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TURKMENISTAN: Compulsory re-registration, continuing state obstructionism

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Eighteen months after Turkmenistan's latest Religion Law came into force, only two religious communities – both Protestant - are known to have been re-registered. The government has claimed that many applications by other communities have "errors". And the government has apparently demolished another Ashgabad mosque.

Eighteen months after Turkmenistan's latest highly restrictive Religion Law came into force in April 2016, only two religious communities – both Protestant Christian - are so far known to have been re-registered. The Justice Ministry has claimed that many of the applications by other communities have "errors" which must be "corrected".

The new Religion Law requires all religious communities which had previously had state registration - and so permission to exist and exercise freedom of religion and belief – to apply for re-registration under the terms of the new Law. Communities with fewer than 50 adult members prepared to sign a registration application are no longer eligible to seek legal status, and so are not allowed by the state to exist. In March 2017 the United Nations (UN) Human Rights Committee strongly criticised the Religion Law and Turkmenistan's many other violations of freedom of religion and belief and interlinked human rights (see below).

The authorities also continue to deny state permission to exist to many religious communities, especially independent mosques, new Russian Orthodox communities, many Protestant communities and Jehovah's Witnesses. Also denied permission to exist is any religious community which chooses not to apply for registration, or is not granted registration or re-registration (see below).

Religious communities of all faiths – both those which have and have not been able to gain state registration – and active members of religious communities are subject to state surveillance by among other agencies the Ministry of State Security (MSS) secret police (see below).

The authorities have also apparently demolished another mosque in the capital Ashgabad [Ashgabat] (see below).

Violating human rights obligations

The requirements for state permission to exist and to exercise freedom of religion and belief, and the government's arbitrary and obstructive administration of the registration system, clearly violate Turkmenistan's international human rights obligations, as outlined in the Organisation for Security and Co-operation in Europe (OSCE)/Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (see <http://www.osce.org/odihr/139046>). Turkmenistan is an OSCE participating State.

No Justice Ministry officials were prepared to explain why it denies registration to many religious communities seeking it, and why the re-registration process is so long and difficult. Officials who answered phones at the Ministry in Ashgabad in early October all put the phone down as soon as Forum 18 introduced itself.

The telephone of Pirnazar Hudainazarov, Chair of the Mejlis (Parliament) Human Rights Committee, went unanswered each time Forum 18 called on 2 and 3 October. He was part of a government delegation to UN Committee Against Torture (CAT) hearings on the country in November 2016, and did not answer either the CAT's or Forum 18's questions on the torture of prisoners (see F18News 6 December 2016 http://www.forum18.org/archive.php?article_id=2236). The CAT's January 2017 Concluding Observations (CAT/C/TKM/CO/2) state that it is "seriously concerned about consistent allegations of widespread torture and ill-treatment, including severe beatings, of persons deprived of their liberty, especially at the moment of apprehension and during pretrial detention, mainly in order to extract confessions. It is also gravely concerned about continued reports about impunity for acts of torture since no cases of torture have been recorded or examined by the State party's courts during either the previous or the current reporting periods" (see F18News 27 September 2017 http://www.forum18.org/archive.php?article_id=2318).

Hudainazarov was also part of a government delegation to March 2017 UN Human Rights Committee hearings in Geneva on

Turkmenistan's record. The Committee's March 2017 Concluding Observations (CCPR/C/TKM/CO/2) expressed strong criticism of the country's record, noting that it "retains undue restrictions on freedom of religious belief, such as the mandatory registration of religious organizations and obstacles to registration, and restrictions on religious education and importation and distribution of religious literature. It is also concerned about the reported denial of registration of religious minority communities, raids and confiscation of religious literature and intimidation, arrests and imprisonment of members of religious communities" (see F18News 3 October 2017 http://www.forum18.org/archive.php?article_id=2320).

Officials of the presidential National Institute for Democracy and Human Rights in Ashgabad refused to put Forum 18 through on 5 October to its Director, Begench Chariyev. This institution does not comply with the UN's Paris Principles on the independence of such national human rights bodies from government.

Continuing mosque demolitions

Figures claimed by the government for Muslim communities are impossible to verify independently. The authorities have demolished many mosques in recent years, but may still be including the communities whose place of worship has been forcibly demolished in the figures. Ashgabad had 14 mosques in the early 2000s, but the authorities have been forcibly demolishing them without compensation since then. The eighth of 14 mosques was demolished as the Religion Law came into force in April 2016. The Aksa Mosque – which could accommodate about 100 worshippers – was built in the early 1990s with donations from local Sunni Muslims (see F18News 14 April 2016 http://www.forum18.org/archive.php?article_id=2168). Since that demolition the authorities have demolished another mosque, an Ashgabad resident who wished to remain anonymous for fear of state reprisals told Forum 18 on 4 October 2017.

How many registered communities, and do they exist?

A total of 131 religious organisations had state registration, Gylychmyrat Hallyyev, the then Director of the presidential National Institute for Democracy and Human Rights, claimed to the UN Human Rights Committee hearings on 9 March 2017. Of these 107 were Muslim (102 Sunni and 5 Shia), 13 of the Russian Orthodox Church and 11 others.

Hallyyev did not mention the compulsory re-registration of religious communities mandated by the 2016 Religion Law.

Of the claimed registered 13 Russian Orthodox organisations, 12 are functioning parishes. However, the 13th, which no longer functions, was the administration for the country when the Orthodox Church there was subject to the then Central Asian diocese in Tashkent. Under pressure from the government, the Church took its parishes in Turkmenistan away from the jurisdiction of Tashkent in 2007 and put them under the direct jurisdiction of the Patriarch in Moscow (see F18News 19 October 2007 http://www.forum18.org/Archive.php?article_id=1037). The Russian Orthodox Church would like to create a separate diocese with a resident bishop in Turkmenistan, as it has in each of the other Central Asian countries. However, Turkmenistan's government is blocking this (see F18News 30 November 2016 http://www.forum18.org/archive.php?article_id=2234). The Russian Orthodox Church would also like to open new parishes in other places where it has no church, one Orthodox who wished to remain anonymous for fear of state reprisals told Forum 18. "But we need to consult the Justice Ministry about this once we get re-registration for the existing parishes".

The 11 non-Muslim and non-Russian Orthodox communities previously registered were: Baha'i, Hare Krishna, Catholic, Baptist, Pentecostal, Greater Grace Protestant, Seventh-day Adventist, Church of Christ and New Apostolic communities in Ashgabad, one Word of Life community in Turkmenabad and one Pentecostal community in Dashoguz (see Forum 18's Turkmenistan religious freedom survey http://forum18.org/archive.php?article_id=2244).

Many others – including Protestant communities, independent mosques and Jehovah's Witnesses – have been consistently refused registration over many years. Many of these function without state registration. Anyone participating in their activity risks punishment for exercising freedom of religion or belief (see Forum 18's Turkmenistan religious freedom survey http://forum18.org/archive.php?article_id=2244).

The Justice Ministry has repeatedly rejected Jehovah's Witnesses' registration applications. "The lack of legal registration puts Jehovah's Witnesses at risk," Jehovah's Witnesses point out, given that all exercise of freedom of religion or belief without state registration is illegal and punishable (see Forum 18's Turkmenistan religious freedom survey http://forum18.org/archive.php?article_id=2244). Their attempts to meet officials of the government's Commission for Work with Religious Organisations have been unsuccessful.

Compulsory re-registration, state-imposed model statute

Article 34, Part 3 of the 2016 Religion Law requires existing registered religious communities to bring their statutes into line with the Law. The Law also states that any part of the existing statutes that conflict with the new Law no longer apply. It is the authorities who decide whether or not there is a conflict with the new Law. As any changes to religious organisations' statutes must be approved and registered by the Justice Ministry, this has the effect of requiring every religious community which previously had

registration to apply to be re-registered.

Justice Ministry officials told religious communities that it would produce a model statute that all communities would have to follow. Although the new Law came into force in April 2016, it was only in about November 2016 that the Justice Ministry began asking religious communities to prepare re-registration applications, community members told Forum 18.

The 2016 Law also abolished the previously-existing category of "religious group", which required (in theory) only five adult citizen founders to apply to register. Under Article 13 of the new Law, at least 50 adult citizens currently resident in Turkmenistan are needed to found a religious organisation and apply to register it with the Justice Ministry (see Forum 18's Turkmenistan religious freedom survey http://forum18.org/archive.php?article_id=2244).

Officials use registration applications to impose extra-legal requirements, such as a compulsory unwritten requirement to collaborate with the MSS secret police (see Forum 18's Turkmenistan religious freedom survey http://forum18.org/archive.php?article_id=2244).

"Errors"

A variety of religious communities began lodging re-registration applications with the Justice Ministry in early 2017. However, 18 months after the new Religion Law came into force in April 2016, few communities are known to have gained the compulsory re-registration.

Only the Pentecostal communities in Ashgabad and in Dashoguz are known to have received re-registration so far, Protestants told Forum 18 from Ashgabad.

Forum 18 has not been able to ascertain whether the Justice Ministry has allowed any of the government-controlled Muslim communities to re-register. These communities are under complete state control (see Forum 18's Turkmenistan religious freedom survey http://forum18.org/archive.php?article_id=2244).

The Russian Orthodox Church lodged applications for its 12 parishes. "The Justice Ministry pointed to some mistakes," one Orthodox who wished to remain anonymous for fear of state reprisals told Forum 18 on 4 October. "We corrected these. We most recently resubmitted the applications in September. We are still waiting."

A Catholic who wished to remain anonymous for fear of state reprisals told Forum 18 on 29 September that the community is still awaiting re-registration from the Justice Ministry. Other communities that had registration similarly told Forum 18 that they too are still waiting after having to correct alleged "errors" in their applications.

Commission to decide who does and does not get re-registration

On 20 December 2016, state officials held a meeting in Ashgabad with representatives of religious communities, both registered and unregistered, the first such meeting for 10 years. Among those present were Muslims, Russian Orthodox, Protestants and Jehovah's Witnesses.

The meeting was led by Deputy Foreign Minister Vepa Hajiyeve, although officials of the Justice Ministry, the presidential National Institute for Democracy and Human Rights, and the government's Commission for Work with Religious Organisations were present. Hajiyeve is thought to be a member of the government commission working with the Justice Ministry to decide if a religious community will get re-registration or not.

"The Muslim and Russian Orthodox representatives were silent," one participant who wished to remain anonymous for fear of state reprisals told Forum 18. "Only members of the other communities spoke up. Officials listened and made various promises."

Surveillance

Religious communities and individuals active in them remain under close surveillance by the MSS secret police, the ordinary police and other state agencies. Such surveillance takes place at places of worship and as individuals go about their daily lives (see Forum 18's Turkmenistan religious freedom survey http://www.forum18.org/archive.php?article_id=2244).

In one typical complaint, a Muslim from Ashgabad who wished to remain anonymous for fear of state reprisals complained in 2016 that unknown individuals observe people at prayer in the mosque. Those conducting the surveillance come up to those who have been worshipping asking why they pray for so long. They then warn them of unspecified consequences if they continue to do so.

The MSS secret police often summon individuals active in religious communities. "They put nothing in writing," a Protestant from Ashgabad who wished to remain anonymous for fear of state reprisals told Forum 18. "They just summon you by phone or pick you up in a car." MSS secret police officers sometimes record interviews on camera. They often seek compromising information they

believe they can use to discredit religious leaders, the Protestant added. The MSS also actively seeks to run agents or recruit informers inside every religious community (see Forum 18's Turkmenistan religious freedom survey http://www.forum18.org/archive.php?article_id=2244).

Religious leaders have to report regularly to the MSS secret police about the activity of their communities. Imams are under particular pressure to report anything the MSS thinks is "serious", a Muslim who wished to remain anonymous for fear of state reprisals told Forum 18 in January. (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>.

For more background information see Forum 18's religious freedom survey of Turkmenistan at http://www.forum18.org/Archive.php?article_id=2244.

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

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