in small groups for fear of police and MSS secret police raids. They have complained to Forum 18 that "telephone law" prevails: the owner of a venue who agrees to rent to a religious organisation soon cancels the arrangement, apparently after receiving a telephone warning from officials. Some registered religious communities have had to move their place of worship more than a dozen times in a year.

Meeting for worship in unapproved venues - such as private homes - is dangerous and can lead to raids and fines.

A number of places of worship were confiscated without compensation (some even being destroyed) under President Niyazov. These included mosques demolished because their imams refused to read Niyazov's book, Ruhnama, the Armenian Apostolic Church in Turkmenbashi, and Adventist, Baptist and Hare Krishna places of worship. This failure to compensate religious communities parallels the government's general policy of not providing any compensation to almost all individuals and groups when it demolishes their homes and seizes their property.

The administration chief in Dashoguz halted construction work on a Russian Orthodox church for many years, but construction resumed in 2008. In 2009 city authorities began construction of tall buildings around it, so that it could not be seen from far off. Other religious minorities have been denied permission to buy land and build places of worship or buy buildings to use as places of worship.

The state actively publicises the mosques it builds at government expense, including the mosque completed in Mary in the east of the country in 2009. The government website noted in January 2012 during President Berdymukhamedov's pre-election visit to Lebap Region that a mosque for 3,000 worshippers will be built in Turkmenabad. The following month, during the President's visit to Dashoguz Region, the website similarly noted the government's continuing intention to build the long-delayed Koneürgench mosque, for which houses were demolished several years ago.

In February 2008, Forum 18 asked Shirin Akhmedova, Director of the government's National Institute for Democracy and Human Rights, whether religious communities can freely build places of worship and she responded: "Of course. Look at the mosque that is to be built in Koneürgench. Places of worship are being built." When Forum 18 pointed out that this mosque is being built at the decision of the state, while religious communities themselves cannot initiate building places of worship, she stated that Forum 18 had "one-sided information".

Decisions to build mosques are taken by the state, not by the Muslim community (which is not allowed a free independent existence), and the use of state funds violates the separation of religion from the state required by Turkmenistan's Constitution.

Fear of openly discussing human rights violations

The widespread human rights encourage those who know of violations to remain silent about them, or to discuss them only in confidence with people they trust. Some religious communities are afraid to discuss openly human rights violations such as raids and MSS secret police spying publicly, fearing it will make their situation as a community worse, or harm attempts to gain legal status. Religious believers and communities are for good reason reluctant to publicly discuss the use of physical violence and other forms of torture, including rape threats against women by officials. The use and threat of violence by officials appears to be common.

During the September 2008 visit by Asma Jahangir, the then UN Special Rapporteur on Freedom of Religion or Belief, representatives of at least three different religious communities in Ashgabat were warned by the MSS secret police not to meet her. Neither Jahangir's final press conference in Ashgabat, nor her criticism about the situation in the country was reported in Turkmenistan's government-controlled media - the only media allowed in the country.

Severe haj restrictions, exit ban list, other freedom of movement restrictions

Turkmenistan's 2005 Migration Law states in Article 26: "Every citizen of Turkmenistan has the right to leave Turkmenistan and enter Turkmenistan. A citizen of Turkmenistan cannot be deprived of the right to leave Turkmenistan or enter Turkmenistan." Article 32 of the Law allows for "temporary" restriction of this right, including for those awaiting criminal trial, those under police supervision, and those in possession of state secrets. The eleventh reason for denying the right to leave is for those whose exit "contradicts Turkmenistan's national security interests", a category which is not defined.

As usual with Turkmenistan's "laws", the reality is different. Known active religious believers are among the many people the government prevents from travelling abroad, in addition to the restrictions on study abroad. Out of a reported quota of 5,000 granted by the Saudi authorities, the government normally allows only one airliner of people (normally 188 people) a year to go on the haj pilgrimage to Mecca. This total includes MSS secret police officers. In 2009, the government allowed no haj pilgrims to travel at all. The total for the November 2011 haj – just 186 – was the lowest figure (apart from 2009) since 2002.

The obstacles to travel abroad, which President Berdymukhamedov has continued from Niyazov's time, make it difficult for religious believers to meet their fellow believers in other countries, or to take part in international religious pilgrimages and gatherings. This is part of an apparent government policy to isolate religious believers in Turkmenistan from their co-believers abroad.

A Muslim from Turkmenbashi, which has a population of about 70,000, told Forum 18 in November 2008 that he was among about 1,000 would be pilgrims from the city on the waiting list, while only two or three were actually able to go on that year's haj. Would-be pilgrims have to gain "recommendations" from the religious leadership in their place of residence. "All the names of candidates then go to the Gengesh and there they draw up the final lists," one Ashgabat resident explained to Forum 18. "I know many people who want to go at their own expense, especially as Turkmenistan sends fewer than the Saudi authorities allow. But people cannot go at their own expense - the Turkmen authorities don't give permission."

Going on the haj appears to entail subsequent obligations to the state. One haj pilgrim from a southern district was required by officials several years later to publicly support government policy at regular meetings with the population - alongside the district imam, mullahs and elders - for "propaganda talks". Such talks included warning residents of what the government regards as the

dangers posed by some Muslims and by non-Muslim faiths.

Freedom of movement restrictions are also applied to non-haj travellers. Many active religious believers are among those on an exit ban list. An official confirmed to Forum 18 that this is maintained by the country's Migration Service, on behalf of the Interior Ministry and the MSS secret police.

For example, in late 2011 a member of a non-Muslim religious community who lives outside the capital – but whose friends asked that the individual or community not be identified – was prevented by the Migration Service at Ashgabad Airport from leaving the country. The individual had been planning further religious studies in another former Soviet republic. Officials gave no reason for preventing the individual from boarding the aeroplane for which a ticket had already been bought. "Go to the MSS [secret police] in your home district – they'll tell you why you have been banned from leaving", Migration Service officials told the individual.

Officials rarely explain to those they have barred from leaving why this happened. Some who have tried to establish the reasons were told verbally: "You know the reason". They have told Forum 18 that they think the bans were imposed to punish them for their religious activity.

Active religious believers who have not been prevented from leaving are subject to close scrutiny on departure or re-entry. Several people have told Forum 18 that known religious believers who are allowed to travel abroad have their activity in religious communities noted in a computerised database accessible to border guards at departure points, including Ashgabad Airport.

In addition to restricting travel for its citizens, the government also imposes an almost total ban on visits from foreign fellow religious believers. This increases the isolation of local religious communities. Local communities can only invite foreigners if they have state registration and even then need the permission of the Gengesh, which is very difficult to obtain. Only very few such visits took place between 2009 and 2011. One frequent visitor, however, was Bishop Feofilakt of the Russian Orthodox Church.

Many communities have tried to invite fellow-believers from abroad for many years without success. Visas to Turkmenistan for those suspected of wanting to visit for religious purposes are often refused. Those who do manage to obtain visas and enter the country risk deportation if they are discovered visiting religious communities. The only exception is if the visa was issued with the Gengesh's backing, at the request of a registered religious community. The Gengesh has approved only a handful of such religious visits in recent years.

Censorship

There is a de facto ban on most religious publications, and the authorities routinely confiscate religious literature from residents and from people entering or leaving Turkmenistan. Very little literature is produced, making it almost impossible for believers to acquire copies of the Koran, Bible or other religious works in any language.

This extends even to very small quantities of literature. In February 2012, after Protestant Begjan Shirmedov tried to print copies of a small book of his religious poetry, a local religious affairs official waiting for him at the printing shop took him to the Police 6th Department, responsible for counter-terrorism and organised crime work. There, the 74-year-old poet was questioned for six hours, forced to write a statement and banned from travelling outside his home region of Dashoguz in northern Turkmenistan while his case is investigated. Separately, other local Protestants in Dashoguz have been questioned over printing religious materials. It remains unclear if any will face charges.

The authorities routinely confiscate religious literature, CDs, and DVDs found by police or the MSS secret police during raids on religious meetings in private homes. Occasionally these items are later returned, though often only after great efforts and pressure from the owners, who risk further punishment by requesting their return.

No religious literature may be published in Turkmenistan or imported into the country without permission from the Gengesh. Each title and the number of copies must be specifically approved. State postal authorities hold all religious literature received from abroad, releasing it only when the Gengesh has given written approval. Forum 18 has learned that the Gengesh does occasionally allow small parcels of religious literature sent from abroad to be received by registered religious organisations.

Despite confiscations from individual priests in the past, the Russian Orthodox Church after February 2011 established and maintains a facility in Ashgabad where imported religious literature and objects are stored. The material is then distributed to priests in its 13 parishes.

Although the customs declaration required to be filled in by every traveller arriving in Turkmenistan contains no specific question on religious literature, officials routinely ask travellers if they have religious literature with them. Baggage is usually checked by three officers, one from the customs, one from the military, and one official in civilian clothes generally thought to be from the MSS secret police. Turkmen citizens say the MSS official checks for religious literature and materials.

Customs officers sometimes allow travellers returning to the country to bring in a small quantity of religious literature for personal

use. Anything more than a small quantity of books or other material is confiscated, irrespective of whether or not the person is a Turkmen citizen. However, Forum 18 knows of several cases where even one or two religious books - such as a personal Koran or Bible - were confiscated. One Turkmen who had moved to Istanbul had her one religious book – a copy of the Koran – confiscated from her at Ashgabad airport in late 2010. In early 2011, a Protestant was strip-searched at the airport after one Bible was found in his luggage.

When religious literature is seized, officials are supposed to give the traveller a receipt itemising each title confiscated. They then send the literature to the Gengesh for "expert analysis" on whether it is authorised. One citizen told Forum 18 that "occasionally they will give back a personal copy of the Koran or Bible". Religious communities have tried to find out from the Gengesh who is in the commission which officials say conducts their "expert analyses" – or indeed if they actually take place – but Gengesh officials refuse to tell them. The Gengesh does not give copies of any analyses in writing to those who have had literature confiscated.

As well as books and CDs, bracelets with religious inscriptions of any kind have been confiscated. One Turkmen citizen told Forum 18 that he saw a carpet with a Muslim inscription in Arabic being confiscated. Three Turkmen Muslims returning from Iran by bus in August 2011 had prayer mats they had bought there confiscated (they had chosen not to bring copies of the Koran as they knew they would be confiscated). At the ferry port in Turkmenbashi in May 2010, customs officers confiscated framed verses from the Koran in Arabic that were brought back by students returning from colleges in Azerbaijan. One Ashgabad resident had two calendars with Russian Orthodox icons confiscated at the airport in October 2010. Customs officers often show particular interest in searching the computers and data sticks of known religious believers.

Protestant Christians have told Forum 18 that neither a society to translate and distribute Bibles (as found in many countries), nor Christian bookshops are allowed to exist.

Government scrutiny of the internet and communications – including emails, calls and mobile phone text messages – makes users wary of being open about any exercise of freedom of religion or belief. Computers and mobile phones are often seized – particularly at Ashgabad airport or in raids – and scrutinised for their content.

"Obstructing the exercise of freedom of conscience and religion"

Claims of improvements on paper without any observable change in state behaviour have often been made by officials to foreigners. Article 154 of the Criminal Code bans "obstructing the exercise of freedom of conscience and religion". Yet Forum 18 is not aware of any government officials who have been punished for breaking this law, even though many such violations have been documented. When religious believers challenge the legality of official actions, the officials concerned are often found to be ignorant of the relevant parts of the country's Constitution and published laws.

Turkmenistan continues to systematically violate intertwined fundamental rights - such as freedom of religion or belief, of expression and of assembly - it has solemnly undertaken to respect and defend. Government claims of "reform" or "legislative change" have been so far without demonstrable concrete meaning for the people of Turkmenistan. Without fundamental changes in the attitudes and actions of officials - especially genuine independently verifiable implementation of human rights - Turkmenistan is likely to remain a place where fundamental human rights are violated with impunity. (END)

For a personal commentary by a Protestant within Turkmenistan, on the fiction - despite government claims - of religious freedom in the country, and how religious communities and the international community should respond to this, see http://www.forum18.org/Archive.php?article_id=728.

For a personal commentary by another Turkmen Protestant, arguing that "without freedom to meet for worship it is impossible to claim that we have freedom of religion or belief," see http://www.forum18.org/Archive.php?article_id=1128.

More reports on freedom of thought, conscience and belief in Turkmenistan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=32>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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Previous Forum 18's religious freedom surveys of Turkmenistan are at <http://www.forum18.org/Analyses.php?region=32>.

A printer-friendly map of Turkmenistan is available at <http://nationalgeographic.org/education/mapping/outline-map/?map=Turkmenistan>.

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