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TURKMENISTAN: Religious freedom survey, November 2010

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Freedom of religion or belief in Turkmenistan is with other intertwined human rights highly restricted. Among systematic violations noted in Forum 18 News Service's religious freedom survey are: state control of religious leaders and communities; racial discrimination based on promoting a homogeneous culture; severe restrictions on religious education and sharing beliefs, including banning women from studying academic theology in the country; a ban on unregistered religious activity, and great difficulty in those who want it acquiring registration; restrictions on having a place of worship, even for registered groups; MSS secret police informer recruitment; state reprisals against those who discuss human rights violations; an exit ban list and other restrictions on freedom of movement; censorship of religious literature and other material; increasing numbers of prisoners of conscience, with one prisoner ordered to be subjected to abusive medical treatment; and the use of previous "offences" to harass those the authorities dislike. It appears that government promises of "reform" are for foreign consumption only, without any intent to end human rights violations against Turkmenistan's people.

Freedom of religion or belief in Turkmenistan is highly restricted, and it is one of the most repressive regimes in the world. Forum 18 News Service's religious freedom survey notes that systematic human rights violations have continued since President Gurbanguly Berdymukhamedov came to power in December 2006.

Serious violations Forum 18 has documented include: state control of religious leaders and communities; racial discrimination based on promoting a homogeneous culture; severe restrictions on religious education and sharing beliefs, including banning women from studying academic theology in the country; a ban on unregistered religious activity, and great difficulty in those who want it acquiring registration; restrictions on having a place of worship, even for registered groups; MSS secret police informer recruitment; state reprisals against those who discuss human rights violations; an exit ban list and other restrictions on freedom of movement; censorship of religious literature and other material; increasing numbers of prisoners of conscience, with one prisoner ordered to be subjected to abusive medical treatment; and the use of previous "offences" to harass those the authorities dislike.

Denial of freedom of religion or belief is intertwined with denial of the rights to freedoms of assembly, of speech, of expression, and freedom of movement. Turkmenistan is not a state where the rule of law applies, so human rights enshrined in the Constitution - including religious freedom - do not exist in practice. Similarly, the country's systematic violations break its international human rights commitments.

Geographically, Turkmenistan is the second largest country in Central Asia, but is mostly desert and so has the smallest population with over 5 million people. Around 85 per cent are ethnic Turkmen (regarded as being of Muslim background) with the rest being made up of ethnic Uzbeks (likewise of Muslim background), Slavs (mainly Russians and Ukrainians, many of Russian Orthodox or other Christian background) and smaller minorities of Kazakhs, Tatars, Armenians, Azeris and others. Despite vast natural resources - mainly natural gas - most people live in deep poverty. The state has minimal to non-existent transparency about its extremely large revenue and expenditure. Many people have left the country to work - sometimes illegally - in Russia, Turkey or elsewhere.

President Berdymukhamedov's strict restrictions on religious activity - and similar restrictions on political, media, trade union, and other non-governmental activity - are designed to ensure that he maintains total control over all aspects of society.

State control of religious leaders

Controls from the time of Berdymukhamedov's predecessor Saparmurat Niyazov continue to apply. Both Article 12 of Turkmenistan's Constitution and the 2003 Religion Law (misleadingly called the Law on the Freedom of Religious Confession and Religious Organisations) claim to guarantee religious freedom. But 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 Gengeshi (Council) for Religious Affairs in the capital Ashgabat [Ashgabat] names the Chief Mufti (who is also one of the Deputy Chairs of the Gengeshi) and imams down to the district level. Regional Gengeshis select candidates for a vacant post, but the Ministry of State Security (MSS) secret police has the decisive input. This is based on information collected by the MSS on a candidate's ancestry (they must be at least mostly ethnic Turkmen), relatives, political views and activity. Those with a

positive recommendation go to the central Gengeshi in Ashgabad for final approval. "They will only be approved if they are 'clean'," one Muslim told Forum 18.

Mullahs - who perform rituals related to births, circumcisions, marriages and deaths in a small district of perhaps 100 families over several streets - do not face such extensive scrutiny on being appointed. They are appointed by district imams, after they have been checked by the MSS. Ethnic minorities, such as Uzbeks, are not barred from being mullahs.

Successive Chief Muftis have been removed from office, most recently in September 2009, when Gurban Haitliev was appointed to replace Rovshen Allaberdiyev. Although Haitliev was formally appointed by the leadership of the Muftiate, sources have told Forum 18 that it is inconceivable that the decision was not taken by President Berdymukhamedov. Many regional imams were also transferred to new duties at the same time. This rotation of senior Muslim leaders continues the practice of former President Niyazov, who even imprisoned one former Chief Mufti, Nasrullah ibn Ibadullah, from 2004 to 2007.

Some Muslims said Niyazov-era Chief Mufti Nasrullah was the last Chief Mufti to have had a solid grounding in Islam. His successor as Chief Mufti, Kakageldi Vepaev, who had studied Arabic at Turkmen State University in Ashgabad, was in his mid-30s when appointed in January 2003. In turn, Vepaev's successor, Allaberdiyev, who had also studied at the then [Islamic] Theology Faculty of Turkmen State University, was just 27 when former President Niyazov appointed him Chief Mufti in August 2004. Some questioned Allaberdiyev's qualifications in Islam, while those who have met him say his knowledge of at least spoken Arabic is poor. The age and educational background of the most recently appointed Chief Mufti remain unknown.

In recent years, devout Muslims have expressed concern about the state's replacement of imams who had thorough Islamic theological education with those with less deep, if any formal theological education. Officials have stated that imams cannot be appointed if they have trained outside Turkmenistan. Muslims have also told Forum 18 that they believe that the authorities' removal from office of ethnic Uzbek minority imams in the northern Dashoguz [Dashowuz] Region, and their replacement with ethnic Turkmen imams, was motivated by racial discrimination (see the section 'Discrimination based on promoting a homogeneous culture' below).

Sermons by imams at Friday prayers are increasingly used to convey state messages, with the Gengeshi "recommending" to imams topics they should and should not cover. The prayers conclude with a short prayer for the President. "Some Muslims are offended by this, others not," a Muslim in the country told Forum 18.

State control of religious communities

Permission from the government's Gengeshi for Religious Affairs is required to acquire a place for religious meetings, publish or acquire religious literature or for a religious group to invite foreign guests. Such permission is rarely granted and, if it is, is frequently accompanied by unwritten demands, such as a willingness to cooperate with the Ministry of State Security (MSS) secret police.

Meeting for worship in unapproved venues - such as private homes - is dangerous and can lead to raids and fines. Even religious communities that have state registration often cannot rent premises for worship and thus cannot meet as communities.

Also violating the constitutional separation of religion from the state is the government role accorded to Muslim leaders, particularly giving them the right to interfere in the activity of other faiths. As previously noted, one of the Deputy Chairs of the Gengeshi is the Chief Mufti, while leaders of the Gengeshi in the regions also continue to have the dual role of regional imam.

Muslim young men in some regions are barred by the state from wearing beards, while women are banned from wearing a hijab (headscarf). One Dashoguz Muslim told Forum 18 that local police summon bearded young men for "preventative talks", which include instructions to shave off their beards. Regional Gengeshi officials close to the southern border with Iran have warned workers during talks in factories that beards and full headscarves are not allowed, a local resident told Forum 18 in 2010. Residents of Ashgabad told Forum 18 that such restrictions do not appear to be imposed there.

Father Andrei Sapunov of the Russian Orthodox Church, another Deputy Chair of the Gengeshi, has, since Niyazov's time, had particular responsibility for Christian and other non-Muslim affairs. This gives Sapunov an official power of veto over the affairs of other Christian denominations. Unlike with the Islamic community, however, Berdymukhamedov's government does not appear to appoint religious leaders of Christian denominations.

Fr Sapunov's state role is acknowledged within the MSS secret police, even by local officers outside Ashgabad. In many raids on Protestant churches in different regions of the country, MSS officers have told Protestants that they must receive permission from Sapunov before they can operate. Some members of the Russian Orthodox Church have told Forum 18 that they have evidence that Sapunov passes information received in the confessional - which the church teaches he should never reveal to anyone - to the secret police. Sapunov has also 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 Gengeshi appointed under President Berdymukhamedov tend to discriminate against them in favour of state-controlled Islam more than their predecessors appointed under former President Niyazov. Officials appointed under Berdymukhamedov are said within Turkmenistan to be more willing than officials under Niyazov to routinely deny permission for non-Muslim activity. Under Berdymukhamedov, officials of the Gengeshi appear to more frequently question and threaten religious minorities during raids than was the case under Niyazov. However, for fear of state reprisals the victims of such human rights violations are often reluctant to discuss this publicly.

Under pressure from President Berdymukhamedov, in October 2007 the Russian Orthodox Church took its 12 parishes away from the Uzbek-based diocese and formed them into a Patriarchal Deanery under the Patriarch in Moscow. The bishop who administers the parishes in Turkmenistan is Bishop Feofilakt (Kuryanov) of Smolensk in Russia. Visits by the Uzbek-based bishop were very rare, but since Feofilakt's October 2008 appointment he has been able to visit parishes in Turkmenistan frequently.

Discrimination based on promoting a homogeneous culture

Although President Berdymukhamedov allows Sunni Islam to operate within tight 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. Official intolerance of Shia Islam is manifested in ways such as refusal to allow Shia rituals among the tiny numbers permitted to make the haj pilgrimage.

Such discrimination may derive from former President Niyazov's policy of promoting an ethnically homogeneous Turkmen-speaking Turkmen national culture. Sunni but not Shia Islam is seen as a part of this. So too was the Niyazov-era removal of ethnic Uzbek imams in the north of the country. Racial discrimination continues, as ethnic Uzbeks still cannot become imams in the north. No-one whose ethnicity is mainly non-Turkmen is thought to hold any Muslim religious office anywhere higher than the small district mullah level.

The promotion of a homogeneous culture is also evident in official harassment of ethnic Turkmen members of religious minorities, as well as of non-Turkmen minorities. While the Russian Orthodox Church is tolerated, the government has effectively banned the Armenian Apostolic Church and suppressed efforts to revive it. An estimated 15 percent 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 (especially those who live in small towns or villages) face public humiliation and accusations from officials of betraying their nation. In a typical example, an ethnic Turkmen Protestant told Forum 18 that in early 2008 he had been summoned before the community, accused of betraying his "ancestral faith", and pressured to renounce Christianity. Religious minority communities led by ethnic Turkmen or which conduct their activity in Turkmen are almost always barred from gaining legal status.

Religious education and sharing beliefs severely restricted

Formal religious education - apart from small scale basic education in some mosques and Russian Orthodox churches - is almost totally banned. Religious communities cannot arrange lectures, courses or extended study and training programs, such as setting up degree or diploma courses. As the government stated in its January 2010 report (CCPR/C/TKM1) to the United Nations Human Rights Committee under the International Covenant on Civil and Political Rights (ICCPR): "Teaching of religion privately is banned."

The single exception to this de facto ban on formal religious education is a small Muslim Theological Section in the History Faculty of Magtymguly Turkmen State University in Ashgabad, the only institution authorised to train imams. Ten new students joined in September 2010 at the beginning of the academic year, maintaining the level of 50 students in its five-year course of study. The section faces restrictions on the number of students and has been banned from employing foreign staff. All candidates need the approval of the Gengeshi and, more importantly, the MSS secret police, Muslims told Forum 18.

Women are prohibited from studying in the Theological Section, and therefore from studying academic theology – Muslim or otherwise – within Turkmenistan.

Muslims are not allowed to travel abroad for religious education. However, Russian Orthodox men are allowed to study for the priesthood outside the country, as are male and female choir-leaders. Apart from these Russian Orthodox students, no other religious believers can get the state permission required to study religion abroad. Those who do study abroad have to conceal this from the state, otherwise they risk being prevented from leaving the country. On return, their foreign religious qualifications are not recognised by the state. It is unclear why the state largely exempts the Russian Orthodox Church from the restrictions that affect every other faith.

Other religious communities have been harassed for trying to give their members less formal religious education. For example, ten officials from the local Gengeshi department of Ashgabad'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 Gengeshi could lead to the church being closed down, for teaching religion "without approval".

Sharing religious beliefs in public is extremely hazardous and in the state-controlled media is impossible. 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 designed to ensure close government control of religious communities. Unregistered religious activity is an offence under the Code of Administrative Offences punishable by a fine. The Gengeshi has to approve registration applications, which are then handed to the Justice Ministry. A special commission attached to the Justice Ministry processes registration applications for religious and social organisations. According to an April 2005 Presidential Decree, amended in September 2005, this commission includes the Justice Minister and the deputy chair of the Gengeshi, as well as the first deputies of the Justice Minister, of the Foreign Minister, of the General Prosecutor, of the State Security Minister, of the Interior Minister and the deputy head of the State Service for Registering Foreign Citizens. Any of these bodies can reject applications, a frequent occurrence for communities the government does not like - especially non-Muslim communities led by ethnic Turkmen people. This often happens outside Ashgabad.

In its report to the United Nations under the ICCPR in January 2010, the government admitted in Paragraph 587 that only 123 religious communities had state registration, figures far lower than what officials had previously given. (Shirin Akhmedova, then of the Justice Ministry, told Forum 18 in March 2004 that 152 religious communities had registration, 140 of them Muslim and 12 Russian Orthodox.) The government claimed in January 2010 that 100 of the registered communities are Muslim, both Sunni and Shia, while 13 are Russian Orthodox and 10 are of other faiths (among them Baptist, Pentecostal, Greater Grace, Seventh-day Adventist, New Apostolic, Baha'i, and Hare Krishna communities). Ashgabad's Catholic community - which has been protected by the diplomatic status of its two priests and chapel - finally gained legal status in March 2010 after 13 years of negotiation. The Justice Ministry agreed to allow a foreign citizen to head the community. Turkmenistan has no native Catholic priests.

Some Shia Muslim communities and the Armenian Apostolic Church are among those known to Forum 18 to have had applications rejected under President Niyazov, or to have decided that they should not submit applications because of the tight restrictions imposed. This continues under Berdymukhamedov, but a number of Protestant communities and Jehovah's Witnesses are known to Forum 18 to be still trying - and still failing - to gain legal status. Many religious communities have stopped applying for registration, and have decided to operate quietly without legal status.

One of the communities that has applied for registration - so far in vain - is the Path of Faith church in Dashoguz, an independent Turkmen-speaking Baptist congregation. It filed its application in 2005. "We don't understand why they won't do it," church members told Forum 18 in January 2010. "The Justice Ministry finally said they would register us in January 2009 and that a commission would come here to Dashoguz to examine our documents. But nothing has happened." Ashgabad's Pentecostal Church has been in legal uncertainty since 2008, when it applied to the Justice Ministry to record the change of pastor, change of legal address, and to re-register a revised statute. "They won't re-register the congregation, so it makes the legal status unclear," one Protestant told Forum 18. "This means it can't rent property because the authorities will say: you don't have registration any more."

Officials also use registration 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 requires the entry 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 check the community's accounting and banking of donations on a weekly basis. Registered religious communities have told Forum 18 that they are also required to collaborate with the MSS secret police.

Religious communities have complained to Forum 18 that the 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 of the community has given written permission for their religious activities.

For example, the pastor of a Dashoguz-based Protestant church was questioned in January 2010 after a birthday party in a nearby village, where he prayed briefly at the request of the host. The party was raided by police and officials of the District Gengeshi who told the pastor that by praying there he was violating the Religion Law. Police claimed that he needed extra permission to conduct any religious work in the district and ignored his insistence that the church's registration allows him to conduct religious activity throughout Dashoguz Region.

Similarly a Christian youth summer camp organised by two registered Pentecostal churches in the village of Sekiz-Yab north-west of Ashgabad was raided in July 2010. Protestants who were at the event, but asked not to be identified for fear of state reprisals, told Forum 18 that camp participants were insulted, pressured, and threatened. Some were subsequently sacked from their state jobs.

Restrictions on having a place of worship

One of the largest problems Turkmen believers identify – faced even by registered communities - is not being able to freely maintain public places of worship. As one Turkmen Protestant from a region far from the capital put it to Forum 18, "You cannot build, buy, or securely rent such property, let alone put up a notice outside saying 'This is a place of worship.'" The Protestant source added that "the government likes to be able to say to outsiders 'We have registration' and show them communities in Ashgabad. But people don't look at what we experience in places away from the capital, where we have no hope of registration. Without freedom to meet for worship, it is impossible to claim that we have freedom of religion or belief."

This means that many communities cannot gather all their members together. Some have told Forum 18 they can only meet in small groups for fear of police and MSS 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 receiving a telephone warning from officials. Some registered religious communities have had to move their place of worship more than a dozen times in a year.

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

A number of places of worship were confiscated without compensation (some even being destroyed) under President Niyazov. These included mosques demolished because their imams refused to read Niyazov's book, *Ruhnama*, the Armenian Apostolic Church in Turkmenbashi (formerly Krasnovodsk), and Adventist, Baptist and Hare Krishna places of worship. This failure to compensate religious communities parallels the government's general policy of not providing any compensation to almost all individuals and groups when it demolishes their homes and seizes their property.

The administration chief in Dashoguz halted construction work on a Russian Orthodox church for many years, but construction resumed in 2008. In 2009, however, city authorities began construction of tall buildings around it so that it could not be seen from afar. Other religious minorities have been denied permission to buy land and build places of worship or buy buildings to use as places of worship.

The state actively publicises the mosques it builds at government expense, including the mosque completed in Mary in the east of the country in 2009 and the one planned for Koneürgench in Dashoguz Region. 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 by Turkmenistan's Constitution.

The legal framework for registration

Under changes to the Religion Law and a Presidential decree issued in March 2004, communities with just five adult citizen founders can theoretically apply for legal status. But in practice registration is rarely given and - if given - is associated with extralegal requirements, as noted above.

Unregistered religious activity remains an offence under Article 205 of the Code of Administrative Offences ("violation of the law on religious organisations"), although this article appears not to have been used often in 2009 and 2010 as the basis for prosecutions of unregistered activity. State agencies appear to prefer to find other 'informal' means, such as raids, to try to stop unregistered religious activity. This is de facto treated as if it were a criminal offence.

Article 205, which was last amended in October 2003, specifies fines that are between five and ten times the minimum monthly wage for refusing to register a religious community or participating in an unregistered religious community. Fines can be doubled for repeat offenders. Under Niyazov and during the first two years or so of Berdymukhamedov's rule, many believers of a variety of faiths were fined under this article, including Baptists, Hare Krishna devotees, and Jehovah's Witnesses.

Unregistered activity banned

The government's January 2010 report to the UN states that: "The activity of unregistered religious organisations is banned. An individual carrying out religious activity in the name of an unregistered religious organisation bears responsibility in accordance with the Law of Turkmenistan."

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 all unregistered religious activity. Registered religious communities also suffer these raids or, more frequently, less brutal visits by officials.

One example was a raid on the Sunday worship service of the Path of Faith Baptist congregation in Dashoguz on 20 December 2009. Rovshen Allaberdiev, imam of the Dashoguz region who is also the senior regional official of the Gengeshi, led the raid,

accompanied by a police officer and three other officials who did not identify themselves. One of them photographed those present. The officials confiscated around 100 Christian books, including personal Bibles.

The officials took all 22 people present to the local administration building, where they were questioned and pressured to sign statements that they would not attend the church in future. "Some people signed and now some are afraid to come to services, especially new people," one church member told Forum 18. "We were told it is illegal to meet without state registration. But we told them we have already applied for registration and are waiting for a response from Ashgabad."

Several members of the same church were summoned by the local Gengeshi, MSS secret police officers, and ordinary police in July 2010 and pressured to sign statements declaring that they would no longer attend the church. Officials told the church members that Turkmenistan "is a Muslim country" and that they would do everything to ensure that Christians did not exist in the country.

MSS secret police informer recruitment

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 secret police also runs agents in each Muslim and Orthodox community. In addition to these agents, other believers are regularly interviewed by MSS secret police officers and forced to reveal details of the community's religious life. The secret police and local police also try to recruit agents in unregistered religious groups.

Fear of openly discussing human rights violations

Formally complaining about religious freedom violations can sometimes lead to further harassment. Bilbil Kulyyeva, a Jehovah's Witness and mother of four in Ashgabad, filed complaints with various state agencies in October 2008 over her family's eviction from a hostel and the denial of city residence permits because of her faith. The authorities then threatened to lock her up in a psychiatric hospital, place her two younger children in a state foster home, and deport the other two.

It is likely that state officials want these reprisals to exert an impact that goes beyond those who are directly targeted. Such intimidation has a ripple effect of compelling those who hear about these incidents to remain silent about human rights violations they know of, or to discuss them only in confidence with people they trust.

Some religious communities are afraid to discuss openly human rights violations such as raids and MSS secret police spying publicly, fearing it will make their situation as a community worse, or harm attempts to gain legal status. Religious believers and communities are for good reason reluctant to publicly discuss the use of physical violence, including torture, and rape threats against women by officials. The use and threat of violence by officials appears to be common.

During the September 2008 visit by Asma Jahangir, the then UN Special Rapporteur on Freedom of Religion or Belief, representatives of at least three different religious communities in Ashgabad were warned by the MSS secret police not to meet her. Neither Jahangir's final press conference in Ashgabad, nor her criticism about the situation in the country was reported in Turkmenistan's government-controlled media - the only media allowed in the country.

One human rights defender, Farid Tukhbatullin of the exiled Turkmen Initiative for Human Rights, faces a credible threat of murder by the MSS secret police.

Exit ban list and other freedom of movement restrictions

Known active religious believers are among the many people the government prevents from travelling abroad, in addition to the restrictions on religious study abroad. Out of a reported quota of 5,000 granted by the Saudi authorities, the government normally allows only 188 people a year (about one airliner's capacity) to go on the haj pilgrimage to Mecca. This total includes MSS secret police officers. In 2009, the government allowed no haj pilgrims to travel at all.

The obstacles to travel abroad, which President Berdymukhamedov has continued from Niyazov's time, make it difficult for religious believers to meet their fellow believers in other countries, or to take part in international religious pilgrimages and gatherings. This is part of an apparent government policy to isolate religious believers in Turkmenistan from their co-believers abroad.

A Muslim from Turkmenbashi, a city with a population of 70,000, told Forum 18 in November 2008 that he was among about 1,000 would be pilgrims from the city on the waiting list, while only two or three were actually able to go on that year's haj. Would-be pilgrims have to gain "recommendations" from the religious leadership in their place of residence. "All the names of candidates then go to the Gengeshi and there they draw up the final lists," one Ashgabad resident explained to Forum 18. "I know many people who want to go at their own expense, especially as Turkmenistan sends fewer than the Saudi authorities allow. But people cannot go at their own expense - the Turkmen authorities don't give permission."

Going on the haj appears to entail subsequent obligations to the state. One haj pilgrim from a southern district was required by

officials several years later to publicly support government policy at regular meetings with the population - alongside the district imam, mullahs and elders - for "propaganda talks". Such talks included warning residents of what the government regards as the dangers posed by some Muslims and by non-Muslim faiths.

Freedom of movement restrictions are also applied to non-haj travellers. Many active religious believers are among those on an exit ban list maintained by the country's Migration Service, on behalf of the Interior Ministry and the MSS secret police.

For example, Protestant pastor Ilmurad Nurliev was taken off an aeroplane at Ashgabad airport just before departure in October 2007. Nurliev, of Light to the World Pentecostal Church in Mary, told Forum 18 in 2010 that he has been unable to leave Turkmenistan since. In its most recent reply to Nurliev, the Migration Service confirmed to him in July 2009 that he was banned from leaving the country but failed to explain why. Former Baptist prisoner of conscience Shageldy Atakov, was removed from an aeroplane at Ashgabad airport in May 2006. His wife and five of their nine children were later barred from flying to Russia. Atakov has since been told that his entire family is on the exit ban list.

Forum 18 knows of other active religious believers who have been prevented from travelling abroad on individual trips without being entered on the exit ban list. The government refuses to explain either to individuals affected or to others why these exit bans have been imposed. Some who have tried to establish the reasons why they cannot travel abroad were told verbally: "You know the reason". They have told Forum 18 that they think the bans were imposed to punish them for their religious activity.

Active religious believers who are generally not prevented from leaving are subject to close scrutiny on departure or re-entry. Several people have told Forum 18 that known religious believers who are allowed to travel abroad have their status as leaders of religious communities marked on their record on the computer database accessible to border guards at departure points, including Ashgabad airport.

As part of its policy of isolating religious communities from their fellow-believers abroad, the government over the past decade has expelled several hundred local residents with foreign passports who had been prominent in religious activities.

In addition to restricting religious travel for its citizens, the Turkmenistan government also imposes an almost total ban on visits from foreign fellow believers that further increases the isolation of local religious communities. Local communities can only invite foreigners if they have state registration and even then need the permission of the Gengeshi, which is very difficult to obtain. Only very few such visits took place in 2009 and 2010. One frequent visitor, however, was Bishop Feofilakt of the Russian Orthodox Church.

Many communities have tried to invite fellow-believers from abroad for many years without success. One foreign Protestant told Forum 18 that the Gengeshi refused to authorise his planned visit in 2009. Visas to Turkmenistan for those suspected of wanting to visit for religious purposes are often refused. Those who do manage to obtain visas and enter the country risk deportation if they are discovered visiting religious communities.

Censorship

As well as implementing a de facto ban on most religious publications, the authorities routinely confiscate religious literature from residents and from people entering or leaving Turkmenistan. Very little literature is produced, making it almost impossible for believers to acquire copies of the Koran, Bible or other religious works in any language.

The authorities routinely confiscate religious literature, CDs, and DVDs found by police or the MSS secret police during raids on religious meetings in private homes. Occasionally these items are later returned, though often only after great efforts and pressure from the owners, who risk further punishment by requesting their return.

No religious literature may be published in Turkmenistan or imported into the country without permission from the Gengeshi. Each title and the number of copies must be specifically approved. State postal authorities hold all religious literature received from abroad, releasing it only when the Gengeshi has given written approval. Forum 18 has learned that the Gengeshi does occasionally allow small parcels of religious literature sent from abroad to be received by registered religious organisations.

Although the customs declaration required to be filled in by every traveller arriving in Turkmenistan contains no specific question on religious literature, officials routinely ask travellers if they have religious literature with them. Baggage is usually checked by three officers, one from the customs, one from the military, and one official in civilian clothes generally thought to be from the MSS secret police. Turkmen citizens say the MSS official checks for religious literature and materials.

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. However, Forum 18 knows of several cases where even one or two religious books - such as a personal Bible - were confiscated. For example, this type of confiscation happened in January 2010 to a Protestant pastor. One Orthodox Christian told Forum 18 that on at least five occasions known to them Orthodox priests had small quantities of literature taken from them, at

the border, as they returned to the country.

When religious literature is seized, officials are supposed to give the traveller a receipt itemising each title confiscated. They then send the literature to the Gengeshi for "expert analysis" on whether it is authorised. One citizen told Forum 18 that "occasionally they will give back a personal copy of the Koran or Bible". Religious communities have tried to find out from the Gengeshi who is in the commission which officials say conducts their "expert analyses" – or indeed if they actually take place – but Gengeshi officials refuse to tell them. The Gengeshi does not give copies of any analyses in writing to those who have had literature confiscated.

Not only are books and CDs seized. Bracelets with religious inscriptions of any kind are known to have been confiscated. One Turkmen citizen told Forum 18 that he saw a carpet with a Muslim inscription in Arabic being confiscated. At the ferry port in Turkmenbashi in May 2010, customs officers confiscated framed verses from the Koran in Arabic that were brought back by students returning from colleges in Azerbaijan. One Ashgabad resident had two calendars with Russian Orthodox icons confiscated at the airport in October 2010. Customs officers often show particular interest in searching the computers and data sticks of known religious believers.

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 told Forum 18 that neither a society to translate and distribute Bibles (as found in many countries), nor Christian bookshops are allowed to exist.

Access to the Internet is possible only via state providers which impose strict control on the information that can be accessed. Some foreign religious websites are not accessible to Internet users in Turkmenistan. Moreover, a special computer program – supplied by the German company Siemens - searches e-mails for coded words that could be used to send "unreliable information", while messages deemed by officials as "suspicious" do not get delivered.

Prisoners of conscience

The numbers of known religious prisoners of conscience are steadily increasing. Eight of the nine currently known religious prisoners of conscience are conscientious objectors to military service. The ninth prisoner of conscience is a Protestant pastor sentenced to four years' jail with "forcible medical treatment" for leading his church.

At the beginning of Berdymukhamedov's presidency, sentences for conscientious objectors were non-custodial. By 2009, however, imprisonment of conscientious objectors resumed. Turkmenistan does not offer non-combat alternatives to those who cannot serve in the military on grounds of conscience. Article 41 of the Constitution describes defence as a "sacred duty" of everyone and states that military service is compulsory for men. Military service for men between the ages of 18 and 27 is generally two years. Conscientious objectors face trial under Article 219, Part 1 of the Criminal Code, which punishes refusal to serve in the armed forces with a maximum penalty of two years' imprisonment. Young Jehovah's Witnesses insist they would be willing to do any form of alternative, non-military service, were it to be introduced. The current lack of any alternative service means that male Jehovah's Witnesses of draft age who have not served in the military can be arrested at any time.

As of November 2010, eight Jehovah's Witnesses had been jailed for refusing military service, while three more were serving suspended sentences. None of the sentenced Jehovah's Witnesses were included in the prisoner amnesties proclaimed by President Berdymukhamedov in 2009 or 2010. Instead, the then five prisoners of conscience were before the May 2010 amnesty sent to a labour camp punishment unit for alleged violations of prison rules. Jehovah's Witnesses think this was to make them ineligible for amnesty.

Sakhetimurad and Mukhammedmurad Annamamedov - brothers from the western town of Serdar - were originally given two-year suspended sentences by Serdar Town Court in November 2008. However, in May 2009 the same judge ruled that they should be transferred to prison to serve full two-year terms, which will expire in May 2011. They became the first Jehovah's Witnesses since July 2007 to be jailed for refusing military service on grounds of religious conscience.

The other Jehovah's Witness conscience objectors sentenced to prison terms since then are: Shadurdi Ushotov, two years, Dashoguz Court, July 2009; Akmurat Egendurdiev, 18 months, Boldumsaz Court, July 2009; Navruz Nasyrlyayev, two years, Dashoguz Court, December 2009; Aziz Roziev, 18 months, Seydi Court, August 2010; Dovleyet Byashimov 18 months, Turkmenabad Court, August 2010; Ahmet Hidaybergenov, 18 months, Turkmenabad Court, September 2010.

Byashimov's parents were allowed a short meeting with their son in Turkmenabad prison in early September 2010 and "saw that he had been beaten black and blue," Jehovah's Witnesses told Forum 18.

All eight Jehovah's Witness prisoners were being held in November 2010 at the Seydi labour camp.

In April 2009, a Dashoguz court handed down two-year suspended sentences to two other Jehovah's Witness conscientious objectors, Zafar Abdullaev and Dovran Kushmanov. Both live at home under restrictions that require them to report regularly to the police and obtain permission to travel outside of the city.

In April 2010, an Ashgabad court sentenced Jehovah's Witness Denis Petrenko to a two-year suspended sentence, though without specifying any conditions or restrictions during this period.

Government officials' statements to foreign counterparts that some form of alternative service might be introduced have not, to date, resulted in the presentation of any specific plans. Turkmenistan's report to the UN Human Rights Committee under the International Covenant on Civil and Political Rights states bluntly: ""Turkmen law does not provide for unarmed service." The report does not go on to give any further explanation or reasoning for this policy.

Prisoner of conscience to receive "forcible medical treatment"

In October 2010, Pastor Ilmurad Nurliev of Light to the World Protestant Church in Mary was sentenced to four years' imprisonment, on charges of swindling money from two women who occasionally attended church meetings and two men whom he had never met. His family and church members vigorously refute the allegations and point to police pressure on people to give false testimony against him, as well as serious inconsistencies in the prosecution's claims.

The verdict states that Nurliev is to be "given forcible medical treatment to wean him off his narcotic dependency". The court ordered this enforced treatment under Article 94, Part 2 of the Criminal Code, which states: "Measures of a medical character can be prescribed by a court alongside a punishment in relation to people who have committed crimes who suffer from alcoholism, or drug or substance addiction, with the aim of healing or the creation of conditions enabling the achievement of the aims of the punishment."

This verdict was not based on independent medical testimony, and Pastor Nurliev's wife and fellow-church members are seriously concerned for his health, as he is a diabetic and his wife has been denied the possibility of giving him his medication. She was also denied the chance to meet him between his arrest in August 2010 and his trial eight weeks later. They told Forum 18 he looked "very, very pale and thin" at the trial.

Nurliev is expected to be sent to the Seydi labour camp, where the other religious prisoners of conscience are held. There are indications that previous Baptist and Jehovah's Witness prisoners of conscience in this camp were tortured with psychotropic [mind-altering] drugs.

Old "offences" recycled

The authorities have on occasion dug up old "offences" committed by individuals as a pretext for further harassment. In April 2009, Baptist leader and former prisoner of conscience Shageldy Atakov was visited by an official of the local administration at his family home in the village of Kaakhka near Ashgabad and was also summoned to the local court. Officials showed him documents ordering the seizure of his property to cover money they claimed he owed from a 1995 car purchase. He had already served a prison sentence for the case, which his fellow-Baptists insist was used to punish him for his religious activity. However, since May 2009, officials - while keeping Atakov under surveillance - have taken no specific action to seize any money from him.

Other Baptists and Jehovah's Witnesses faced similar harassment in 2007, early in Berdymukhamedov's rule in which officials revived accusations from Niyazov's time.

Niyazov's Ruhnama

Prior to President Niyazov's death, all mosques and other places of worship were required to display copies of Niyazov's Ruhnama (Book of the Soul), which officials likened to the Koran or the Bible. This practice seems to have lessened since Niyazov's death, but it has not disappeared. Although many mosques, at least in Ashgabad, have now removed copies of the Ruhnama from the shelves where they keep copies of the Koran, Forum 18 learned that in early 2010 copies were still present in mosques in Dashoguz. Study of the Ruhnama continues to be imposed in state education.

Promises, promises

Turkmenistan has openly admitted and defended its human rights violations at the UN Human Rights Committee, but state officials have also made repeated claims that the country will "liberalise" its laws restricting freedom of religion or belief and other fundamental human rights. Some foreign visitors have reported a more open attitude on the part of some state officials. But although the state has sought some foreign analyses of its laws, held workshops with foreign experts, and claimed to be drafting new laws, its human rights violations continue and have even worsened. People within Turkmenistan have noticed no signs that the state has any interest in stopping its human rights violations.

Claims of improvements on paper without any observable change in state behaviour have been seen previously. In 2004 the Religion Law was "liberalised" and unregistered religious activity was changed from a criminal to an administrative offence. The government was eager to present this as a great step forward, and this interpretation was echoed by some others. Yet, de facto, state officials have continued to behave as if unregistered religious activity is a criminal offence, for example in carrying out raids – even if these break Turkmenistan's laws. It appears that promises of "reform" are for foreign consumption only.

Religious believers in Turkmenistan have told Forum 18 that they would welcome efforts to bring the Religion Law into conformity with international human right standards. But they remain sceptical that any legal changes on paper will end violations of religious freedom. As a then Deputy Chair of the Gengeshi, Nurmukhamed Gurbanov, told a group of Protestants in 2008: "Nothing good for you will come from a new Religion Law." Religious communities also doubt that there will be – in a country without freedom of the media - any possibility to participate in an open debate about how the current Religion Law might be improved.

Article 154 of the Criminal Code bans "obstructing the exercise of freedom of conscience and religion". Yet Forum 18 is not aware of any government officials who have been punished for breaking this law, even though many such violations have been documented. 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.

Turkmenistan continues to systematically violate intertwined fundamental rights - such as freedom of religion or belief, of expression and of assembly - it has solemnly undertaken to respect and defend. Government claims of "reform" or "legislative change" have been so far without demonstrable concrete meaning for the people of Turkmenistan. Without fundamental changes in the attitudes and actions of officials - especially genuine independently verifiable implementation of human rights - Turkmenistan is likely to remain a place where fundamental human rights are violated with impunity.

What changes do Turkmen citizens want?

Religious believers of a variety of faiths have, over a number of years, stated 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 interfering with the beliefs and internal affairs of religious communities, including theological education and internal personnel appointments;
- stop officials taking any action or imposing any requirement they want against religious believers and communities;
- 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 discrimination based on promoting a homogeneous culture;
- permit believers to freely provide religious education to whoever wants it;
- allow people to share their beliefs in public, including through publishing and distributing religious literature;
- end the obstructions to building, buying, renting, or opening places of worship;
- 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;
- reinstate believers fired from their jobs for their membership of religious communities;
- stop trying to isolate religious believers and communities from co-believers in other states, including using exit ban lists and other entry and exit controls as tools of oppression;
- stop imprisoning people for exercising their right 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;

- restore confiscated places of worship to religious communities, or compensate the communities for the destruction of places of worship;

- and bring to legal accountability all those responsible for attacking individuals and communities exercising their internationally-recognised right to religious freedom. (END)

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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>.

Previous Forum 18's religious freedom surveys of Turkmenistan are at <http://www.forum18.org/Analyses.php?region=32>.

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.

A June 2010 OSCE / ODIHR legal review of the Religion Law is available from <http://www.legislationline.org/download/action/download/id/3196/file/Comments%20on%20the%20Turkmenistan%20Law%20on%20Religious%20Organizations%2025%20June%202010.pdf>.

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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