

13 May 2004

TURKMENISTAN: Religious persecution's latest disguises

By Felix Corley, Forum 18

In his latest attempt to disguise Turkmenistan's de facto criminalisation of religious belief, President Saparmurat Niyazov has today (13 May) revoked the de jure criminalisation of unregistered religious activity. Believers were, before the de jure criminalization, treated as de facto criminals and fined, detained, beaten, threatened, sacked from their jobs, had their homes confiscated, banished to remote parts of the country or deported in retaliation for unregistered religious activity. Niyazov has also cancelled a secret decree requiring registered religious communities to subject themselves to tight financial regulation by the state – but has imposed tight financial regulation in a different way, through an official model statute for religious communities. Forum 18 News Service has obtained a copy of this, and religious leaders in Turkmenistan have told Forum 18 that they find these restrictions unacceptable. Many prefer to continue to exist in the underground.

Under intense international pressure over its repression of religious life, Turkmenistan's president Saparmurat Niyazov has today (13 May) revoked the punishments introduced into the Criminal Code last year on those involved in unregistered religious activity. Before these punishments were introduced, Turkmenistan already had tight controls – which it still maintains - on unregistered religious activity. All Shia Muslim, Baptist, Pentecostal, Adventist, Armenian Apostolic, Lutheran, Hare Krishna, Jehovah's Witness, Baha'i and Jewish activity was de facto if not de jure treated as illegal. Believers were, even before the de jure criminalization of unregistered activity, fined, detained, beaten, threatened, sacked from their jobs, had their homes confiscated, banished to remote parts of the country or deported in retaliation for involvement in unregistered religious activity. De jure decriminalisation is not expected to change the established pattern of de facto criminalisation.

President Niyazov also cancelled a secret decree he had issued on 23 March which required registered religious communities to subject themselves to tight financial regulation by the state. However, Forum 18 News Service has also received a copy of the six-page model statute handed out to religious communities by the Adalat (Fairness or Justice) Ministry which requires all religious communities to pay 20 per cent of their income to the government's Gengeshi (Council) for Religious Affairs and imposes other tight controls. This imposes tight financial regulation in a different way, as well as forcing registered communities to provide the state with information helpful to its continued persecution of religious believers (see F18News 10 May http://www.forum18.org/Archive.php?article_id=317).

The pro-government website turkmenistan.ru claimed that the president cancelled the criminal penalties and the secret decree "with the aim of creating the necessary legal guarantees to secure freedom of religion and belief, as well as to complete the laws of the country on religious organisations". Turkmenistan has for the last seven years refused to register all communities of the Shia Muslims, Armenian Apostolic Church, all Protestants (including Pentecostals, Lutherans and Baptists), Jews, Baha'is, the Hare Krishna community and the New Apostolic Church.

The president's moves are the latest in an embarrassing series of conflicting legal moves designed to head off international criticism sparked by last October's amendments to the religion law and the criminal code which tightened even further restrictions on registered religious communities and criminalized unregistered religious activity.

In March this year, the president also announced an apparent paper relaxation of persecution, apparently allowing religious communities to gain official registration regardless of how many members they have or what faith they belong to (see F18News 12 March http://www.forum18.org/Archive.php?article_id=274). However, it became clear that this apparent relaxation masked moves to impose stringent controls on any community that registered, such as a requirement that any worship service or other event needs state permission to take place (see F18News 10 May http://www.forum18.org/Archive.php?article_id=317).

The change in bureaucratic requirements also did not signal any respite in persecution, being apparently intended to allow religious communities to exist in theory but be persecuted in practice. Secret police raids continued and on the same day the March announcement was made, a Jehovah's Witness was arrested and pressured by officials, including a Mullah, to renounce his faith and then fired from his job (see F18News http://www.forum18.org/Archive.php?article_id=293). As Forum 18 has documented, persecution continued since then unabated, Muslims, for example, being barred from building new mosques on 29 March (see F18News 30 March http://www.forum18.org/Archive.php?article_id=291). It is highly unlikely that today's announcement marks any actual relaxation in persecution.

The registration regulations issued by the Adalat Ministry on 10 March, which appear still to be in force despite the latest legal moves, come in the form of a model statute which religious communities appear required to follow very closely if they are to get registration. Article 13 defines the first aim of a religious organisation, ahead even of "jointly confessing and spreading their faith", as "respecting the Constitution and laws of Turkmenistan".

Services would be allowed in property owned by religious organisations and in private homes "in cases of ritual necessity". It remains unclear if regular services in private homes or elsewhere would be illegal.

Only adults citizens of Turkmenistan would be allowed to belong to religious organisations, according to Article 16, leaving it unclear whether foreign citizens living in the country would even be allowed to attend religious services of registered organisations.

Although registered religious communities would be able to teach children on their own premises, teachers would have to be approved in advance by the Gengeshi.

Article 15 of the statute requires the payment of 20 per cent of income to the Gengeshi every quarter, while all donations from abroad have to be registered at the Adalat Ministry.

Leaders of religious organisations have to be Turkmen citizens, making it difficult for faiths like the Catholics or the Armenians which do not have native clergy. The model statute also defines how the administration of each faith must work and how often its governing body must meet.

The model statute also states that leaders of religious organisations are also expected to have higher religious education, a concept which is not defined. This concept may be a further restriction on the clergy who can be appointed, possibly related to Niyazov's decree dismissing from state employment, with effect from 1 June, anyone who holds higher education degrees awarded outside Turkmenistan since 1993.

Article 38 allows courts to liquidate religious organisations for "repeated or gross violations" of the country's laws, while the Adalat Ministry can also terminate an organisation's registration (for which the statute gives no further explanation).

Religious leaders in Turkmenistan have already told Forum 18 that they find the restrictions in the model statute unacceptable. Many prefer to continue to exist in the underground, as the latest apparent relaxations mark no change in the continued de facto criminalisation and persecution of religious believers.

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