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TURKMENISTAN: Religious freedom survey, August 2008

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In its survey analysis of religious freedom in Turkmenistan, Forum 18 News Service has found continuing violations by the state of freedom of thought, conscience and belief. Unregistered religious activity continues – in defiance of international human rights agreements – to be attacked. The government tries to control the extremely limited religious activity it permits, which often does not - even for registered religious groups - include the right to worship. Promises to respect human rights after the accession of President Gurbanguly Berdymukhamedov have not stopped the state's continuing actions to deny freedom of thought, conscience and belief to peaceful Turkmen citizens of all faiths, including Muslims, Russian Orthodox, Armenian Apostolic, Protestants, Jehovah's Witnesses, Catholics, Hare Krishna devotees and Baha'is. Officials appear to have no expectation that they will be held accountable for violating fundamental human rights such as religious freedom.

Ahead of the Universal Periodic Review (UPR) of Turkmenistan by the United Nations (UN) Human Rights Council in December 2008, Forum 18 News Service has found continuing violations by the state of people's freedom of thought, conscience and belief.

The religious activity of people of all faiths in Turkmenistan is highly restricted. State officials frequently violate international human rights standards on freedom of thought, conscience and belief – which the country has freely signed. Religious communities are raided and their members threatened and assaulted. The government tries to control the extremely limited legal religious activity it permits, which often does not - even for registered religious groups - include the right to worship. All unregistered religious activity remains banned and the government actively tries to suppress such activity along with its attacks on registered activity. 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.

Gurbanguly Berdymukhamedov took over as president in the wake of the December 2006 death of his predecessor Saparmurat Niyazov. President Berdymukhamedov has downgraded his predecessor's personality cult, but has mostly continued other internal policies, including tight control of society and its isolation from other societies. It has been noted within Turkmenistan that state officials have a continuing interest in maintaining the system of repression and control developed under Niyazov. Most of the population of some 5 million would identify themselves as Muslim by tradition. Poverty is widespread.

Human rights violations have even taken place during separate visits to Turkmenistan by the UN High Commissioner for Human Rights and the Director of the Office for Democratic Institutions and Human Rights (ODIHR) of the Organisation for Security and Co-operation in Europe (OSCE). Turkmen officials appear to think that promises to respect fundamental human rights need not have any impact on official actions.

State controls on religious believers and communities

Article 11 of Turkmenistan's Constitution (as amended in November 2005) states: "The state shall guarantee the freedom of religions and confessions and their equality before the law. Religious organisations shall be separate from the state and may not interfere in state affairs or fulfil state functions. The state education system shall be separate from religious organisations and shall be of a secular nature. Everyone shall have the right independently to define his attitude toward religion, to profess any religion or not profess any either individually or jointly with others, to profess and disseminate beliefs associated with his attitude to religion, and to participate in the practice of religious cults, rituals, and rites."

However, in defiance of these constitutional guarantees all religious activity is tightly 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 Gengesh (Committee) for Religious Affairs names the Chief Mufti (who is also a Gengesh Deputy Chair) and imams at least down to regional level. All Muslim and Russian Orthodox clergy are appointed by the Gengesh.

Successive Chief Muftis were removed from office by former President Niyazov and one, Nasrullah ibn Ibadullah, was imprisoned on unclarified charges from 2004-7. Devout Muslims expressed concern about the state's replacement of imams who had formal Islamic theological education by those who had never had theological education. Officials have stated that imams cannot be appointed if they have trained outside Turkmenistan. Muslims have told Forum 18 that they believe that the authorities' removal

from office of ethnic Uzbek minority imams in the northern Dashoguz [Dashhowuz] Region, and their replacement with ethnic Turkmen imams, was racially motivated.

Impact of official racial discrimination

Although the government 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 racially-motivated policy of promoting an ethnically homogenous Turkmen-speaking, ethnic Turkmen cultural national identity of which Sunni Islam was seen as a part.

The pro-ethnic Turkmen policy enforced on society is also evident in official harassment of ethnic Turkmen members of religious minorities, as well as on non-Turkmen minorities. While the Russian Orthodox Church is tolerated, the Armenian Apostolic Church has been banned from reviving. An estimated 15 per cent 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 face public humiliation and accusations from officials of betraying their nation. For 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.

State pressure to control religious communities

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. In October 2007 – after Niyazov's death – the Russian Orthodox Church took the parishes away from the Uzbek-based diocese and a new jurisdiction is now being formed.

All other non-state controlled Islamic and non-Russian Orthodox religious communities – whether legally allowed to exist or not – are also subject to state pressure, restrictions and attempts at control. The permission of the Gengesh at national level or through its local representatives is required for any activity, including state registration (the only means of gaining the legal right to exist) with the Justice (Adalat) Ministry, acquiring a place for religious meetings, acquiring religious literature or inviting foreign guests. Such requests are almost always denied and state officials often also impose illegal requirements, representatives of many religious communities have told Forum 18.

Also violating the constitutional separation of religion from the state is the government role given to religious leaders, particularly giving them the right to interfere in the activity of other faiths. One of the Deputy Chairs of the Gengesh for Religious Affairs is the Chief Mufti.

Another of the Gengesh's Deputy Chairs is Fr Andrei Sapunov of the Russian Orthodox Church, who has particular responsibility for Christian affairs. This gives Fr Sapunov an official power of veto over the affairs of other Christian denominations. His state role is acknowledged within the Ministry of State Security (MSS) secret police, even by local officers outside the capital Ashgabad [Ashgabat]. In many raids on Protestant churches in different regions of the country, MSS secret police officers have told Protestants that they must gain permission from Fr Sapunov before they can operate. Some Orthodox have told Forum 18 that they have evidence he passes information received in the confessional - which the Church teaches he should never reveal to anyone - to the MSS secret police. He has 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 Gengesh appointed under President Berdymukhamedov tend to discriminate in favour of state-controlled Islam more than their predecessors appointed under former President Niyazov. The recently appointed officials appear to be even more willing than previous officials to routinely deny permission for non-Muslim activity.

Sharing beliefs and religious education severely restricted

Sharing religious beliefs in public is extremely hazardous and in the state-controlled media is impossible, while formal religious education, apart from at a basic level, within places of worship or elsewhere is impossible. The exception to this is a small Muslim theological section in the History Faculty of Magtymguly Turkmen State University in Ashgabad, the only institution in Turkmenistan authorised to train imams. 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. However, although Muslims are not allowed to travel abroad for religious education, Russian Orthodox men from Turkmenistan are allowed to study for the priesthood outside the country.

Other religious communities have been harassed for trying to give their members less formal religious education. About ten officials

from the Religious Affairs Department of the Hyakimlik (the executive authority) of Ashgabad city'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".

Religious minorities' employment and education attacked

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 to be designed to ensure close control over religious communities that overcome the obstacles against registration. No provision is made for unregistered activity, which remains an offence under the Administrative Code and to be treated as if it were a criminal offence. 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. 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 Ashgabad.

Shia Muslims, the Armenian Apostolic Church, the Catholic Church, Protestant and the Jehovah's Witnesses are 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. Officials also use 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 has 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 every week check the counting and banking of donations. Registered religious communities have told Forum 18 that they are also required to be ready to collaborate with the MSS secret police.

One arrested Baha'i was told – after the state decided in 2004 to allow religious minority communities to apply to register – that this "applies only to Sunni Islam and the Orthodox Church, while such dubious groups as yours will be thoroughly checked out with the aim of preventing any possible conflicts." President Niyazov at that time banned Muslims from registering new mosques. However, some religious minorities – such as some Protestants including Seventh-day Adventists, Baha'is and Hare Krishna devotees – have been eventually allowed to register.

Religious communities have complained to Forum 18 that the 2004 Religion Law contains no mechanism for granting legal status to branches of religious organisations 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 has given written permission.

There is one Catholic church in Turkmenistan, at the Holy See's Nunciature in Ashgabad, which has to serve the entire country. At present, Catholics in Turkmenistan can only legally celebrate Masses on this Vatican diplomatic territory. The two priests at the Nunciature have diplomatic status.

Raids by the MSS secret police and other officials

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 as criminal all unregistered religious activity. Registered religious communities have often also suffered these raids or, more frequently, check-up visits.

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 also runs agents in each Muslim and Orthodox community, the numbers of such agents being as many as six agents per separate geographic community. In addition to their agents – who attend the religious community solely as part of their MSS work to gain information – there might be another ten or fifteen believers who are regularly interviewed by MSS officers and forced to reveal details of the community's religious life. The MSS secret police and the ordinary police also try to recruit agents in unregistered religious groups.

Fear of openly discussing human rights violations

Some religious communities are afraid to report human rights violations such as raids and MSS spying publicly, fearing it will make their situation 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.

Use of the Ruhnama apparently lessening

The forced imposition on places of worship of the Ruhnama (Book of the Soul), written by former President Niyazov, seems to have lessened since his death in 2006, but it has not disappeared. In his time all mosques and other places of worship were required to have copies available and officials likened it to the Koran or the Bible. The all-pervasive use of the Ruhnama (for example during driving tests), together with recitation of the oath of loyalty to the country and President, was objectionable to many religious parents who did not wish to subject their children to what they saw as blasphemous practices. However, the Ruhnama continues to be imposed in many areas of both state-controlled Muslim religious life and in state education.

Isolation of religious believers and communities

The obstructions to travel abroad have made it difficult to take part in international gatherings. Only 188 pilgrims – including MSS secret police and other officials - are allowed to travel on each year's haj pilgrimage to Mecca, an obligation on 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. Many prominent religious figures are among those on an exit ban list, or are earmarked for close scrutiny on leaving or re-entering Turkmenistan. Apart from the Russian Orthodox men allowed to study abroad, those travelling abroad for religious meetings and education have to be careful not to allow government officials to discover this. If officials find out that travellers intend to take part in religious meetings and education abroad, they risk being denied permission to leave the country.

As part of its programme of isolating religious communities from their fellow-believers abroad, the government has expelled several hundred local residents with foreign passports over the past decade who had been prominent in religious activity. The last Shia imam of the Caspian port city of Turkmenbashi [Türkmenbashi, formerly Krasnovodsk], an Azeri citizen who had lived in Turkmenistan for more than a decade, was forced to leave the country in about 2005. The community has since had no trained imam. Baptist pastor Vyacheslav Kalataevsky – a Ukrainian citizen – was freed from prison in November 2007 and hoped to return to his native city of Turkmenbashi to his wife, children and his congregation. He was forced to leave the country the following month, the second Baptist pastor expelled in 2007. The deportation of foreign citizens involved in religious activity deprives local communities of their right to choose them as religious leaders.

Restrictions on places of worship

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 2004-5. 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 Ruhnama in their mosques. Places of worship that are still open are tightly restricted – with many faiths not being allowed any place of worship. The administration chief in Dashoguz has halted work on building a Russian Orthodox church. Other religious minorities have been denied permission to buy land and build places of worship or buy buildings to use as places of worship.

Even communities that have state registration often cannot 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 organisation soon cancels the arrangement, apparently after a telephone warning from officials. Some registered religious communities have had to move their meeting place more than a dozen times over the period of a year.

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

Officials have indicated to Forum 18 that no compensation will be offered to Muslims for the destroyed mosques; the Armenian Apostolic Church would get no compensation nor be allowed to get back their century-old church in Turkmenbashi, partially destroyed in 2005; nor will the Adventist and Hare Krishna communities be compensated for their places of worship destroyed in 1999; and nor will Ashgabad's Baptist and Pentecostal communities be able to get back their places of worship confiscated in 2001.

The state loudly publicises the mosques it is building at state expense in Koneürgench in the northern Dashoguz Region, and in Mary in the east of the country. 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 in the Constitution.

Other "legal" controls

March 2004 changes to the Religion Law and a presidential decree the same month in theory allowed communities with just five adult citizen founders to apply for legal status. This allowed about a dozen previously "illegal" religious communities to gain legal status over the next year, even if in practice such registration is now rarely given and – if given - is associated with extra-legal requirements. Also removed in 2004 were criminal penalties for unregistered religious activity. However, unregistered religious activity remains an offence under Article 205 of the Code of Administrative Offences and state agencies have continued to behave as if unregistered religious activity was still a criminal offence.

Article 205 of the Code of Administrative Offences, which was last amended in October 2003, specifies fines for those refusing to

register their religious communities of five to ten times the minimum monthly wage. Fines can be doubled for repeat offenders. Many believers of a variety of faiths have been fined under this article, including Baptists, Hare Krishna devotees and Jehovah's Witnesses, after raids on unregistered religious meetings.

Officials declared in early 2008 that the Religion Law is among several laws to be amended, but despite rumours that it was scheduled for adoption in parliament in September 2008 had made no draft text available by late July. These plans are not open to public discussion and debate, and officials have refused to explain to Forum 18 how the Law is likely to be amended. Religious believers Forum 18 has spoken to welcome any attempts to make the Law conform to international human right standards. But they remain sceptical over whether such changes will mark a genuine change by the authorities away from attacking people who exercise their right to religious freedom.

Officials appear to have no expectation that they will be held accountable for violating fundamental human rights. Article 154 of the Criminal Code bans "obstructing the exercise of freedom of conscience and religion", but Forum 18 is not aware of any government officials having been punished for breaking this published law. Examples of violations Forum 18 has documented include organising or taking part in harassment of religious communities, whether beatings, threats, detention, fines, demolition or seizure of places of worship, confiscation of religious literature or 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. But officials continue to regularly break the country's laws while attacking people exercising their fundamental human rights.

Control of religious literature

Religious literature, CDs and DVDs found by police or the MSS secret police in raids on religious meetings in private homes are routinely confiscated. Occasionally it is later returned, though often only after great efforts and pressure from the owners, who risk further punishment by so doing. 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 Gengesh. Each title and the quantity must be specifically approved. The Post Office holds all religious literature received from abroad by post, releasing it only when the Gengesh has given written approval. Forum 18 has learnt that very occasionally the Gengesh allows small parcels of religious literature sent from abroad to registered religious organisations to be handed to them.

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. One Orthodox believer told Forum 18 that on at least five occasions known to him, Orthodox priests had had literature taken from them at the border on their return to the country.

Religious publications such as the Journal of the Moscow Patriarchate are banned in Turkmenistan. Even Orthodox priests do not receive the Journal regularly, being 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 lamented to 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. The majority of international religious websites are not accessible by an Internet user in Turkmenistan. Moreover, a special computer program searches emails for coded words that could be used to send "unreliable information", while "a suspicious message" will not reach the addressee.

Prisoners

Some believers have been given long prison sentences in recent years for their religious activity or have been sent into internal exile to remote parts of the country. These have included Muslims, Protestants, Jehovah's Witnesses and a Hare Krishna devotee. All of them have now been freed, though three Jehovah's Witnesses are serving suspended sentences.

Jehovah's Witnesses have expressed concern to Forum 18 about these continuing sentences imposed on their conscientious objectors for refusing compulsory military service on grounds of religious conscience. Six young men were sentenced in 2007, of which two are still serving suspended sentences. One, Vladimir Golosenko, was sentenced on 12 February 2008 to two years' forced labour. He is not in prison, but 20 percent of his wages go to the state. The lack of any genuine alternative service means that any of their young men could still be arrested at any time.

Forum 18 has learnt that the government is this year (2008) considering introducing some form of alternative service, but it is unclear whether any definite proposals are being considered or how genuine this alternative service will be. It also remains unclear whether everyone's right to conscientious objection will be respected by the state. General Comment 22 on Article 18 of the International Covenant on Civil and Political Rights, by the former UN Human Rights Committee, states that conscientious

objection to military service is a legitimate part of everyone's right to freedom of thought, conscience and belief.

What changes do Turkmen citizens want in religious policy?

Religious believers of a variety of faiths have told Forum 18 that they want to see Turkmenistan respect freedom of thought, conscience and belief, as defined under international human rights standards. They state that they most want the government to:

- stop officials taking any action or imposing any requirement they want against religious believers and communities;
- end the obstructions to building, buying, renting, or opening places of worship;
- stop interfering with the beliefs and internal affairs of religious communities, including theological education and internal personnel appointments;
- end racial discrimination against non-ethnic Turkmen religious believers;
- permit believers to freely provide religious education to whoever wants it;
- reinstate believers fired from their jobs for their membership of 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 in this way;
- cease attacking religious activity, including abolishing all legal barriers to peaceful registered or unregistered religious activity;
- end police and MSS secret police raids on religious meetings, whether in private homes or elsewhere;
- end MSS secret police and other official attempts to spy on and control peaceful religious activity;
- end interrogations and fines of peaceful religious believers;
- stop trying to isolate religious believers and communities from co-religionists in other states, including using exit ban lists 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 people liable for compulsory military service;
- compensate people punished by the state for peacefully practising their faith;
- and bring to legal accountability all those responsible for attacking individuals and communities exercising their internationally-recognised right to religious freedom. (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>.

The previous Forum 18 Turkmenistan religious freedom survey can be found at http://www.forum18.org/Archive.php?article_id=672.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806, and of religious intolerance in Central Asia is at http://www.forum18.org/Archive.php?article_id=815.

A printer-friendly map of Turkmenistan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=turkme>.

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