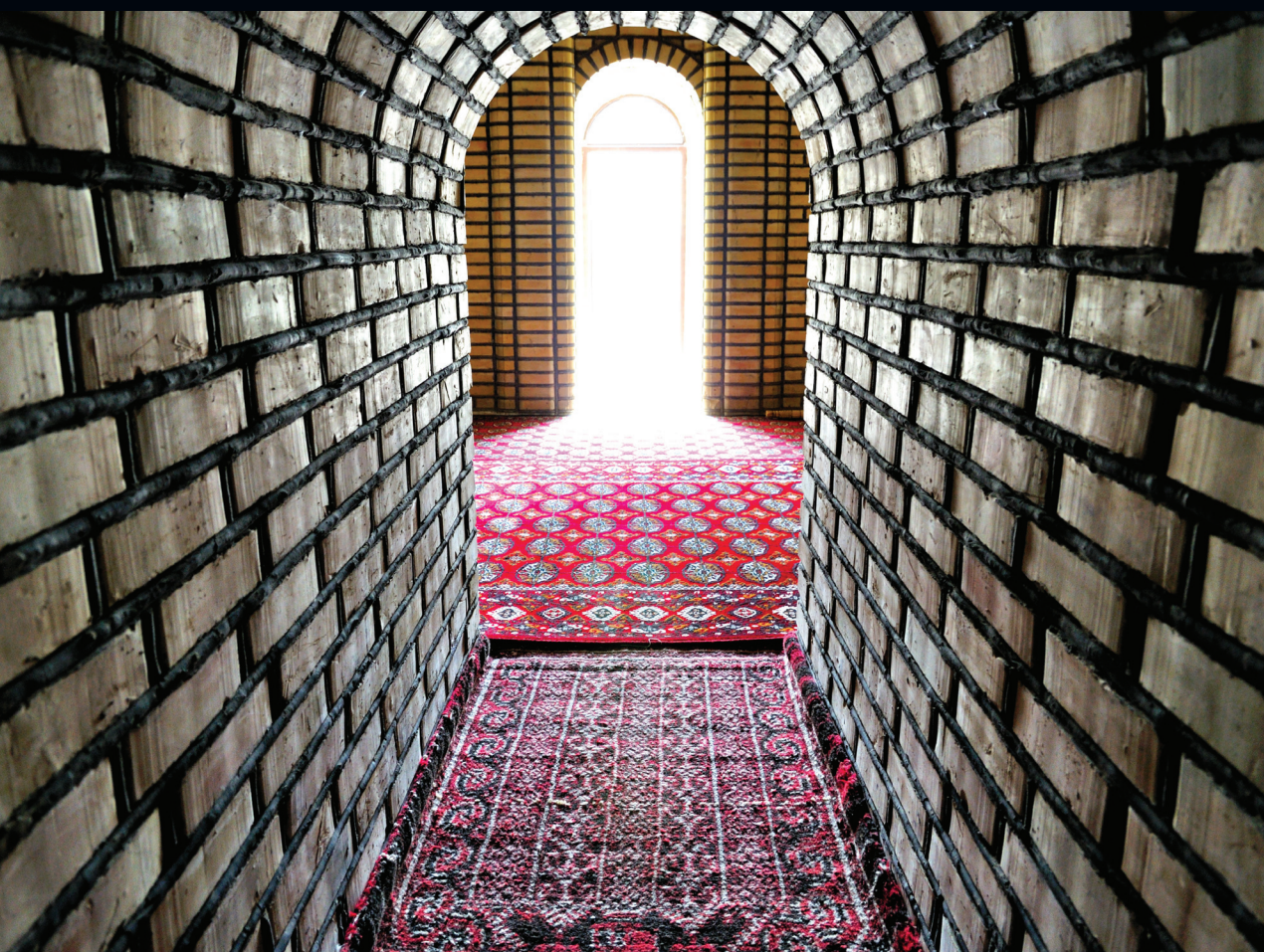


Violations of Freedom of Religion or Belief in Turkmenistan

A SYSTEMATIC CHALLENGE TO HUMAN RIGHTS COMMITMENTS



OPEN SOCIETY
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Violations of Freedom of Religion or Belief in Turkmenistan

A Systematic Challenge
to Human Rights Commitments

Central Eurasia Project

Forum 18



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ISBN: 978-1-936133-36-9

Published by
Open Society Foundations
400 West 59th Street
New York, NY 10019 USA
www.soros.org

For more information contact:
Central Eurasia Project
Open Society Foundations
400 West 59th Street
New York, NY 10019 USA
www.soros.org/initiatives/cep

Cover and layout by Judit Kovács | Createch Ltd.
Cover Photograph © JB Jeangène Vilmer
Printing by Createch Ltd. | Hungary

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“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

Article 18 of the Universal Declaration of Human Rights

Preface

Turkmenistan is marked by ongoing threats to freedom of religion or belief and other fundamental rights, which are firmly rooted in the abuse of government power. As a participating state in the Organization for Security and Co-operation in Europe (OSCE), Turkmenistan has committed itself to implementing OSCE norms and standards to strengthen freedom of religion or belief and other fundamental rights. Yet, the government of Turkmenistan remains one of the most repressive regimes in the world. By suppressing freedom of religion, the government is denying people an essential right that is crucial to allowing, in the words of the United Nations Human Rights Committee (General Comment 22 to the ICCPR), “freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others.” Religious freedoms are inextricably intertwined with other fundamental rights, such as freedom of expression and freedom of assembly, and so serve as a litmus test of the wider state of human rights within a country.

In order to examine the extent and nature of religious repression in Turkmenistan, the Open Society Foundations and Forum 18 News Service (Forum 18) collaborated on this report. Forum 18 monitors and analyzes violations of freedom of religion or belief, mainly in the former Soviet states. Forum 18’s research methodology involves monitoring both foreign-based media and Turkmenistan’s official media and talking with groups such as government officials (whenever they are willing to talk, which is rare); local religious communities and human rights defenders (though many fear speaking about religious freedom abuses for fear of reprisals from the state); and foreign-based human rights defenders and others

who follow developments in the country. In some instances, religious believers were prepared to have their cases described only in general terms in order to protect their identities. Thus some of the cases cited in this report do not include names, exact locations or the gender of those involved or cited. The policy recommendations and analysis that follow from Forum 18's findings were developed by the Open Society Foundations' Central Eurasia Project. Both groups hope that this report's account of the lack of freedom of religion or belief in Turkmenistan will do much to draw wider attention to these abuses and bring them to an end.

I. Executive Summary

Violations of human rights in Turkmenistan have continued since President Gurbanguly Berdymukhamedov came to power in December 2006. Berdymukhamedov has maintained strict government controls over all religious activity that have existed since the mid-1990s. Religious believers and communities also suffer from the general denial of the rights to freedom of assembly, freedom of speech, freedom of expression, and freedom of movement that affect all residents of Turkmenistan. Turkmenistan is not a state where the rule of law applies. Human rights enshrined in the constitution—including religious freedom—do not exist in practice. Similarly, there is little to no enforcement of human rights practices as specified in the country's laws. Turkmenistan's restrictions and repeated abuses violate the country's international human rights commitments as a member of the United Nations (UN) and the Organization for Security and Co-operation in Europe (OSCE).¹

Official permission from the government's Committee 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 State Security Ministry. As well as implementing a de facto banning of religious publications, the authorities routinely confiscate religious literature from individuals returning from abroad. Personal copies of the Koran and Bible are among the books confiscated. Religious books are also frequently confiscated during raids on homes. Meeting for worship

1. For a partial list of Turkmenistan's international obligations see Appendix A.

in unapproved venues—such as private homes—is dangerous and can lead to raids and fines. Even religious communities that have state registration often cannot rent premises for worship and thus cannot meet as communities.

Sharing one's religious faith with others is effectively banned and dangerous, risking threats or even arrest. The Sunni Muftiate (Muslim Spiritual Administration)—the only form of Islam permitted—is under tight government control. The president names and removes senior imams, most recently in September 2009. Muslims complain that imams appointed recently do not have a good knowledge of Islam. Shia Islam, which is mainly professed by the ethnic Azeri and Iranian minorities in the west of the country, faces official intolerance, possibly because of discriminatory government attitudes toward ethnic minorities. Ethnic Turkmens who are members of non-Muslim faiths face public humiliation and accusations from officials of betraying their nation.

Travel for religious purposes is restricted. Known active religious believers are among the many people the government prevents from travelling abroad. Out of a reported quota of 5,000 granted by the Saudi authorities, the Turkmen government allowed only one airplane-load of pilgrims per year to go on the hajj pilgrimage to Mecca; between 2005 and 2008 this was only 188 people each year. Indeed, in 2009, the Turkmen government allowed no hajj pilgrims to travel at all. Formal religious education is banned, with the exception of basic instruction in places of worship and one institution authorized to train imams—the History Faculty at Ashgabad University, which is controlled by the government. Unapproved religious education has led to police raids and threats. Muslims who want to work as imams are not allowed to gain religious education abroad. Believers of all faiths seeking religious education at a foreign institution—with the exception of members of the Russian Orthodox Church—need to hide their pursuit of religious education abroad from the government.

The state's repeated promises that it would liberalize the law governing religion have come to nothing. Religious groups continue to encounter significant difficulties in gaining state registration, while unregistered religious activity is still banned and is punishable as an offense under the country's code of administrative offenses.

Turkmenistan refuses to introduce an alternative to compulsory military service for conscientious objectors. Those who object to military service still face punishment under provisions of the criminal code. In a significant worsening from the record of his predecessor, President Berdymukhamedov has approved of the renewed imprisonment of conscientious objectors. Seven were in prison as of September 2010, with two others serving non-custodial sentences.

The overall effect of these abuses is that the government's continued repression of religious freedom makes it a significant component in a system of interlocking violations of other fundamental human rights, such as freedom of expression and of association.

Recommendations

Turkmen religious believers from a variety of faiths have told Forum 18 that they would like to see Berdymukhamedov's government respect freedom of thought, conscience, and belief, as defined under international human rights standards. Implementing the following recommendations would go far toward reaching this goal.

To the government of Turkmenistan

- ▶ Stop officials taking actions or imposing requirements against religious believers and communities;
- ▶ Put an end to state interference in the beliefs and internal affairs of religious communities, including religious education and internal personnel appointments;
- ▶ Lift obstacles to building, buying, renting, or opening places of worship by religious groups;
- ▶ End discrimination against non-ethnic Turkmen religious believers;
- ▶ Reinstate believers fired from their jobs for their membership in religious communities;
- ▶ Allow people to share their beliefs in public, including through publishing and distributing religious literature;
- ▶ Allow peaceful unregistered religious activity and register all religious communities that wish to apply for legal status;
- ▶ Abolish all legal barriers to peaceful religious activity;
- ▶ End raids by police and agents of the Ministry of State Security (MSS) on religious meetings, whether in private homes or elsewhere, as well as their efforts to spy on and control peaceful religious activity;
- ▶ End interrogations and fines of peaceful religious believers;
- ▶ Put an end to policies aimed at isolating religious believers and communities from coreligionists in other states, including the use of exit blacklists and other entry and exit controls as tools of oppression against all residents;
- ▶ Stop imprisoning people for exercising their rights to freedom of thought, conscience and belief;
- ▶ Introduce a genuinely civilian, non-discriminatory form of alternative service for conscientious objectors to compulsory military service;

- ▶ End the prosecution and punishment of conscientious objectors to military service, and end all punishments, including imprisonment, imposed as a result of conscientious objection;
- ▶ Compensate people punished by the state for peacefully practicing their faith;
- ▶ Hold all individuals and institutions that attack and repress the internationally recognized right to religious freedom legally accountable for their actions and policies.

To foreign governments acting bilaterally, or multilaterally within intergovernmental organizations

- ▶ Insist that the government of Turkmenistan abide by the obligations it has freely undertaken in human rights agreements such as the International Covenant on Civil and Political Rights and its OSCE human dimension commitments;
- ▶ Put less emphasis on changing legislation and more on ending actual violations such as those noted above;
- ▶ Publicly protest when the government of Turkmenistan violates its international obligations;
- ▶ Ensure that field offices of international organizations and embassies in Turkmenistan provide concrete support for victims of human rights violations.

To the United States Government

- ▶ Appoint a U.S. ambassador to Turkmenistan as soon as possible. The post has been vacant and inoperative for four years. Task the ambassador to be active on human rights concerns, including freedom of religion or belief;
- ▶ Designate Turkmenistan a “Country of Particular Concern” as the United States Commission on International Religious Freedom (USCIRF) has recommended unsuccessfully since 2004. The USCIRF’s May 2010 annual report chapter on Turkmenistan provides specific policy actions that should result from a “Country of Particular Concern” designation.

To the European Union

- ▶ Ensure that EU embassies and the EU delegation speak out publicly when religious freedom is curtailed and follow EU human rights guidelines (particularly on Human Rights Defenders);

- ▶ Make any upgrading of the relationship with Turkmenistan contingent upon the government taking key steps to improve human rights, such as allowing NGOs and religious organizations to operate without restriction;
- ▶ Ensure that a revised EU Central Asia strategy takes into account the issue of religious freedom as part of its approach to human rights and good governance by *inter alia*, supporting a seminar on the issue.

To intergovernmental organizations (UN, OSCE, EBRD, EIB)

- ▶ Take steps to ensure that Turkmenistan-based offices directly address human rights violations, along the lines indicated above;
- ▶ Ensure that organizations based outside of Turkmenistan that have human rights relevant mandates—like the OSCE Representative on Freedom of the Media and the UN Special Rapporteurs—use their mandates to directly challenge human rights violations.

II. Authoritarian Turkmenistan

Like his autocratic predecessor Saparmurat Niyazov, President Gurbanguly Berdymukhamedov has run Turkmenistan since taking power on Niyazov's death in December 2006 as an authoritarian, highly-personalized, secretive dictatorship. All power lies in his hands: he is head of state, head of government, head of the military, and head of the only legal political party. He has continued Niyazov's practice of frequent rotation of state officials, takes all key decisions personally, and appears to have state finances under close personal control. As under Niyazov, senior officials who fall out of favor are often speedily imprisoned by compliant courts.

Total government control of society is Berdymukhamedov's apparent goal, continuing his predecessor's policy of not allowing for independent organizations or free public space where people can meet to exchange uncontrolled ideas without being monitored. No free media, social organizations, political parties, trade unions, lobbying groups, environmental organizations, educational institutions, or cultural societies are able to register and therefore operate.

Fundamental human rights, such as freedom of religion or belief and related rights such as freedom of assembly and freedom of movement, are severely restricted. The state exercises total control over the leadership of Islamic communities, ordinary Muslims seeking to practice their religion, and all other groups of religious believers, including those that are officially registered by the state. Because of a well-justified fear of state reprisals, Turkmen citizens are reluctant to speak out about human rights violations.

Freedom of speech is highly restricted. All media within the country are state-run, with independent views not even considered for publication. Most state-run media devote their time to deferential coverage of the president's activities and contribute to a grotesque new cult of personality centered around Berdymukhamedov. While residents of Turkmenistan have access to uncensored foreign television channels through widespread use of satellite dishes, anything learned from foreign TV cannot be further discussed within the country. Telephones and emails are often monitored and read by the authorities. Independent distribution of leaflets and other printed materials carries a strong risk of government retaliation and punishment which can range from job loss to imprisonment for offenders and even their families.

Although tight restrictions on movement from one part of the country to another have been eased in recent years, getting the local registration required to move permanently from one location to another is difficult. Internal travel is still hampered by frequent identity checks. Travelling abroad can be difficult, especially for students at foreign universities, single young women, and known political, social or religious activists.

Security of property does not exist. Amid widespread state-ordered redevelopment of entire neighborhoods in Ashgabad and other cities, residents are often given just a few hours' notice to vacate homes seized by the state. Often no compensation is offered and even when alternative accommodation is given, it can be far worse than the property lost. No large scale business can function unless it has ties to senior officials.

There is no government transparency. From the president down, all official decisions are made without public, open discussion. This leads to bizarre and harmful decisions, such as building a vast lake in the middle of the desert that aggravates existing water shortages. Individuals or groups that object to or complain about official decisions are often intimidated, fined or imprisoned on charges for crimes they did not commit. Once in prison, they are vulnerable to unfair trials, lengthy prison terms, and harsh treatment including physical abuse and torture. Independent courts do not exist. In politically sensitive cases, courts merely hand down verdicts already decided elsewhere. In cases without any political subtext, corruption is widespread.

Poverty is long-standing and pervasive. In spite of the country's vast natural resources—mainly natural gas—most residents of Turkmenistan live in deep poverty. Many have left the country to work—sometimes illegally—in Russia, Turkey or elsewhere. The lack of transparency in governance is also revealed by the state's minimal to nonexistent disclosure about revenues and expenditures. It remains unclear how the government has spent its vast income from natural resources, apart from the construction of grandiose palaces and buildings in Ashgabad.

III. Violations of Religious Freedom in Turkmenistan

The religious activity of people of all faiths in Turkmenistan is highly restricted. Actions by state officials frequently violate international human rights standards on freedom of thought, conscience and belief, standards that the country has clearly acknowledged by seeking and obtaining membership in organizations like the UN and the OSCE. Religious communities are raided and their members threatened and assaulted. The government tries to control the extremely limited legal religious activity it permits, of which the right to worship is not always one, even for registered religious groups. All unregistered religious activity is banned and aggressively suppressed by the government.

Religious believers and communities also suffer from the general denial of rights to freedom of assembly, freedom of speech, freedom of expression, and freedom of movement that affect all residents of Turkmenistan.

Little Improvement under Berdymukhamedov

Since taking office, President Berdymukhamedov has made no significant reforms to lift the tight restrictions on religious activity imposed by his predecessor beginning in the mid-1990s. These restrictions violated Turkmenistan's international human rights commitments

as a member of the UN and the OSCE (see Appendix A on Turkmenistan’s international obligations on freedom of religion or belief). The evidence suggests that these restrictions—and similar restrictions on political, media, trade union, and nongovernmental organizations—are designed to ensure that the president maintains total control over all aspects of society and that no challenges to his rule might possibly emerge.

Most importantly, Berdymukhamedov’s rule has seen continued arbitrary official actions and no genuine sign—as against empty words—that the government intends to respect the rule of law or individuals’ human rights, or even make significant changes on paper in the existing repressive legal framework. The solitary amendment in the legal framework was made in July 2009, when the religion law was changed to require that the Justice Ministry inform the government’s Committee for Religious Affairs if social organizations receive foreign grants. The change was part of a package of changes to various laws ostensibly aimed at cracking down on the financing of terrorism. The religion law change does not appear to have affected religious communities.

Meanwhile, the president has continued naming and removing senior imams. Restrictions on religious education have continued, as well as on travel for religious purposes. Indeed, in 2009 no one from Turkmenistan was allowed to make the hajj pilgrimage to Mecca. In a significant step backward, Berdymukhamedov has presided over the renewed imprisonment of conscientious objectors to compulsory military service. The only significant improvement in the religious sphere under Berdymukhamedov has been improvements in conditions for the Russian Orthodox Church in Turkmenistan. The Turkmen government has never explained why it has exempted the Russian Orthodox Church from some of the restrictions that all other faiths are subjected to. In contrast, the registration of the Catholic parish in Ashgabad in March 2010 came 13 years after it sought legal status.

State Control of Religious Leaders

Niyazov-era legislative and other controls continue to apply under Berdymukhamedov. Both Article 12 of Turkmenistan’s Constitution and the 2003 Religion Law (misleadingly called the Law on the Freedom of Religious Confession and Religious Organizations), which was adopted under Niyazov, claim to guarantee religious freedom. However, Turkmenistan is not a state where the rule of law applies. Human rights enshrined in the constitution and in legislation—including religious freedom—do not exist in practice.

In defiance of constitutional guarantees, all religious activity is firmly controlled and restricted by the state. The Sunni Muftiate (Muslim Spiritual Administration)—the only form of Islam permitted—is under tight government control. The government’s Commit-

tee for Religious Affairs names the chief mufti (who is also one of the deputy chairs of the committee) and imams at least down to the regional level.

Successive chief muftis were removed from office by Niyazov and Berdymukhamedov, most recently in September 2009, when Gurban Haitliev was appointed to replace Rovshen Allaberdiev. Although he was formally appointed by the leadership of the Muftiate, sources have told Forum 18 that it is inconceivable that the decision was not taken by President Berdymukhamedov. Many regional imams were also transferred to new duties at the same time. This rotation of senior Muslim leaders continues the practice of former president Niyazov, who even imprisoned one former chief mufti, Nasrullah ibn Ibadullah, from 2004 to 2007.

Some Muslims said Niyazov-era Chief Mufti Nasrullah was the last chief mufti to have had a solid grounding in Islam. His successor as chief mufti, Kakageldi Vepaev, who had studied Arabic at Turkmen State University in the capital Ashgabad, was in his mid-30s when appointed in January 2003. In turn, Vepaev's successor, Allaberdiev, who had also studied at the then [Islamic] Theology Faculty of Turkmen State University, was just 27 when former president Niyazov appointed him chief mufti in August 2004. Some questioned Allaberdiev's qualifications in Islam, while those who have met him say his knowledge of at least spoken Arabic is poor. The age and educational background of the most recently appointed chief mufti remain unknown.

In recent years, devout Muslims have expressed concern about the state's replacement of imams who had formal Islamic theological education with those who had never had theological education. Officials have stated that imams cannot be appointed if they have trained outside Turkmenistan. Muslims have also told Forum 18 that they believe that the authorities' removal from office of ethnic Uzbek minority imams in the northern Dashoguz region, and their replacement with ethnic Turkmen imams, was motivated by ethnic prejudices.

State Control of Congregations

Under Berdymukhamedov, all nonstate controlled Islamic and non-Russian Orthodox religious communities—whether legally registered or not—continue to be subject to state pressure, restrictions, and attempts at control. The permission of the Committee for Religious Affairs (among whose officials only Sunni Islam and Russian Orthodoxy is represented) or its local representatives is required for any activity, including state registration, acquiring a place for religious meetings, acquiring religious literature, or inviting foreign guests. Representatives of many religious communities have told Forum 18 that such requests are almost always denied and state officials often also impose illegal requirements on religious groups.

Also violating the constitutional separation of religion from the state is the government role accorded to religious leaders, particularly giving them the right to interfere in the activity of other faiths. As previously noted, one of the deputy chairmen of the Committee for Religious Affairs is the chief mufti, while leaders of the Committee for Religious Affairs in the regions also continue to have the dual role of regional imam.

Father Andrei Sapunov of the Russian Orthodox Church, another deputy chairman on the Committee for Religious Affairs, has, since 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 denominations. Unlike with the Islamic community, however, Berdymukhamedov's government does not appear to appoint religious leaders of Christian denominations. Sapunov's state role is acknowledged within the Ministry of State Security (MSS), 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. Sapunov has also praised a ban on the importation of literature from Russia, which includes a ban on the official *Journal of the Moscow Patriarchate*.

Members of religious minorities have complained to Forum 18 that officials of the Committee for Religious Affairs appointed under President Berdymukhamedov tend to discriminate against them in favor of state-controlled Islam more than their predecessors appointed under former president Niyazov. Officials appointed under Berdymukhamedov are said within Turkmenistan to be more willing than officials under Niyazov to routinely deny permission for non-Muslim activity. Forum 18 has noted that under Berdymukhamedov, officials of the Committee for Religious Affairs appear to more frequently question and threaten religious minorities during raids than was the case under Niyazov. However, for fear of state reprisals the victims of such human rights violations are often reluctant to discuss this publicly. After isolating the 12 Russian Orthodox parishes from the rest of their Uzbek-based diocese, former president Niyazov pressured the Moscow patriarchate to move them into a jurisdiction controlled from within Turkmenistan. Under Berdymukhamedov, in October 2007 the Russian Orthodox Church took the parishes away from the Uzbek-based diocese, and a new jurisdiction was formed directly under the patriarch in Moscow. The bishop who administers the parishes in Turkmenistan is Bishop Feofilakt (Kuryanov) of Smolensk in Russia. While visits by the bishop from Tashkent were very rare, since Feofilakt's appointment in October 2008 he has been able to visit parishes in Turkmenistan frequently.

Impact of Official Discrimination Along Ethnic Lines

Although President Berdymukhamedov allows Sunni Islam to operate within tightly controlled 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 Turkmen. Such official intolerance of Shia Islam may be linked to former president Niyazov's policy of promoting an ethnically homogenous Turkmen-speaking, ethnic Turkmen national culture of which Sunni Islam was seen as a part.

The pro-Turkmen ethnic policy enforced on society is also evident in official harassment of ethnic Turkmen members of religious minorities, as well as of non-Turkmen minorities. While the Russian Orthodox Church is tolerated, the government has effectively banned the Armenian Apostolic Church and suppressed efforts to revive it. An estimated 15 percent of those who attend Russian Orthodox churches are said by local people to be Armenians, although the Armenian Church is of the Oriental family of Christian Churches, not of the Orthodox family of churches. No Armenian Apostolic communities have legal status.

Ethnic Turkmen 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. In a typical example, an ethnic Turkmen Protestant reported to Forum 18 that in early 2008 he had been summoned before the community, accused of betraying his "ancestral faith," and pressured to renounce Christianity.

Religious Education and Sharing Beliefs Severely Restricted

As was the case under Niyazov, formal religious education—apart from small scale basic education in some mosques and Russian Orthodox churches—is still impossible under Berdymukhamedov. Religious communities are banned from organizing lectures, courses or extended study and training programs, such as setting up degree or diploma courses, inviting teachers to lead them, or advertising them to would-be students.

This policy was reconfirmed in January 2010. Paragraph 573 of the Turkmen government's report (CCPR/C/TKM1) to the United Nations Human Rights Committee under the International Covenant on Civil and Political Rights (ICCPR) states that: "Teaching of religion privately is banned and is subject to responsibility in accordance with the procedure established by the Law of Turkmenistan."

The single exception to this de facto ban on formal religious education is a small Muslim theological section in the History Faculty of Magtymguly Turkmen State University in Ashgabad, the only institution in Turkmenistan authorized to train imams. In the 2008-9 academic year there were some 60 students in its five-year course of study. Although its building was demolished in the summer of 2009, the theological section is believed to continue to function in the university's main building. The section faces restrictions on the number of students and has been banned from employing foreign staff. This particularly affected the Turkish staff previously employed by the Muslim theological section.

Muslims are not allowed to travel abroad for religious education. In 2008 the Turkmen government cancelled without explanation a Turkish-funded program allowing men from the country to study in the Islamic theology faculty of Uludag University in Bursa, Turkey. Students from Turkmenistan at Egypt's Al-Azhar University are believed not to have permission from the Turkmen government and will not be allowed to work as imams should they return home. However, Russian Orthodox men from Turkmenistan are allowed to study for the priesthood outside the country, as are male and female choir-leaders. Apart from these Russian Orthodox students who have approval from the state to travel abroad for studies, no other religious believers can get the state permission they are required to obtain to study religion abroad. Those who do study abroad have to conceal this from the state, otherwise they risk being denied the possibility of leaving the country. On return, their foreign religious qualifications are not recognized by the state.

It is unclear why the state restricts the right to travel freely and to gain religious education, or why—uniquely—it 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. Some 10 officials from the Religious Affairs Department of Ashgabad's Kopetdag district, the Justice Ministry, the MSS, 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 Committee for Religious Affairs 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

As under Niyazov, the registration system for acquiring legal status under Berdymukhamedov seems designed to ensure close government control of religious communities. No provision is made for unregistered activity, which remains an offense under the Code of Administrative Offenses punishable by a fine. The Committee for Religious Affairs has to approve registration applications, which are then handed to the Justice Ministry. A special commission attached to the Justice Ministry processes registration applications. This commission includes representatives of law enforcement agencies and other ministries. Any of these bodies can reject applications, a frequent occurrence for communities the government does not like. This often happens outside of Ashgabad.

In its report to the United Nations under the ICCPR in January 2010, the Turkmen government admitted in Paragraph 587 that only 123 religious communities had state registration, figures far lower than what officials had previously given. (Shirin Akhmedova, then of the Justice Ministry, told Forum 18 in March 2004 that 152 religious communities had registration, 140 of them Muslim and 12 Russian Orthodox.) The government claimed in January 2010 that 100 of the registered communities are Muslim, both Sunni and Shia, while 13 are Russian Orthodox and 10 are of other faiths (among them Baptist, Pentecostal, Greater Grace, Seventh-day Adventist, New Apostolic, Baha'i, and Hare Krishna communities). Ashgabad's Catholic community—which had been protected by the diplomatic status of its two priests and chapel—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, while the Vatican insists that communities have to be led by clergy).

The government's January 2010 report also noted that the Justice Ministry was “studying the materials of a further four religious communities that have expressed the desire to register,” without explaining why they had not yet been given state registration.

Some Shia Muslim communities and the Armenian Apostolic Church are among those known to Forum 18 to have had applications rejected under Niyazov, or to have decided that they should not submit applications because of the tight restrictions imposed. Under Berdymukhamedov, 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.

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.” Another community is the Light to the World Protestant Church in the southeastern town of Mary, which filed its first application in 2007.

Ashgabad’s Pentecostal Church has been in legal limbo 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.”

Officials also use registration applications as an opportunity to impose extra-legal requirements on communities. If communities obtain registration, they then need to be entered on the Register of Legal Entities, which requires 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 whenever the authorities demand it.

Religious communities have complained to Forum 18 that the Religion Law contains no mechanism for granting legal status to branches of religious organizations in other geographic locations. This means that 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. One of the larger problems faced even by registered communities under Berdymukhamedov 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.’” This 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.” (See also Chapter Five: Restrictions on Places of Worship and Religious Materials.)

The Legal Framework for Registration

Under changes to the Religion Law and a presidential decree issued in March 2004, communities with just five adult citizen founders can theoretically apply for legal status. This allowed some 10 previously “illegal” religious communities to gain legal status over the next year. But in practice during Niyazov’s last years and now under Berdymukhamedov, registration is rarely given and—if given—is associated with extralegal requirements, as noted above.

Unregistered religious activity remains an offense under Article 205 of the Code of Administrative Offenses, although this article appears not to have been in wide use in 2009 and 2010 as the basis for prosecutions of unregistered activity. State agencies appear to prefer to find other means such as raids to try to stop unregistered religious activity, treating it as if it were a criminal offense.

Article 205, which was last amended in October 2003, specifies fines that are between five and ten times the minimum monthly wage for groups that refuse to register their religious communities. 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 by the Police, Ministry of State Security Officers, and Other Officials

Paragraph 577 of the Berdymukhamedov government’s January 2010 report to the UN states bluntly that: “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.”

Unregistered religious communities face regular raids by MSS officers, backed up by ordinary police officers (especially from the 6th department, which notionally counters terrorism and organized crime), officials of the local administration, and local religious affairs officials who work closely together in suppressing and punishing all unregistered religious activity. Registered religious communities also suffer these raids or, more frequently, “check-up” visits. The Sunday worship service of the Path of Faith Baptist congregation in Dashoguz was raided on December 20, 2009, by Rovshen Allaberdiyev, imam of the Dashoguz region who is also the senior regional official of the Committee for Religious Affairs (he was Turkme-

nistan's chief mufti until his removal in September 2009). Allaberdiev was accompanied by a police officer and three other officials who did not identify themselves. One of them had a camera and took photos of those present. The officials confiscated some 100 Christian books, including personal Bibles.

The officials took all 22 people present to the local administration building, where they were questioned and pressured to sign statements that they would not attend the church in the future. "Some people signed and now some are afraid to come to services, especially new people," one church member said to Forum 18. "We were told it is illegal to meet without state registration. But we told them we have already applied for registration and are waiting for a response from Ashgabad."

Several members of the same church were summoned by the local Committee for Religious Affairs, MSS officers, and ordinary police in July 2010 and pressured to sign statements declaring that they would no longer attend the church. Officials told the church members that Turkmenistan "is a Muslim country" and that they would do everything to ensure that Christians did not exist in the country.

The pastor of another 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 Committee for Religious Affairs 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 the Dashoguz region.

A Christian youth summer camp organized by two Pentecostal churches in the village of Sekiz-Yab near Geok-tepe northwest of Ashgabad was raided by the authorities 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.

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

The authorities have on occasion dug up old "offenses" committed by individuals as a pretext for further harassment. In April 2009, Baptist leader and former prisoner of conscience Shageldy Atakov was visited by an official of the local administration at his home in the village of Kaakhka near Ashgabad and was also summoned to the local court. Officials showed him documents ordering the seizure of his property to cover money they claimed

he owed from a 1995 car purchase. He had already served a prison sentence for the case, which his fellow-Baptists insist was used to punish him for his religious activity. However, since May 2009, officials—while keeping Atakov under surveillance—have taken no specific action to seize any money from him.

Other Baptists and Jehovah's Witnesses faced similar harassment in 2007, early in Berdymukhamedov's rule in which officials revived accusations from Niyazov's time.

Police harassment sometimes involves violence or threats of violence. A female Jehovah's Witness was detained and threatened with rape in June 2008 by police in Hojambaz in the southeastern Lebap region.

Fear of Openly Discussing Human Rights Violations

Formally complaining about religious freedom violations can sometimes lead to further harassment. Bilbil Kulyyeva, a Jehovah's Witness and mother of four in Ashgabad, filed complaints with various state agencies in October 2008 over her family's eviction from a hostel and the denial of city residence permits because of her faith. The authorities then threatened to lock her up in a psychiatric hospital, place her two younger children in a state foster home, and deport the other two.

It is likely that state officials want these reprisals to exert an impact that goes beyond those who are directly targeted. Such intimidation has a ripple effect of compelling those who hear about these incidents to remain silent about human rights violations they know of, or to discuss them only in confidence with people they trust.

Some religious communities are afraid to report human rights violations such as raids and MSS spying publicly, fearing it will make their situation as a community worse, or harm attempts to gain legal status. Religious believers and communities are also reluctant to publicly discuss the use of physical violence, including torture by officials, which appears to be common.

During the September 2008 visit by Asma Jahangir, the UN Special Rapporteur on Freedom of Religion and Belief, representatives of at least three different religious communities in Ashgabad were warned by the security services not to meet with her. Neither Jahangir's final press conference in Ashgabad, nor her critical statement about the situation in the country was reported in Turkmenistan's government-controlled media—the only local media allowed in the country.

Mandatory Display of the *Ruhnama* Still Required but Less Enforced

Prior to President Niyazov's death, all mosques and other places of worship were required to display copies of Niyazov's *Ruhnama* (*Book of the Soul*), which officials likened to the Koran or the Bible. This practice seems to have lessened since Niyazov's death, but it has not disappeared. Although many mosques, at least in Ashgabat, have now removed copies of the *Ruhnama* from the shelves where they keep copies of the Koran, Forum 18 learned that in early 2010 copies were still present in mosques in Dashoguz.

The all-pervasive use of the *Ruhnama* under Niyazov (for example during driving tests), together with recitation of the oath of loyalty to the country and president, were objectionable to many religious parents who did not wish to subject their children to what they saw as blasphemous practices. However, study of the *Ruhnama* continues to be imposed in state education.

IV. Restrictions on Religious Travel

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 coreligionists abroad.

Between 2005 and 2008, only 188 pilgrims per year—including MSS agents and other officials—were allowed to travel for the yearly hajj pilgrimage to Mecca, an Islamic religious obligation for all able-bodied Muslims who can afford it. This represents less than 5 percent of the quota of about 5,000 allocated to Turkmenistan by the Saudi authorities. A Muslim from Turkmenbashi, a city with a population of 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 hajj.

In 2009, Berdymukhamedov went further than Niyazov, by banning Turkmen participation in the hajj completely. In November 2009, just before the 188 permitted pilgrims were due to depart, the pilgrimage was banned—allegedly to prevent infection from the H1N1 virus. The would-be pilgrims were taken on a state-sponsored trip around various religious and non-religious sites within Turkmenistan instead. As Médecins sans Frontières noted in an April 2010 report, *Turkmenistan's Opaque Health System*, apparent concern for the health of hajj pilgrims was not reflected in the government's approach to urgently-needed health care measures inside the country.

Given the limited numbers allowed and political restrictions placed on applicants, gaining permission to get on the hajj pilgrim list is difficult. 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 Committee for Religious Affairs and there they draw up the final lists,” one Ashgabad 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.”

Similar restrictions are also applied to non-hajj travellers by Berdymukhamedov’s government. Many prominent religious figures are among those on an exit blacklist maintained by the country’s Migration Service on behalf of the Interior Ministry and the MSS.

For example, Protestant pastor Ilmurad Nurliev was taken off an airplane at Ashgabad airport just before departure in October 2007. Nurliev, of the Light to the World Pentecostal Church in Mary, told Forum 18 in 2010 that he has been unable to leave Turkmenistan since. In its most recent reply to Nurliev, the Migration Service confirmed to him in July 2009 that he was banned from leaving the country but failed to explain why. Another religious figure banned from leaving Turkmenistan, former Baptist prisoner of conscience Shageldy Atakov, was removed from an airplane at Ashgabad airport in May 2006. His wife and five of their nine children were later barred from flying to Russia. Atakov has since been told that his entire family is on the exit blacklist.

Forum 18 knows of other active religious believers who have been prevented from travelling abroad on individual trips without being entered on the exit blacklist. The government refuses to explain either to individuals affected or to others why these exit bans have been imposed. Forum 18 knows of several individuals trying to establish why they cannot travel abroad who were told verbally: “You know the reason.” This leaves unanswered their suspicions that the bans were enacted to punish them for their religious activity and leaves them no grounds to challenge the bans further.

Active religious believers who are generally not 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 status as leaders of religious communities marked on their record on the computer database accessible to border guards at departure points, including Ashgabad airport.

Apart from members of the Russian Orthodox Church who the government does allow to study outside Turkmenistan, members of other faiths and churches who travel abroad for religious meetings and education have to be careful and hide the reasons for their travel from the government. If officials find out that travellers intend to take part in religious meetings and education abroad, those travellers risk denial of permission to leave the country.

As part of its program of isolating religious communities from their fellow-believers abroad, the government over the past decade has expelled several hundred local residents with foreign passports who had been prominent in religious activities. The last Shia imam of the Caspian port city of Turkmenbashi, an Azerbaijani citizen who had lived in Turkmenistan for more than a decade, was forced to leave the country in 2005. Since then the community has not had a trained imam. Baptist pastor Vyacheslav Kalataevsky—a Ukrainian citizen—was freed from prison after being sentenced for “illegally crossing the border” (he had returned to Turkmenistan after being deported for his faith into neighboring Kazakhstan with no money or documents) in November 2007. Kalataevsky had hoped to return to his native city of Turkmenbashi to his family and his congregation. However, he was forced to leave the country the following month, making him the second Baptist pastor expelled by the government in 2007.

In addition to restricting religious travel for its citizens, the government of Turkmenistan also imposes an almost total ban on visits from foreign fellow believers that further 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 Committee for Religious Affairs, which is very difficult to obtain. Forum 18 knows of only a handful of such visits in 2009 and early 2010. One frequent visitor was Bishop Feofilakt of the Russian Orthodox Church, who visited three times in 2009, and several times in 2010.

By contrast, many communities have tried to invite fellow-believers from abroad for many years without success. One foreign Protestant told Forum 18 that the Committee for Religious Affairs refused to authorize his planned visit in 2009. 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.

V. Restrictions on Places of Worship and Religious Materials

Even communities that have state registration are often unable to rent premises for worship and thus cannot meet as communities. Some have told Forum 18 they can only meet in small groups for fear of police and 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 organization 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.

Some places of worship have been confiscated and destroyed in recent years. At least nine mosques—eight Sunni and one Shia—were reported to have been destroyed in 2004 and 2005. One local Muslim suggested to Forum 18 that four Ashgabad mosques demolished in autumn 2004 were targeted because their imams refused to read Niyazov’s book, *Ruhnama*, in their mosques.

Officials indicated to Forum 18 that no compensation will be offered to Muslims for the destroyed mosques; nor would the Armenian Apostolic Church receive compensation for or be allowed back into their century-old church in Turkmenbashi, which was partially destroyed in 2005. Officials also indicated that the Adventist and Hare Krishna communities will not be compensated for places of worship destroyed in 1999, and Ashgabad’s Baptist

and Pentecostal communities will not be allowed back into their places of worship, which were confiscated in 2001. 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, however, city authorities began construction of tall buildings around it so that it could not be seen from afar. 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 publicizes the mosques it builds at government expense, including the mosque completed in Mary in the east of the country in 2009 and the one being built in Koneürgenç in the northern Dashoguz region. However, the decision to build these mosques was taken by the state, not by the Muslim community, and the use of state funds violates the separation of religion from the state mandated by Turkmenistan's Constitution.

Censorship of Religious Literature

Similar to the Niyazov regime, the government under Berdymukhamedov routinely confiscates religious literature, CDs, and DVDs found by police or the MSS 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. In one example, Bibles and other literature were confiscated from a group of Jehovah's Witnesses in Ashgabad in March 2008.

No religious literature may be published in Turkmenistan or imported into the country without permission from the Committee for Religious Affairs. 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 Committee for Religious Affairs has given written approval. Forum 18 has learned that the Committee for Religious Affairs does occasionally allow small parcels of religious literature sent from abroad to be received by registered religious organizations.

Although the customs declaration required to be filled in by every traveller arriving in Turkmenistan contains no specific question on religious literature, a notice in the arrivals hall at Ashgabad airport in both Turkmen and Russian reminds travellers that "religious literature of any character" is banned, unless specifically approved by the Committee for Religious Affairs. Baggage is usually checked by three officers, one from customs, one soldier, and one official in civilian clothes, generally believed to be from the MSS, who Turkmen citizens say checks for religious literature and materials.

The customs hall at the ferry port in Turkmenbashi—where ferries arrive from the Azerbaijani capital Baku—used to display an instruction in Turkmen and Russian from the Committee for Religious Affairs that bringing in religious books, “cult objects” and “other” religious items was not allowed. Although this notice was removed in early 2009, controls on passengers and confiscation of religious items have continued.

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 Bible—were confiscated. For example, this type of confiscation happened in January 2010 to a Protestant pastor. One Orthodox believer told Forum 18 that on at least five occasions known to him Orthodox priests had small quantities of literature taken from them at the border as they returned to the country.

When religious literature is seized, officials are supposed to give the traveller a receipt itemizing each title confiscated. They are supposed to send the literature to the Committee for Religious Affairs for “expert analysis” as to whether it is authorized. “Committee for Religious Affairs officials know Turkmen, Russian and Arabic,” one citizen told Forum 18. “Occasionally they will give back a personal copy of the Koran or Bible.”

In addition to books and CDs, bracelets with religious inscriptions (including Muslim and Christian) are known to have been confiscated. One Turkmen citizen told Forum 18 that he saw a carpet with a Muslim inscription in Arabic being 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. Customs officers often show particular interest in searching the computers and data sticks of known religious believers.

Religious publications such as the *Journal of the Moscow Patriarchate* are banned in Turkmenistan. Even Orthodox priests do not receive the journal regularly and are forced to rely on old copies occasionally acquired abroad. Some Russian Orthodox churches have small bookstalls, but supplies of books, baptismal crosses, and icons are limited and often too expensive for local people. Protestant Christians have told Forum 18 that neither a Bible Society nor Christian bookshops are allowed to exist.

Access to the Internet is possible only via state providers that exert strict control over what information can be accessed. Some foreign religious websites are not accessible to Internet users in Turkmenistan. Moreover, a special computer program searches emails for coded words that could be used to send “unreliable information,” while messages deemed by officials as “suspicious” do not get delivered.

VI. Imprisonment of Religious Believers, Including Conscientious Objectors

During former president Niyazov's regime, some believers were given long prison sentences for their religious activity or were sent into internal exile to remote parts of the country. These included Muslims, Protestants, Jehovah's Witnesses and a Hare Krishna devotee. All of them have now been freed. However, several religious believers have been arrested in 2010. A number of imams have been held, according to the Turkmen Initiative for Human Rights, though it remains unclear whether their arrests were to punish them for religious activity or had some other motives. One imam—73-year-old Shiri Geldimuradov, arrested in April 2010 allegedly for having weapons in his home—died in prison in summer 2010. Protestant Pastor Ilmurad Nurliev, who leads the Light to the World Pentecostal Church in Mary, was handed a four year jail term on October 21, 2010 at Mary town court. He was convicted on charges of swindling which his congregation insists were fabricated to punish him for his religious activity.

At the beginning of Berdymukhamedov's presidency, sentences for conscientious objectors who abstained from military service because it violated their religious beliefs were noncustodial. By late 2009, however, imprisonment of conscientious objectors resumed. Turkmenistan's policies toward conscientious objectors over the last 15 years have had a strong impact on young Jehovah's Witness men, many of whom have been sentenced for refusing to serve in the armed forces.

Turkmenistan does not offer noncombat alternatives to those who cannot serve in the military on grounds of conscience. Article 37 of the Constitution describes defense 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 30 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, nonmilitary service if it were 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.

As of September 2010, Forum 18 knows of ten Jehovah’s Witnesses serving sentences for refusing military service, eight of them in prison and two serving non-custodial sentences. None of the sentenced Jehovah’s Witnesses were included in the prisoner amnesty proclaimed by President Berdymukhamedov in early December 2009 to mark Neutrality Day or in May 2010 for Victory Day. Indeed, seven of the prisoners were placed in a labor camp for alleged violations of the rules—four of them were sentenced to one month in the camp’s isolation cell at the end of 2009. Jehovah’s Witnesses members believe these steps were designed to make the men ineligible for the May 2010 amnesty.

Sakhetmurad and Mukhammedmurad Annamamedov—brothers from the western town of Serdar—were originally given two-year suspended sentences by the Serdar Town Court in November 2008. However, in May 2009 the same court ruled that they should be transferred to prison to serve the rest of their terms. They became the first Jehovah’s Witnesses since July 2007 to be jailed for refusing military service on grounds of religious conscience.

Two other Jehovah’s Witnesses were sentenced to prison terms by the Dashoguz City Court in July 2009. Shadurdi Uchetov received a two-year sentence while Akmurat Egendurdiyev received a one-and-a-half year sentence. The same court imprisoned Navruz Nasyrlaev in December 2009 for two years.

In August 2010, Aziz Roziev, a 20-year-old Jehovah’s Witness from the eastern town of Seydi, was sentenced to one and a half years’ imprisonment at Seydi Town Court. The same month, fellow-Jehovah’s Witness Dovleyet Byashimov also received a sentence of one and a half years at Turkmenabad City Court. His parents visited him in early September, and “saw that he had been beaten black and blue,” Jehovah’s Witnesses told Forum 18. In mid-September, Jehovah’s Witness Ahmet Hudaybergenov was sentenced at Turkmenabad City Court to a year and a half in prison for refusing military service.

In April 2009, the Dashoguz City Court handed down two-year suspended sentences to two other Jehovah’s Witness conscientious objectors, Zafar Abdullaev and Dovran Kushmanov. Both live at home under restrictions that require them to report regularly to the police and obtain permission to travel outside of the city.

In 2008, government officials' statements to foreign counterparts that some form of alternative service might be introduced have not, to date, resulted in the presentation of any specific plans. This is despite General Comment 22 on Article 18 of the International Covenant on Civil and Political Rights, by the former UN Human Rights Committee, stating that conscientious objection to military service is a legitimate part of everyone's right to freedom of thought, conscience, and belief.

Speaking at the UN Human Rights Council in Geneva in March 2009, Shirin Akhmedova, then director of the Turkmenistan government's National Institute for Democracy and Human Rights in Ashgabad, rejected recommendations from representatives of numerous international organizations—including the UN Special Rapporteur on Freedom of Religion and Belief, Asma Jahangir—that Turkmenistan introduce civilian alternative service. Akhmedova instead pointed to the constitutional requirement for men to perform military service.

In Paragraph 337 of Turkmenistan's report to the UN Human Rights Committee under the International Covenant on Civil and Political Rights, which was submitted in January 2010, the government provides one blunt, dismissive sentence on alternative service: "The laws of Turkmenistan make no provision for alternative service." The report does not go on to give any further explanation or reasoning for this policy.

VII. Assessing Government Commitment to Pursue Reform and Protect Religious Freedoms

Turkmen officials declared in early 2008 that the Religion Law was among several laws to be amended as a “priority.” The government sought the help of USAID and the International Center for Not-for-Profit Law. The center submitted its analysis to the government’s National Institute for Democracy and Human Rights in July 2008. However, Shemshat Atajanova, a department head at the National Institute, admitted to Forum 18 in January 2010 that work on a draft for a new religion law had not even begun.

While the government still claims to be considering the recommendations made by UN Special Rapporteur on Freedom of Religion and Belief Asma Jahangir following her September 2008 visit to Turkmenistan, none of them have been put into practice. Official Turkmen reports about Jahangir’s visit ignored all her critical comments.

Recommendations from Jahangir’s report (A/HRC/10/8/Add.4) included the following:

- ▶ Remove provisions in the Religion Law restricting the rights to religious freedom of individuals or groups;
- ▶ End the ban on unregistered religious activity;
- ▶ Make the registration process nondiscriminatory, “clear, quick and easy”;

- ▶ Remove territorial restrictions on where religious communities can operate;
- ▶ End “undue restrictions on religious material, education and attire”;
- ▶ Lift restrictions on opening places of worship and end punishment of those who meet for worship on private premises;
- ▶ End the “monitoring” of religious organizations by the Committee for Religious Affairs;
- ▶ Train police and other officials on international standards on freedom of religion and belief.

Religious believers have told Forum 18 they would welcome efforts to bring the Religion Law into conformity with international human right standards. But they remain sceptical that any legal changes on paper will end violations of religious freedom. According to one Protestant, the deputy head of the government’s Committee for Religious Affairs, Nurmukhamed Gurbanov, told a group of Protestants in 2008 that: “Nothing good for you will come from a new religion law.” Religious communities also doubt that they would be able to participate in open debate about how the current Religion Law might be improved.

Official ambivalence and hostility toward reforming the Religion Law suggests that the government of Turkmenistan has little concern for either upholding fundamental rights to freedom of religion or being held accountable for violations of these rights. 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 it has documented violations including organizing or taking part in harassment of religious communities, beatings, threats, detention, fines, demolition or seizure of places of worship, confiscation of religious literature, and the denial of the right to travel for religious purposes. 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.

VIII. Conclusion

Turkmenistan’s ongoing systematic violation of intertwined fundamental rights—such as freedom of religion or belief, of expression and of assembly—is a fundamental challenge to the international community’s commitment to human rights. As this report has documented, Turkmenistan’s government repeatedly violates the human rights it has solemnly undertaken to respect and defend. Indeed, it has even publicly announced its violations during the UN Universal Periodic Review process. Government claims of “reform” or “legislative change” are without demonstrable concrete meaning for the people of Turkmenistan, whether they are religious believers or other members of civil society.

Without fundamental changes in the attitudes and actions of officials—especially a genuine independently verifiable defense of the human rights the government has promised to respect—Turkmenistan is likely to remain a place where fundamental human rights are ignored and violated with impunity. The recommendations provided at the beginning of this report offer concrete suggestions—based on the experience and views of Turkmenistan’s people—on how the international community can constructively respond to Turkmenistan’s challenge to the international community’s commitment to human rights. It is time for empty government promises of “reform” to be replaced with concrete actions—by both Turkmenistan’s government and the international community—that defend human rights for all.

Appendices

Appendix A—Turkmenistan’s International Freedom of Religion Obligations

Even though Turkmenistan remains a state where the rule of law does not apply, and so arbitrary actions by officials are not limited by the constitution and formal laws, this does not remove the state’s obligations to protect its residents’ human rights. Turkmenistan has voluntarily and legally undertaken to respect international human rights standards by signing treaties such as the UN International Covenant on Civil and Political Rights (ICCPR). It has also made nonlegal but politically binding complementary human rights commitments as a participating state in the Organization for Security and Co-operation in Europe. As the participating states declared in Helsinki in 2008: “[E]veryone has the right to freedom of thought, conscience, religion or belief; freedom of opinion and expression, freedom of peaceful assembly and association. The exercise of these rights may be subject to only such limitations as are provided by law and consistent with our obligations under international law and with our international commitments.”

Turkmenistan’s key international commitments on freedom of religion or belief, which it has freely undertaken, include the obligations to respect unregistered religious activity; allow communities to choose their own leaders; allow religious education; allow uncensored religious literature; and allow the operation of places of worship. Turkmenistan breaks all of these legally and politically binding commitments.

1) Freedom to carry out unregistered religious activity

Turkmenistan acceded to the legally binding ICCPR in 1997, of which Article 18 states: “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his [sic] choice, and freedom, either individually or in community with others and in public or private, to manifest his [sic] religion or belief in worship, observance, practice and teaching.” The right is not limited to only some parts of this freedom for only people in a community registered by the state.

As the OSCE Ministerial Council noted at Maastricht in 2003, it politically “commits to ensure and facilitate the freedom of the individual to profess and practice a religion or belief, alone or in community with others, where necessary through transparent and non-discriminatory laws, regulations, practices and policies.”

2) Freedom to choose own leaders

Article 18 of the ICCPR also states that: “Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.” An element of this, according to the UN Human Rights Committee’s General Comment 22 on the ICCPR, is “the freedom to choose their [religious groups’] religious leaders, priests and teachers.”

As the OSCE participating states affirmed in Vienna in 1989, they will politically “respect the right of these religious communities to...organize themselves according to their own hierarchical and institutional structure; select, appoint and replace their personnel in accordance with their respective requirements and standards.”

3) Freedom to provide religious education

“The freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications” is also defined by General Comment 22 on the ICCPR as “integral to the conduct by religious groups of their basic affairs.”

As OSCE participating states confirmed in Vienna in 1989, they politically commit to “respect the right of everyone to give and receive religious education in the language of his [sic] choice, whether individually or in association with others” and “respect, inter alia, the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions.” They also will “allow the training of religious personnel in appropriate institutions.”

4) Freedom from censorship of religious literature

Article 19 of the legally-binding ICCPR states that: “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” This may only be limited by law “for respect of the rights or reputations of others,” or “for the protection of national security or of public order, or of public health or morals.”

Also at Vienna in 1989, OSCE participating states politically committed to: “respect the right of individual believers and communities of believers to acquire, possess, and use sacred books, religious publications in the language of their choice and other articles and materials related to the practice of religion or belief,” and “allow religious faiths, institutions and organizations to produce, import and disseminate religious publications and materials.”

5) Freedom to establish and maintain places of worship

ICCPR Article 18 states that a person’s right “to manifest his [sic] religion or belief in worship” is identified by General Comment 22 as “including the building of places of worship.”

At Vienna in 1989, OSCE participating states politically undertook to “respect the right of these religious communities to establish and maintain freely accessible places of worship or assembly.” At Porto in 2002, they committed “to endeavour to prevent and protect against attacks directed at any religious group, whether on persons or on places of worship or religious objects.”

Appendix B—Turkmenistan Country Profile

Geography and Government

Area: 488,100 sq. km.

Capital: Ashgabat

Borders: Kazakhstan, Uzbekistan, Afghanistan, Iran

President: Gurbanguly Berdymukhamedov

Political system: Turkmenistan defines itself as a secular democracy and a presidential republic; in actuality it is governed through authoritarian presidential rule, with power concentrated within the executive branch. Turkmenistan is a civil law country in which the laws are hierarchically organized, with the Constitution of Turkmenistan at the top.

Human Rights Rankings

Reporters Without Borders—*Press Freedom Index 2009*

Turkmenistan: 173 out of 175. Only North Korea and Eritrea were worse.

Reporters Without Borders—*Internet Enemies 2010*

Turkmenistan: One of 12 Internet Enemies

U.S. Commission on International Religious Freedom

Countries of Particular Concern Recommendation in 2010 “for ongoing, egregious violations of religious freedom.”

Freedom House—*Nations in Transit 2009*

Turkmenistan: Democratic Score (average of indicators where 7 = worst): 6.93. Worst score of all Eastern European/former Soviet countries.

Freedom House—*Freedom in the World 2010*

Turkmenistan: One of nine countries in the lowest category, NOT FREE 7 (along with Burma, Equatorial Guinea, Eritrea, Libya, North Korea, Somalia, Sudan, and Uzbekistan).

Freedom House—*Freedom of the Press 2010*

Turkmenistan: Shared rank with Burma of 195 out of 196 countries. Only North Korea is worse.

United Nations Development Programme—*Human Development Report 2009*

Turkmenistan: 109 out of 182.

Appendix C—Web resources on Turkmenistan

Amnesty International

www.amnesty.org

Crude Accountability

www.crudeaccountability.org

Eurasianet

www.eurasianet.org

Freedom House

www.freedomhouse.org

Forum 18

www.forum18.org

Global Witness

www.globalwitness.org

Human Rights Watch

www.hrw.org

New Eurasia blog

www.neweurasia.net

Norwegian Helsinki Committee

www.nhc.no

Open Society Foundations Turkmenistan Project

www.soros.org/initiatives/cep/focus_areas/turkmenistan

Public Finance Monitoring Center

www.pfmc.az

Radio Free Europe

www.rferl.org

TURKMENISTAN.RU

turkmenistan.ru

Turkmenistan: The Golden Age. (With informational support of Neutral Turkmenistan and State News Agency of Turkmenistan)

turkmenistan.gov.tm

Turkmen Initiative for Human Rights

www.chrono-tm.org

United States Commission on International Religious Freedom

www.uscirf.gov

U.S. Department of State

www.state.gov/g/drl/hr/

Central Eurasia Project

The Central Eurasia Project, an initiative of the Open Society Foundations, promotes human rights and social progress in the South Caucasus, Central Asia, and Mongolia. In addition to regional initiatives, the project works to increase openness in the closed societies of Turkmenistan and Uzbekistan, which do not have formal Open Society foundations or offices.

The project develops programs and international campaigns that use policy research and advocacy to shape debates on significant economic, political, social, and security challenges facing the region. Through its grantmaking and operational activities, the project supports local NGOs pursuing dialogue with governments on issues such as human and labor rights, export and energy revenue, and budget transparency.

Forum 18

Forum 18 <www.forum18.org> provides original reporting and analysis of violations of freedom of thought, conscience, and belief. Its work promotes religious freedom for all on the basis of Article 18 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Forum 18 affirms that every individual—whatever their belief or non-belief—has a fundamental human dignity which no state or person can take from them.

Open Society Foundations

Active in more than 70 countries, the Open Society Foundations work to build vibrant and tolerant democracies whose governments are accountable to their citizens. Working with local communities, the Open Society Foundations support justice and human rights, freedom of expression, and access to public health and education.

Turkmenistan's strict government control over all religious activity denies the freedoms of religion or belief, of assembly, of speech, of expression, and of movement. These human rights violations have continued and expanded since Gurbanguly Berdymukhamedov became president in 2006.

Among human rights violations, state permission is required to acquire a place for religious meetings. Censorship is strict, with routine confiscation of religious literature—both from travellers and during raids on homes—including personal copies of the Koran and Bible. Unapproved meetings for worship—such as in private homes—are dangerous and can lead to raids and fines. State-permitted religious communities often cannot rent premises for worship and thus cannot meet as communities. Publicly sharing any belief with others involves the risk of arrest. Known active religious believers are among many people banned from travelling abroad. In a significant harshening of repression, President Berdymukhamedov has approved the renewed imprisonment of conscientious objectors to military service.

Turkmenistan's systematic religious freedom violations interlock with violations of other fundamental human rights. Repeated government promises that it will liberalize its laws on religion—without promising that it will stop human rights violations—have come to nothing, and it has defended its human rights violations during the UN Periodic Review Process.

This report offers concrete recommendations on how the international community can constructively respond to Turkmenistan's continuing religious freedom violations. It is time for the international community to take meaningful action to defend human rights for all.