FORUM 18 NEWS SERVICE, Oslo, Norway
https://www.forum18.org/
The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

24 May 2004

TURKMENISTAN: Unregistered religious activity still illegal

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

Unregistered religious activity remains illegal, an official of the Adalat (Fairness or Justice) Ministry has confirmed, despite a presidential decree abolishing criminal penalties for worshipping without state approval. "If people act without registration they will be fined," Murat Muradov, a specialist at the ministry, told Forum 18 News Service. The ban on unregistered activity in the religion law has not been amended and Article 205 of the Administrative Code, which spells out fines of up to ten times the minimum monthly wage for leading or even taking part in unregistered worship services, remains in force. Muradov denied any harassment of believers in Turkmenistan, describing those who had told Forum 18 of such harassment as "sick". More than ten weeks after the president reduced the number of members required to register a community from 500 to five, no new communities have yet been able to register.

Despite a presidential decree earlier this month abolishing the criminal penalties for religious activity without state registration, unregistered religious activity remains illegal, declared Murat Muradov, a specialist at the Adalat (Fairness or Justice) Ministry. He insisted that the abolition of criminal penalties did not remove punishments for unregistered activity. "If people act without registration they will be fined," he told Forum 18 News Service from the capital Ashgabad on 24 May. "That's the law." At the same time he dismissed as "rubbish" Forum 18's reports that believers of a variety of faiths have this year been fined, sacked from their jobs, beaten and threatened for participating in unregistered religious worship. "The people who told you this must be sick - and you convince yourselves it's true," he declared, laughing.

Muradov repeatedly asserted that registration is compulsory so that the government can then "help" religious communities undertake activities, though he was unable to explain what kind of help religious communities might need. Asked what would happen to religious communities that did not want to register or were refused registration he repeated that such communities would be fined if they conducted any activity.

Under intense international pressure, President Saparmurat Niyazov abolished the criminal penalties for unregistered religious activity on 13 May (see F18News 13 May 2004 http://www.forum18.org/Archive.php?article_id=320). However, although the October 2003 religion law was amended in March, the article specifically declaring unregistered religious activity illegal was not amended and remains in force. "The activity of unregistered religious organisations is banned," Article 11 of the law declares. "An individual carrying out activity in the name of an unregistered religious organisation bears responsibility in accordance with the laws of Turkmenistan."

Also still in force is Article 205 of the Code of Administrative Offences, which spells out fines for those who violate the religion law. The provisions of this article were widened in March at the time when the religion law was amended to reduce the threshold religious communities need to apply for registration.

The March version of Article 205 reads in full:

"Violations of the law on religious organisations:

1/refusal by the founders or leaders of religious groups and religious organisations to register groups and organisations with the state agency;

2/assistance or participation in activity of a religious group or religious organisation knowingly unregistered under the procedure established in law;

3/the organisation and conducting by servants of cult and members of religious groups and religious organisations of special children's and youth meetings, as well as work, literature or other circles and groups not related to the performance of the cult;

4/violation of the procedures established in law for the organising and conducting of religious meetings, processions and other ceremonies of cult –

Copyright Forum18 News Service 2004

attract the imposition of a fine of between five and ten times the minimum [monthly] wage.

The receipt by a religious group or a religious organisation, including unregistered ones, or their members or their participants of financial, material or other aid from physical or legal persons of Turkmenistan or of foreign states evading the established procedure of registering this aid –

attracts the imposition of a fine of between ten and twenty times the minimum [monthly] wage, together with the confiscation of the funds received."

Believers of unregistered faiths – which include all Protestants, as well as Shia Muslims, the Armenian Apostolic Church, Hare Krishna devotees, Baha'is, Jehovah's Witnesses and others – risk being fined for any communal religious activity. Most of the fines handed down are under Article 205 and generally average 250,000 manats (349 Norwegian kroner, 42 Euros or 51 US dollars at the inflated official exchange rate). However, last December and January twelve members of a Baptist church in the western town of Balkanabad (formerly Nebit-Dag) were each fined 1,500,000 manats for attending unregistered worship services in a private home (see F18News 9 January 2004 http://www.forum18.org/Archive.php?article_id=225).

Some communities have told Forum 18 that fines have eased up recently. A member of Ashgabad's Greater Grace church said the last time church members had been fined was in September 2003, though the source said members of other Protestant churches in the capital have been fined more recently.

Questioned more closely about the years of repression of religious believers, including the demolition of Ashgabad's Adventist church and several Hare Krishna temples in 1999, Muradov declared: "Something like that might have happened in 1999, but not now." He said he had been working for the Adalat Ministry for more than a year and he had no reports of such repression.

Meanwhile, more than ten weeks after President Niyazov issued a decree reducing the minimum number of members required to register a religious community from 500 to five, Forum 18 has discovered that no new communities have received registration.

Muradov put the number of religious communities that had come to his ministry for "consultations" on how to register at eleven: the Church of Christ, the Baha'is, the Adventists, the New Apostolic Church, the Pentecostal Church, Greater Grace Church, the Full Gospel Church, the Hare Krishna community, the Baptists, the Jehovah's Witnesses and the Catholics. He said no Muslim or Armenian Apostolic communities had sought information on how to register.

He said the Catholics had been the last to seek advice, on 15 April, adding that he did not know why none of the various communities had lodged formal applications. "No-one applied, unfortunately. You would have to ask them why they haven't."

One member of Ashgabad's Greater Grace church told Forum 18 on 21 May that it had lodged its registration application with the Adalat Ministry in April, but that this had been returned to the community with a demand that it provide a further document with the application. Forum 18 has also learnt that Ashgabad's Pentecostal community also applied for registration, but the application was returned because the statute was "unsatisfactory". However, Muradov denied that any communities had lodged a formal application.

Asked whether Muslim communities were barred from applying for registration as President Niyazov declared in March (see F18News 30 March 2004 http://www.forum18.org/Archive.php?article_id=291), Muradov insisted that the president was banning not the registration of new Muslim communities but the building of new mosques. But he was unable to explain how a Muslim community could register and then not be allowed to build a new mosque. He supported the president's assertion that Turkmenistan "has enough mosques" and rejected suggestions that it was a decision for Muslim believers, not the state, to determine whether to build mosques or not.

Asked if Shia Muslims, who are among the religious communities currently banned, are allowed to apply for registration, Muradov would answer only: "There are no restrictions on any religious communities." Despite repeated questioning, he pointedly refused to use the term "Shia" and said he did not know if such a community existed in Turkmenistan. Shirin Akhmedova, the former head of the department that registers religious communities at the Adalat Ministry, had asserted to Forum 18 in March that there was nothing to stop Shia communities from registering. (Akhmedova was transferred from the ministry in April to become deputy head of Mary region.)

Muradov claimed that the model statute drawn up on 10 March and handed to religious communities that sought information on how to register (see F18News 13 May 2004 http://www.forum18.org/Archive.php?article_id=320) has now been amended in writing to remove the requirement that religious organisations must pay a levy of one fifth of their income to the government's Gengeshi (Council) for Religious Affairs. "This was abolished in the presidential decree of 13 May," he claimed. However, he declined to make the text of the amended model statute available to Forum 18.

Only 140 of the estimated 400 mosques currently have registration, together with twelve Russian Orthodox parishes. All other faiths have been illegal since 2003, although they have been treated de facto as illegal since 1997.

Copyright Forum18 News Service 2004 - Page 2/3

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

http://www.forum18.org/Archive.php?article_id=296

A printer-friendly map of Turkmenistan is available at

http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=turkme

---

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY

Copyright Forum18 News Service 2004