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TURKMENISTAN: "I don't know how these people are going to pay the fines"

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

After a 22 January raid on Protestants in a private flat in Turkmenabad in eastern Turkmenistan, a court has imposed heavy fines on at least five of those present, with threats to fine about a dozen more, Protestants who asked not to be identified for fear of state reprisals told Forum 18 News Service. All are thought to have been fined under Article 205 Part 2 of the Administrative Code, which punishes "support for or participation in the activity of a religious group of religious organisation not officially registered in accordance with the legally established procedure". Two children present were forced to stand before their entire schools and publicly insulted. Victims of other raids are often afraid to have their cases publicised, for fear of attracting further state harassment. Local people told Forum 18 that the fines represent between one and two months' average wages for those in an average state job. "I don't know how these people are going to pay the fines," one told Forum 18. State officials refused to discuss the case with Forum 18. The Administrative Code is being re-drafted, but previous legislative changes have not improved freedom of religion or belief in practice.

After a 22 January police raid on a group of Protestants, who had gathered in a private flat in the eastern city of Turkmenabad (formerly Charjou), a city court has imposed heavy fines on at least five of those present, with threats to fine about a further dozen, Protestants who asked not to be identified for fear of state reprisals told Forum 18 News Service. One of those punished has already faced previous harassment for exercising the internationally-recognised right to freedom of religion or belief, and been threatened with imprisonment.

Some of the Protestants are known to have been fined under Article 205 Part 2 of the Code of Administrative Offences, which punishes "support for or participation in the activity of a religious group of religious organisation not officially registered in accordance with the legally established procedure". The article prescribes a fine of five to ten times the minimum monthly wage. Article 205's various parts punish "violation of the Law on Religious Organisations".

Local people told Forum 18 that the fines imposed on the Protestants represent between one and two months' average wages for those in an average state job in Turkmenabad. Most people in towns and especially villages away from the capital Ashgabad [Ashgabat] are very poor. In villages most people live in a subsistence economy with no formal wages. "I don't know how these people are going to pay the fines," one source familiar with the case told Forum 18.

Forum 18 was unable to reach the Turkmenabad police. An official (who did not give his name) at the religious affairs office of Lebap Regional Hyakimlik (administration) told Forum 18 on 28 January that the imam was not in the office and only he could speak about cases. The official said he knew nothing of any raid on Protestants in the city. The telephone of Rustam Jumaniyazov, the official of Turkmenabad Hyakimlik whose duties include overseeing religious affairs, went unanswered each time Forum 18 called the same day.

Reached on 28 January, Gurbanberdy Nursakhatov, the Deputy Chair of the government's Gengeshi (Committee) for Religious Affairs in Ashgabad, put the phone down as soon as Forum 18 had introduced itself. Subsequent calls went unanswered.

Unregistered religious activity is dangerous

The authorities routinely refuse state registration to religious communities they do not like, including independent mosques (especially Shia mosques), many Protestant churches and Jehovah's Witness communities. The Armenian Apostolic Church has been denied the possibility to resume its activity in the country.

Only 124 religious communities are known to have achieved registration, including 100 mosques, 13 Russian Orthodox churches and one each of Catholic, Hare Krishna and Baha'i communities. Ashgabad's Catholic community – the most recent to gain registration – finally gained legal status in March 2010 after 13 years of negotiation (see Forum 18's Turkmenistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1512).

Unregistered religious activity is – against the country's human rights obligations - banned under the Religion Law. Such religious activity is dangerous, because it is liable to raids and threats from the Ministry of State Security (MSS) secret police and the ordinary police. The ordinary police's 6th Department, which is notionally responsible for counter-terrorism and organised crime work, is often very active against people exercising their right to freedom of religion or belief. Raids such as the one on the 22 January are frequent, but victims of other raids are often afraid to have their cases publicised for fear of attracting further state harassment.

In October 2010, Pastor Ilmurad Nurliev, who leads Light to the World Protestant Church in Mary east of Ashgabad, was given a four-year labour camp term with "forcible medical treatment" on charges his community insist have been falsified. He had tried in vain to register his church. In December 2010 he was transferred to the labour camp at Seydi in Lebap Region of eastern Turkmenistan, where eight Jehovah's Witness conscientious objectors are also imprisoned, and where there is evidence suggesting the use of psychotropic [mind-altering] drugs for torture (see F18News 22 December 2010 http://www.forum18.org/Archive.php?article_id=1525).

Police raid

At mid-morning on 22 January, two police in uniform and three in plain clothes (thought to be from the Police 6th Department or the MSS secret police) suddenly arrived at the private flat in Turkmenabad where the Protestants had gathered, Protestants told Forum 18. Refusing to give their names or explain why they had come, the police immediately began to question the 20 or so people present as to why they had gathered. They examined discs they found and began to play them on the television, finding that they contained music and Indian films. They confiscated several discs.

Police then started seizing any notes and bags they could find, insisting that those present should explain what was there and if they refused to show them they would be taken to the police station. Police confiscated the identity documents of those present, as well as books belonging to the home owner and a camera. All of them were led out of the flat in full view of people in the yard "as if they were criminals".

Police took those present to Police Station No. 3, where they started to interrogate them individually. All were fingerprinted. Protestants told Forum 18 that both as they were being detained and at the police station, police were abusive and insulting to the mainly female detainees. During the interrogations, the police station apparently received a telephone call from Ashgabad. Officials from the Hyakimlik (city administration) arrived, as well as the city imam dressed in civilian clothes, who shouted at several of the Protestants.

The Protestants were allowed to leave the police station only late that evening after being ordered to return on 24 January. Two of the Protestants, who were from outside Turkmenabad, were ordered to stay with their friends in the flat and not to leave the city.

When all the Protestants returned to the police on 24 January, they were told the imam and the Hyakimlik officials had insisted that they all be charged with illegal religious activity, "preaching the Baptist faith".

The following day, two of the Protestants – both from outside Turkmenabad – were taken to the city court. There the judge questioned each "crudely" about which God they believed in, telling them that the imam had given an assessment that their faith was "against the state" and was banned. He fined them each 400 Manats (800 Norwegian Kroner, 100 Euros, or 140 US Dollar). The two were taken directly to the bank and forced to pay the fines. Only then were their identity documents returned.

On 26 January, three more of the Protestants were fined under the same Article 205 Part 2. They were each fined 360 Manats (730 Norwegian Kroner, 90 Euros, or 125 US Dollars). They were told they would be arrested if they did not pay and that their identity documents would only be returned once they had done so. The rest of the Protestants were later threatened with similar fines. Written verdicts have not been issued.

Two of those present at the meeting were schoolchildren. Protestants told Forum 18 that they were not fined, but were made to stand before their whole schools and publicly insulted.

Earlier pressure

At least one of those fined is known to have been subjected to surveillance in the month before the raid, Protestants told Forum 18. Also in summer 2010, the Protestant was summoned by village elders, Hyakimlik officials and the MSS secret police and warned that continuing to meet with fellow-believers would be punished with imprisonment. Officials told the Protestant that this was "as President Gurbanguly Berdimukhamedov has condemned all religions other than Sunni Islam".

More recently the Protestant's personal details were copied down from identity documents and the individual was put on police records as someone to watch. The Protestant's car was photographed and the registration number recorded.

Will new Administrative Code remove human rights punishments?

Speaking to deputies of the Mejlis in Ashgabad on 20 January, President Berdymukhamedov told them to speed up work on drafting a new Code of Administrative Offences, according to the text of his speech published on the government website the same day. The current Code is based on the 1984 Soviet-era text, with many changes.

One Ashgabad-based source familiar with developments told Forum 18 that work on a new Code is still at a very early stage. Drafts of new laws in Turkmenistan are drawn up in great secrecy with no public discussion. It remains unclear whether Article 205 ("violation of the Law on Religious Organisations") will remain unchanged or not.

Previous legislative changes have done nothing noticeable to change the way people exercising freedom of religion or belief are treated in practice, local religious believers told Forum 18. When the new Criminal Code was adopted after extensive revisions in May 2010, the entire Article 219 used to punish those who refuse to do military service on grounds of religious conscience remained untouched (see F18News 24 May 2010 http://www.forum18.org/Archive.php?article_id=1448).

The one significant change to the Criminal Code was the removal in 2004 – under intense international pressure - of the Article punishing unregistered religious activity. However Forum 18 notes that this paper change made no practical difference to the state's continuing attacks on people exercising the right to freedom of religion or belief, and unregistered activity continues to be treated as if it were a criminal offence. And, as the imprisonment of Pastor Nurliev demonstrated, the state continues to find other ways of punishing people for exercising this and other human rights (see Forum 18's Turkmenistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1512).

Religious believers also point out to Forum 18 that there are Criminal Code Articles which notionally defend their exercise of human rights. These include Article 145, which punishes "violations of the equal rights of citizens", including religion-based violations, or Article 154, which punishes "obstructing the enjoyment of the rights to freedom of conscience and belief". But there are no known cases where these have been used to punish officials for their frequent violations of freedom of religion or belief. (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=1512.

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 printer-friendly map of Turkmenistan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=turkme>.

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