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TURKMENISTAN: What needs to change, the Religion Law or government actions?

By Felix Corley, Forum 18

Turkmenistan has promised to amend its Religion Law, but work on this has not started, Forum 18 News Service has found. Shirin Akhmedova, Director of the state National Institute for Democracy and Human Rights, claimed the process of amending the Law would be "transparent" and would involve "international experts." However, she said that the views of local people would be listened to only after Forum 18 specifically asked about this. She refused to say what parts of the Law are likely to be amended, when a draft Law may be produced, or if there would be public discussion. She insisted that the country has a "new government" and denied that religious believers face any problems in practising their faith. Religious believers have told Forum 18 that no fundamental changes in religious policy have yet taken place. Many have stated that restrictions they face include not being able to: build or open places of worship; publish or import religious literature; travel abroad (including on the haj pilgrimage to Mecca); share their beliefs; or – for communities the authorities particularly dislike - gain legal status.

Turkmenistan's government is promising to amend the Religion Law "to bring it into line with international human rights norms", but a senior official has admitted that work on this has not yet started. "Concrete work has not begun, but the process has begun," Shirin Akhmedova, Director of the government's National Institute for Democracy and Human Rights, told Forum 18 News Service from the capital Ashgabat [Ashgabat] on 13 February. She claimed the process of amending the Law would be "transparent" and would involve "international experts." However, she said that the views of local people would be listened to only after Forum 18 specifically asked about this.

Forum 18 tried to find out more about the proposed amendments to the Religion Law from the government's Gengeshi (Committee) for Religious Affairs in Ashgabat. However, each time Forum 18 introduced itself on 13 and 14 February the official who answered the phone of its deputy head Nurmukhamed Gurbanov put the phone down.

Religious believers Forum 18 has spoken to welcome any attempts to improve the Law. However, they remain sceptical over whether any amendments will be a genuine improvement, or be a genuine attempt to establish the rule of law, and whether the authorities will end the tight state control of religious communities.

Officials often do not know which parts of the published laws are supposed to govern their actions. Recently-deported Baptist pastor Vyacheslav Kalataevsky was told by officials that unregistered religious activity, including people meeting together for worship in homes, is banned. "I asked them to show me what part of the law bans unregistered worship and they were unable to do so," Kalataevsky told Forum 18 when he was still in the country. Throughout Turkmenistan, Protestants, Muslims and people from other faiths have been stopped by officials from exercising their right to freedom of thought, conscience and belief (see F18News 21 November 2007 http://www.forum18.org/Archive.php?article_id=1050).

"What needs to be cleaned up is the Ministry of State Security (MSS) secret police," one Christian who preferred not to be identified told Forum 18 on 13 February. "They need to stop the house raids, taking of names, workplaces and addresses. They continually follow and harass believers." The Christian recounted the case of a friend who was offered a high level job. When he disclosed - for the safety of the employer - that he was a Christian, the employer took back the job offer saying it was too risky. "If the new President, Gurbanguly Berdymukhamedov, is serious we should start seeing some internal changes that conform with the Constitution's guarantees."

However, Akhmedova of the National Institute for Democracy and Human Rights resolutely denied that religious communities and individuals face any problems in practising their faith. Told that many religious believers have told Forum 18 that they cannot freely build or open places of worship, publish or import religious literature, travel abroad freely for religious purposes (including on the haj pilgrimage to Mecca), invite foreign co-religionists, share their beliefs and - for communities the authorities particularly dislike – gain legal status she declared angrily to Forum 18: "You have one-sided information. I have worked here for nearly a year and I have received no complaints from any religious community in all that time."

Asked whether religious communities can freely build places of worship, Akhmedova responded: "Of course. Look at the mosque

that is to be built in Koneürgench [in the northern Dashhowuz Region]. Places of worship are being built." When Forum 18 pointed out that this mosque is being built at the decision of the state, while religious communities themselves cannot initiate building places of worship, she repeated that Forum 18 had "one-sided information".

While refusing to distance the authorities from the repression of religious believers during the rule of former President Saparmurat Niyazov, who died in December 2006, Akhmedova kept insisting that Turkmenistan has a "new government". Asked whether this meant that those who suffered under the Niyazov regime would be compensated – such as Ashgabad's Seventh-day Adventist community which saw its church bulldozed by the authorities in November 1999 without compensation – she said she had never heard of this.

Asked whether Muslims would be compensated for the mosques destroyed in the last three years or whether the Armenian Apostolic Church would get compensation and be allowed to get back their century-old church in Turkmenbashi [Türkmenbashi, formerly Krasnovodsk], partially destroyed in 2005, she again denied all knowledge of such demolitions (see F18News 21 November 2007 http://www.forum18.org/Archive.php?article_id=1050).

Akhmedova repeated government claims that pilgrims could travel independently "at their own expense". However, only 188 state-approved pilgrims were approved to travel on the haj in December 2007, while Turkmenistan has a quota of 5,000 (see F18News 14 December 2007 http://www.forum18.org/Archive.php?article_id=1062). Asked why there was this severe restriction, she claimed: "Dozens of my friends went on the haj this time making their own arrangements." She declined to give Forum 18 any names or contact details to verify her claim independently, or say how they travelled.

Akhmedova told Forum 18 that the Interagency Commission set up last year to bring Turkmenistan's laws in the area of human rights into line with international norms met in Ashgabad on 5 January. "A long list of laws was approved to be brought into line with international standards," she told Forum 18. "The Religion Law is one of those. However, there is no hierarchy of priority, so no individual law will be considered ahead of the others."

Akhmedova said the Interagency Commission will be coordinating specific proposals to amend the Religion Law, with the help of her agency. "We want to work with experts from USAID and the OSCE [Organisation for Security and Co-operation in Europe]," she added. "It will be done better with their help." She said the text would eventually go to parliament for approval. Only after questioning from Forum 18 about the involvement of citizens did she state that local people could present suggestions to the Interagency Commission or her National Institute for Democracy and Human Rights.

She refused to say what specific elements of the Religion Law are likely to be amended. She would not give a timetable of when a new draft Law is likely to be produced, or state if it would be open for public discussion.

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw told Forum 18 that it stands ready to offer assistance to the Turkmen government through legislative support and other forms of bilateral consultations. "The ODIHR provides legislative opinion on draft laws on freedom of religion or belief to OSCE participating States through its Panel of Experts on Freedom of Religion or Belief," it told Forum 18 from Warsaw on 14 February.

The ODIHR's Director, Ambassador Christian Strohal, has visited Turkmenistan and offered help on election issues, the rule of law and human rights. However, his visit coincided with a crackdown on a group of Protestants by the MSS secret police, the hakim (head) of a district administration, the head of a collective farm and the local mullah. Two compulsory public meetings were then held, attended by hakimlik officials, the collective farm chairman, the MSS secret police, the ordinary police and the local mullah. At both meetings, Protestant parents were named and threats were made that electricity, gas and water supplies to their homes would be cut off, that their children would be expelled from school, and that they would not be given farm land to cultivate. They were accused of "conducting criminal activity and political activity against the government" and the meetings were told that the authorities "would do whatever it takes to crush and destroy them" (see F18News 25 May 2007 http://www.forum18.org/Archive.php?article_id=963).

Similarly, a Baptist, Vyacheslav Kalataevsky was jailed for three years in a labour camp for his religious activity, while UN High Commissioner for Human Rights Louise Arbour was visiting Turkmenistan. "President Gurbanguly Berdymukhammedov told Louise Arbour that all conventions and human rights principles are respected," the family told Forum 18. "Our lawyer spoke up in court asking why, if this is so, Vyacheslav's case was now in court." (see F18News 14 May 2007 http://www.forum18.org/Archive.php?article_id=955). Kalataevsky was subsequently deported, thus separating him from his wife and children (see F18News 10 January 2008 http://www.forum18.org/Archive.php?article_id=1069).

Akhmedova of the National Institute for Democracy and Human Rights put the phone down before Forum 18 could ask if the Code of Administrative Offences will also be amended. Article 205 in the Administrative Code punishes individuals found guilty of violating the Religion Law, such as by holding unregistered religious worship. However, the Criminal Code is among a number of legal codes known to be due for review.

Religious believers insist to Forum 18 that no fundamental changes in religious policy have yet taken place. "The mechanisms that

existed before [under Niyazov] still continue," one believer who asked not to be identified told Forum 18 on 13 February. "All the limitations remain: if you have state registration you can rent somewhere to meet for worship, but you can't get your own building for worship and you can't meet in private homes. Of course the community is pleased to be able to meet. But we dare not complain about the other restrictions, as even the permission to meet could be taken away."

At the time of former President Niyazov's death, one observer suggested to Forum 18 that "the overwhelming majority of officials of the police and MSS secret police have a vested interest in preserving the current situation, under which they enjoy unlimited rights" (see F18News 21 December 2006 http://www.forum18.org/Archive.php?article_id=894).

The believer stressed that at almost every worship service a state official is present. "The community doesn't complain about this. It's something you have to live with. In the Soviet Union they were always there."

The believer added that restrictions on religious literature remain. "You can bring into the country only a handful of religious books or magazines, and no more than one of any one title." The believer added that local communities cannot invite fellow-believers from abroad.

A believer from another community was equally adamant that the state control mechanism remained in force. "The most important problem is government control," he told Forum 18 on 14 February. "They say they're working on a new Religion Law, but we know who's controlling all this – the MSS secret police. From my experience I know that no other agency can take a decision without them. What would be good would be for the government to change the situation so that the law would work."

The believer complained not only about the MSS secret police, but of the religious affairs office in each regional hyakimlik (administration). "One of the officials is always a mullah, while the other is a normal official," he told Forum 18. "They work with the police against religious communities, especially Jehovah's Witnesses, but not only them. It would be better if such offices didn't exist."

He added that regional religious affairs officials insist on checking all religious literature received from abroad by post or confiscated from religious believers. "They told us that we could read our religious books but were banned from giving them to others."

The believer said that Justice Ministry officials repeatedly reject registration applications citing "petty mistakes". "They also warn communities applying for registration that if they are caught violating the law three times their registration application will be cancelled."

He said that religious communities without state registration cannot meet openly for worship. "Some communities have to meet in small groups so that they are not noticed."

Forum 18 knows only of one Protestant church and a branch of it that were newly registered in 2007. Many mosques, especially Shia mosques, face registration difficulties, as do Armenian Apostolic, Protestant and Jehovah's Witness communities.

Registered communities such as the Russian Orthodox Church are subject to state interference in their internal life, such as bans on receiving literature and pressure to isolate them from their fellow believers (see F18News 19 October 2007 http://www.forum18.org/Archive.php?article_id=1037). Protestants have told Forum 18 of numerous unwritten controls on registered communities, including forced co-operation with the MSS secret police (see F18News 16 February 2006 http://www.forum18.org/Archive.php?article_id=728). Many communities are therefore reluctant to apply for state registration (see F18News 24 May 2006 http://www.forum18.org/Archive.php?article_id=787).

A religious believer with close ties in the country told Forum 18 from Moscow on 14 February that he has applied repeatedly in recent years to be able to visit fellow-believers in Turkmenistan. "I lodge my papers each time at the embassy saying I want to go there to meet my co-religionists, but they never even respond." Similarly, an exit ban is maintained against Turkmen citizens the authorities do not like (see F18News 31 May 2006 http://www.forum18.org/Archive.php?article_id=790).

Jehovah's Witnesses told Forum 18 that their attempts to send a delegation from the United States to Turkmenistan have also got nowhere, despite a meeting in June 2007 with the Turkmen ambassador to the United States, Meret Orazov.

Vyacheslav Kalataevsky, was pastor of a small independent Baptist congregation in his native city of Turkmenbashi [Türkmenbashi] (formerly Krasnovodsk), but was forced to leave Turkmenistan in December 2007. He said that Turkmenistan's Constitution already guarantees freedom of conscience. "The Religion Law and the Constitution are fine on paper – the problem is they are not being carried out."

Kalataevsky complains that he and his fellow-believers have been punished for peacefully meeting for prayer and worship without state registration. In his case with deportation, then imprisonment, then deportation again (see F18News 10 January 2008 http://www.forum18.org/Archive.php?article_id=1069).

"During raids officers always refer to an order from above," he told Forum 18 from Ukraine, where he is now living. "All we can do is guess where this order is from."

Kalataevsky insists that harassment of religious believers who wish to worship peacefully is still going on, regardless of the change in leadership. He referred to the raid on a Baptist congregation in Balkanabad (formerly Nebitdag) in December 2007 as one example (see F18News 10 January 2008 http://www.forum18.org/Archive.php?article_id=1069).

Pastor Kalataevsky also pointed out the rejection of his wish to return to Turkmenistan to live with his wife and children and to lead his congregation. He said that at the end of January 2008 his wife Valentina phoned the Migration Service to ask whether the invitation she had issued him on 6 December had been approved. "They told her verbally they had rejected the application but refused to say why and refused to put it in writing," Kalataevsky told Forum 18. "Of course my religious activity was the most important reason why I was expelled and not allowed back." He said he is now thinking of bringing his family to join him in Ukraine. "This is all that is left to us."

Bayram Ashirgeldyev – one of two Jehovah's Witnesses currently serving a suspended sentence for refusing compulsory military service on grounds of religious conscience – said that the introduction of a system of alternative civilian service is the biggest change he would like to see. "We are ready to help the state by performing an alternative service," he told Forum 18 from Ashgabad on 14 February, "as long as it is fully civilian, not military."

Ashirgeldyev expressed disappointment that neither he nor his fellow Jehovah's Witness Begench Shakhmuradov were included in the latest presidential amnesty, announced on 13 February in honour of Turkmenistan's flag day. "Begench and I don't know why we weren't included yet again." He told Forum 18 that the military commissariat is still refusing to give him the military card and stamp that he needs to be able to take up an offer of work he has received.

However, another Jehovah's Witness Ashirgeldy Taganov was included in the amnesty. He was sentenced in Ashgabad on 18 December 2007 to an 18-month suspended sentence for refusing military service (see F18News 10 January 2008 http://www.forum18.org/Archive.php?article_id=1069). (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 more background, see Forum 18's Turkmenistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=672.

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

A 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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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY