

5 February 2004

TURKMENISTAN: Will Sunni mosques and Orthodox churches be criminalised?

By Felix Corley, Forum 18

All currently registered religious communities – i.e. only Sunni Muslim mosques and Russian Orthodox churches - will now have to re-register under new detailed procedures, Forum 18 News Service has learnt. However, Forum 18 notes that Shia Muslim mosques, Catholic, Armenian Apostolic, Baptist, Lutheran, Pentecostal, Adventist and all other Protestant churches, Jehovah's Witness kingdom halls, Baha'i and Hare Krishna temples and Jewish synagogues will continue not being able to register, and under the new religion law all their activity is now a criminal offence – a clear breach of Turkmenistan's human rights commitments. It is very unclear why highly detailed regulations to register religious communities have been drawn up, as only a very restricted number of religious communities have ever been permitted to register. So far Forum 18 has not yet learnt of attempts to de-register existing Sunni Muslim or Russian Orthodox communities. However, after the previous 1996 religion law was brought in, Forum 18 learned of many Sunni Muslim communities being de-registered, as well as all non-Sunni Muslim and non-Russian Orthodox Church communities.

All of Turkmenistan's estimated 395 registered Sunni Muslim mosques and 13 Russian Orthodox churches will have to re-register with the Fairness (Justice) Ministry under new registration procedures enacted after last October's restrictive new religion law, Forum 18 News Service has learnt. Shia Muslim mosques, Catholic, Armenian Apostolic, Baptist, Lutheran, Pentecostal, Adventist and all other Protestant churches, Jehovah's Witness kingdom halls, Baha'i and Hare Krishna temples and Jewish synagogues will in practice continue to be unable to register, even if they have the 500 adult citizen members required to overcome the high registration threshold stipulated in the law (by far the highest of all the former Soviet republics). An unwritten law appears to ban their registration and the new religion law for the first time specifically criminalised all their religious activity.

The new registration procedures, of which Forum 18 has received a copy, were produced in mid-January and confirmed by a decree signed by President Saparmurat Niyazov. They became available only in late January, but do not yet appear to have been published in the Turkmen media. They replace procedures adopted in December 1996, the last time the religion law was amended. The new procedures were drawn up in some secrecy and even Murad Karriyev, deputy head of the government's Gengeshi (Council) for Religious Affairs, admitted to Forum 18 on 19 January that he had not seen them (see F18News 20 January 2004 http://www.forum18.org/Archive.php?article_id=232).

Niyazov's decree laid down registration fees for national religious organisations of ten times the basic monthly wage (5,000,000 manats - 6,920 Norwegian Kroner, 800 Euros or 1,010 US Dollars at the official exchange rate; 1,580 Norwegian Kroner, 180 Euros or 230 US Dollars at the street exchange rate). This is eight times the minimum monthly wage for communities working in the city of Ashgabad or one of the country's five regions, or six times the minimum wage for those working in small towns or districts. Re-registration will be half these fees for each community, as will any subsequent changes to an organisation's statute. Communities will be issued a registration certificate.

The procedures specify that communities wishing to register with the Fairness Ministry need to provide a registration application signed by all 500 members and giving their names, dates of birth and addresses; information about the initiators of the community; two copies of the community's statute; minutes of the founding meeting documenting the decision to found the community, adoption of the statute, election of the governing body and the audit commission; certificate confirming the legal address of the community; and a receipt for payment of the registration fee. If the community belongs to a larger religious body, the application and statute need the approval of the higher body. For communities re-registering under the new law, all these documents are again required except for the information about the founders. All documents must be presented in Turkmen (the 1996 regulations had allowed documents also to be presented in Russian).

The Fairness Ministry has one month to consider a registration application, or three months if the community is not part of a larger body and the ministry therefore needs to gain an "expert conclusion" from the Gengeshi for Religious Affairs. In the case of refusal, the ministry must give the decision within ten days in written form, setting out the reasons. Refusals can be challenged in court. "Refusal of registration of a religious organisation is not an obstacle to the further submission of documents for registration once the inadequacies which served as the basis for the refusal have been removed," Article 19 of the regulations states.

A religious organisation can be wound up at its own decision or – in the case of a violation of the religion law - on the orders of the courts. "A decision to halt the activity of a religious organisation is taken by Turkmenistan's Fairness Ministry with the agreement of the Gengeshi for Religious Affairs attached to the president of Turkmenistan," Article 23 adds.

Although the decree and the regulations speak of a requirement for religious communities that already have registration to re-register, no deadline is given.

It remains unclear why the government has gone to such lengths to draw up regulations covering the registration of religious communities, given that its past practice has shown that it is not prepared to register communities of any other faith apart from Sunni Muslim mosques subject to the officially-approved Muslim Board and Russian Orthodox churches. So far Forum 18 has not learnt of any attempts to de-register Sunni Muslim or Russian Orthodox communities, although in the re-registration round that followed the adoption of the 1996 religion law, many Sunni Muslim communities were de-registered at the same time as all non-Sunni Muslim and all non-Orthodox communities lost their registration.

The main impact of the new law adopted last year was to criminalise unregistered religious activity, thus breaking human rights agreements Turkmenistan has signed, but bringing the law into line with the actual practice of the authorities (see F18News 11 November 2003 http://www.forum18.org/Archive.php?article_id=180). The law was adopted in parallel with amendments to the criminal code setting out punishments for "illegal" religious activity, as well as another new law making registration of non-governmental organisations more difficult.

Minority faiths – even ones that can meet the 500-member threshold – have long since abandoned attempts to register. "We gathered the 500 signatures the last time round in 1997 and lodged our application," one minority faith leader told Forum 18. "There was no official refusal – the application was just ignored." The source said that the authorities then used the membership list to identify those to be persecuted. "Our people won't start to try to register again before there is clear evidence the government is serious about allowing registration."

For more background see Forum 18's latest religious freedom survey at

http://www.forum18.org/Archive.php?article_id=151

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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