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TURKMENISTAN: "If you adopt their faith I'll tear off your head"

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

Pastor Ilmurad Nurliev, a former religious prisoner of conscience, many of his relatives and many of his unregistered Protestant congregation have been summoned for interrogation, threats and insults since 15 September. One police officer threatened to "tear off" the head of one of his relatives if she adopted "their faith", he told Forum 18 News Service from Mary. "Who is threatening him? We simply need to know more about him," an officer of Mary police Criminal Investigation Department claimed to Forum 18. No one at Turkmenistan's Foreign Ministry could explain why it had told the United Nations Human Rights Council in follow-up to the UPR review that "no laws" restrict the rights of unregistered religious communities when wide-ranging new Administrative Code punishments have just been adopted. "Our Ambassador to the UN, Esen Aydogdyev, will be answering all these questions at the Human Rights Council session in Geneva on 18 to 20 September," one Foreign Ministry official told Forum 18 and put the phone down.

Police in the Turkmen city of Mary have resumed pressure on relatives, friends and members of the Protestant congregation led by former religious prisoner of conscience Pastor Ilmurad Nurliev. One police officer threatened to "tear off" the head of one of his relatives if she adopted "their faith", Pastor Nurliev told Forum 18 News Service from Mary on 17 September. "We've got no peace," his wife Maya added. Officials are interrogating all those they can find who signed the church's rejected 2007 registration application.

Denied state registration, Pastor Nurliev's community – Light to the World Church – has been unable to meet for worship in recent years "because of the circumstances", he lamented to Forum 18.

The interrogations, threats and insults come as Turkmenistan has adopted a new Code of Administrative Offences which will come into force on 1 January 2014. The new Code prescribes new punishments for religious activity in defiance of Turkmenistan's claims to the United Nations (UN) Human Rights Council in Geneva (see below).

Numerous religious communities have been raided and individuals have faced fines under the current Code of Administrative Offences for exercising the right to freedom of religion or belief. These include the leader of a Baptist children's summer camp in Mary raided in late June (see F18News 29 August 2013 http://www.forum18.org/archive.php?article_id=1869).

New criminal case?

The most recent trouble for Pastor Nurliev, his relatives and church members began on Sunday 15 September, he told Forum 18. "Yesterday [16 September] I was summoned to the Criminal Investigation Department, where I was questioned by officer Rahman Rahmanov."

Many of his relatives, his wife's relatives, and all those they could find of the dozen or so church members who signed the 2007 registration application have been summoned, had their fingerprints and photos taken, been forced to write statements and been subjected to threats and insults, he said. "They told me it was because of people like us that Syria is facing conflict."

Pastor Nurliev said police even wanted to know about people on the registration application who had died or moved away or no longer had contact with the church.

Maya Nurlieva, the pastor's wife, was summoned to the local police station on 16 September, where Captain Sapar Atabayev interrogated her for three hours. "He threatened, insulted and shouted at me for all that time," she told Forum 18. She had to provide a written account of her life, including information on when she became a Christian.

Police took a copy of her identity document and her fingerprints and told her she was being added to the list of those on police records. She was told to bring a set of photos, including two portrait-size pictures (12 by 9 centimetres). She was also required to give information about all her relatives, including her mother who is in her nineties.

Maya Nurlieva told the police she would not come to report every Saturday as they were insisting she should. "I said that without a

written summons I wouldn't come," she told Forum 18.

Pastor Nurliev said police had asked him whether relatives of his who had moved to Belarus had left because they were criminals.

"No concrete accusations have been laid against me," Pastor Nurliev told Forum 18, "and police wouldn't say why they are doing all this. I can only guess a new criminal case has been opened against me." He said one officer told him the town police had received an instruction from the Interior Ministry in the capital Ashgabad.

"What do you mean, a criminal case?"

The officer who answered the phone on 17 September at the Criminal Investigation Department at Mary police refused to say if he was Officer Rahmanov or not, or Department head Rustam (last name unknown). Asked why Pastor Nurliev and his associates are being interrogated and threatened, the officer responded: "Who is threatening him? We simply need to know more about him." Asked why, the officer added: "Because he's been imprisoned before."

Asked if Pastor Nurliev is facing a new criminal case, the officer responded: "What do you mean a criminal case?" Asked what he has done wrong, he claimed: "He's not doing anything, he's not breaking the law, not now at least." Told that Forum 18's readers would want to know from him why Pastor Nurliev and so many others were being interrogated, the officer responded: "Are you threatening me?" He then put the phone down.

The man who answered the phone at the local police station on 17 September repeatedly refused to say whether he was or was not Captain Atabayev. "No one is harassing anyone," he insisted. After writing down Forum 18's name and address in Oslo, he refused to explain why Pastor Nurliev and his associates are being interrogated and threatened. "Ask the Interior Ministry in Ashgabad," he said before putting the phone down.

Forum 18 was unable to reach Mary city police chief Shohrat Ilmuradov on 17 September. However, his deputy – who would not give his name – took down Forum 18's questions about the case. Asked if he knew about it, he responded: "How can I know when so many things are going on here all the time?" He asked Forum 18 to call back. Subsequent calls went unanswered.

Imprisonment

The interrogations and threats come a year and a half after Pastor Nurliev's release from prison. He had been arrested in August 2010 and given a four-year prison sentence on charges which his congregation members insisted were fabricated to punish him for his religious activity. He was released under amnesty in February 2012 (see F18News 25 March 2013 http://www.forum18.org/archive.php?article_id=1817).

Since Pastor Nurliev's release, he has had to report every Saturday to the local police. However, a ban on leaving Turkmenistan – which he learned of in 2007 as he tried to fly from Ashgabad Airport – appears to have been lifted, as he travelled abroad in late 2012 and early 2013 (see F18News 23 May 2013 http://www.forum18.org/archive.php?article_id=1840). It remains unknown if the exit ban has now been re-imposed.

Personal money and Pastor Nurliev's religious education diploma and certificate of ordination as a pastor, which police seized at the time of his 2010 arrest, have still not been returned, Pastor Nurliev complained to Forum 18.

Where did police get registration list?

Pastor Nurliev was distressed that the church's registration application is, six years later, now being used as an instrument to choose who to summon and threaten. He said Bibi Tagieva, an official of the Justice Ministry's Department of International Legal Relations and Registration of Social Organisations, had assured him on 16 September that her Ministry had given the list only to the government's Gengesh (Council) for Religious Affairs, which needs to approve all registration applications.

"How did the Mary police get hold of it?" Pastor Nurliev asked. "We lodged it in accordance with the law, we made all the changes to our documents that the Ministry kept demanding, but still they didn't register us. And now they are using the list for this."

The woman who answered Tagieva's phone at the Justice Ministry in Ashgabad on 17 September refused to say if she was or was not Tagieva. When Forum 18 asked about her Department's refusal to register religious communities she said it was a wrong number and put the phone down.

Equally unwilling to talk was her Departmental colleague, Alevtina Yakubova. "Who gave you my number?" she asked Forum 18. She then said she was in a meeting and put the phone down.

Telephones at the Gengesh in Ashgabad went unanswered each time Forum 18 called on 17 September.

New penalties for exercising freedom of religion

After months of drafting with no public consultation, Turkmenistan's parliament (Mejlis) has approved the new Code of Administrative Offences. The government website noted it among a set of laws approved "unanimously" on 29 August. President Gurbanguly Berdimukhamedov signed the Law approving the new Code the same day. The Code was published in the state media in Turkmen and Russian on 16 September. The Code enters into legal force on 1 January 2014.

The Law adopting the new Code requires the Cabinet of Ministers to set out the level of the "base unit" used to calculate the levels of fines under the new Code. The base unit for fines was set at 300 Manats (now 620 Norwegian Kroner, 80 Euros or 105 US Dollars) back in 2010.

Article 75, Part 1 of the new Code punishes violating individuals' right to "profess any religion or not profess any, to express or spread views connected with one's attitude to religion, to take part in carrying out religious worship, rituals and rites and to join in religious associations, as well as insulting religious feelings" with a warning or a fine of 2 to 5 base units. This Article, judging by earlier experience, is unlikely to be used to punish state officials who violate individuals' right to freedom of religion or belief.

Article 75, Part 2 punishes attracting individuals into religious organisations "as well as movements and sects" by using material inducements, deception or psychological pressure.

Article 75, Part 3 punishes "obstructing the carrying out by citizens of the right to freedom of conscience and religious profession against their will" with a fine of 5 to 10 base units or arrest of up to 15 days. Again, this Article is unlikely to be used to punish state officials.

Article 76, Part 1 punishes "violation of the procedure established by law for conducted religious rites and rituals, the carrying out of charitable or other activity, as well as the production, import, export and distribution of literature and other materials of religious content and objects of religious significance" with a fine on individuals of 1 to 2 base units, on officials of 2 to 5 base units and on legal organisations of 5 to 10 base units.

Article 76, Part 2 and Part 3 punish use of religious materials inciting hatred or promoting "religious extremism, separatism or fundamentalism". Article 77, Part 4 punishes actions directed at promoting religious hatred.

Article 76, Part 5 punishes "carrying out by a religious organisation of activity not envisaged by its statute, as well as violating the procedure established in law for instructing children in religious belief" with a fine on officials of up to 4 base units and on legal organisations of up to 10 base units.

Article 76, Part 6 punishes forcing children to join religious communities or be taught religion against their or their parents' will.

Article 76, Part 7 specifies that a repeat offence within one year of a previous administrative penalty for those who violate Article 76, Parts 1 to 6 will lead to fines of up to 10 base units and the "administrative halting" of a legal organisation's activity for up to six months.

Article 76, Part 8 punishes religious organisations' involvement in politics.

Article 77, Part 1 punishes "refusal to register a religious organisation as well as leadership of the activity of liquidated religious organisations as well as religious organisations whose activity has been halted" with fines of 5 to 10 base units.

Article 77, Part 2 punishes failing to publicise that a religious organisation has been liquidated or banned.

Article 77, Part 3 punishes "financing the activity of a religious organisation not having state registration, as well as of a religious organisation whose activity has been halted or banned" with a fine of 2 to 5 base units.

Article 77, Part 4 punishes "receipt by religious organisations, including those without state registration, or their members or participants of financial, material or other help from physical or legal persons of foreign states in violation of the procedure for registering such help established in law" with fines on individuals of 2 to 5 base units, on officials of 5 to 10 base units and on legal organisations of 50 to 100 base units, with confiscation of money and materials.

A January 2013 Presidential Decree imposed new requirements for foreign grants to NGOs and religious organisations to be approved by a commission of the Foreign Ministry, the Ministry of State Security (MSS) secret police and the General Prosecutor's Office (see F18News 23 May 2013 http://www.forum18.org/archive.php?article_id=1840).

Article 59 of the new Code punishes "direct or artificial violation or restriction of the individual or citizen", including on grounds of their religious affiliation, with a fine or imprisonment of up to 15 days. However, Forum 18 is not aware that any official up till now has been punished for violating individuals' rights to freedom of religion or belief.

No comment

No parliamentary official would discuss why the Mejlis adopted a new Code which contains punishments on individuals and communities simply for exercising their right to freedom of religion or belief as outlined in Turkmenistan's Constitution and the country's international human rights obligations.

As is his usual practice, Pirnazar Hudainazarov, Chair of the Mejlis Committee on the Protection of Human Rights and Freedoms, refused to discuss anything with Forum 18 on 17 September, insisting that it needed to talk to the Foreign Ministry.

The telephone of Ogulsheker Agamedova of the Justice Ministry's Constitutional Law Department went unanswered on 17 September.

Claims to UN

The new Administrative Code was signed into Law as Turkmenistan's Foreign Ministry was insisting to the UN Human Rights Council: "In Turkmenistan, there are no laws restricting the activities of religious organizations and allowing the criminalization of religious activities only due to the absence of legal registration."

The assertion came in its 4 September response (A/HRC/24/3/Add.1) to recommendations made by other governments in the Universal Periodic Review (UPR) of Turkmenistan's human rights record in April (see F18News 23 May 2013 http://www.forum18.org/archive.php?article_id=1840).

Many of Turkmenistan's answers fail to address the problems raised in recommendations. In response to one calling for Turkmenistan to ensure that religious minorities are "not discriminated against based on their faith", the government responded: "Turkmenistan accepts this recommendation and notes that according to the legislation of Turkmenistan creation of any benefits or limitations to one religion or belief as opposed to others is not permitted."

In its response to the UN, Turkmenistan claimed that it had accepted a recommendation to "protect the rights of conscientious objectors" and that the issue is "currently being explored".

Nine conscientious objectors – all of them Jehovah's Witnesses – are known to be serving prison sentences for refusing compulsory military service (see F18News 29 August 2013 http://www.forum18.org/archive.php?article_id=1869).

During the review, Turkmenistan refused to accept recommendations to end the ban on unregistered religious communities and lift restrictions on religious education, publications and attire.

No comment

Forum 18 tried to reach Vepa Hajiyevev, Deputy Foreign Minister who led the Turkmen delegation to the UPR session in Geneva in April, as well as Atageldy Haljanov, head of the Ministry's International Organisations Department. However, neither was available on 17 September.

An official of the International Organisations Department – who would not give his name – refused to explain to Forum 18 why his Ministry was telling the UN that no laws restrict the activities of religious communities which do not have state registration when unregistered religious activity remains banned and when new penalties have just been adopted in the new Administrative Code.

"Our Ambassador to the UN, Esen Aydogdyev, will be answering all these questions at the Human Rights Council session in Geneva on 18 to 20 September," the official told Forum 18 and put the phone down. (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=1676.

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.

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