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TURKMENISTAN: Religious freedom survey, January 2017

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Freedom of religion and belief, with interlinked freedoms such as expression, association, and assembly, continues to be seriously restricted in Turkmenistan. Forum 18's survey analysis documents the regime's many freedom of religion and belief violations imposed as part of a policy to control society.

Freedom of religion and belief is, along with other intrinsically linked rights such as the freedoms of expression, association, and assembly, seriously restricted in Turkmenistan. President Gurbanguly Berdymukhamedov's regime imposes these human rights restrictions as an intentional systemic policy to control every aspect of society. He has ruled since December 2006 without the legitimacy of a free and fair election, like his similarly non-freely elected predecessor.

Serious systematic violations of freedom of religion or belief Forum 18 has documented include:

- the passing of laws flagrantly violating the regime's international human rights obligations;
- a ban on all exercise of freedom of religion and belief without state permission;
- arbitrary denials of legal status to those communities which choose to seek it;
- MSS secret police informer recruitment inside belief communities;
- "legal" and extra-legal restrictions imposed on communities with legal status;
- lack of fair trials and due legal process;
- torture of people exercising their freedom of religion and belief, including prisoners of conscience and relatives of those complaining to the UN Human Rights Committee;
- prisoners of conscience jailed for exercising freedom of religion and belief;
- denials of prisoners' freedom of religion and belief, including the torture of Muslims wishing to attend a prison mosque;
- punishing conscientious objectors to compulsory military service, with complete denial of this manifestation of freedom of religion and belief;
- denials of freedom of religion and belief to conscripts doing compulsory military service;
- state control of religious leaders and communities, including state appointment of all Islamic leaders;
- coercion by officials against non-Muslims to attempt to force them to convert to Islam;
- severe restrictions on religious education, including banning women from studying academic theology in the country;
- severe obstacles to having a place of worship, including the arbitrary demolition of many mosques and other places of worship;
- severe restrictions on haj pilgrimage numbers, an exit ban list for active religious believers, harassment of students exercising freedom of religion and belief abroad;
- almost no contact with foreign co-believers being permitted;
- and censorship of religious literature and other material.

No rule of law

Geographically, Turkmenistan is the second largest country in Central Asia. It is mostly desert and 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 around 5 per cent ethnic Uzbeks (likewise regarded as being of Muslim background), and smaller percentages of Slavs (mainly Russians and Ukrainians, many of Russian Orthodox or other Christian background), Kazakhs, Tatars, Armenians, Azeris and others.

Turkmenistan is a state without the rule of law, where human rights enshrined in the Constitution - including freedom of religion and belief - do not exist in practice. Strict restrictions on this freedom parallel similar restrictions on political, media, trade union, and other non-governmental activity. Many people live in poverty, despite regime income of billions of US Dollars a year from natural gas extracted while ignoring environmental protection. Human rights defenders such as the Turkmen Initiative for Human Rights, Crude Accountability, and Global Witness have documented the absence of regime accountability or transparency about what happens to this vast income. Many thousands of people have left the country to work in Turkey, Russia and other countries.

Creating fear is apparently an integral part of the regime's overall policy to impose state control of society, not least through the interlocking nature of the regime's human rights violations flagrantly violating legally-binding international human rights obligations, such as the International Covenant on Civil and Political Rights (ICCPR). Torture by officials with state complicity leads to a climate of impunity for officials and the absence of the rule of law, where unjust trials with flagrant breaches of due process are normal.

"Legal" repression

President Berdymukhamedov signed a new Constitution into law on 14 September 2016. It ignored recommendations to protect freedom of religion and belief and other human rights made in a July legal review of the proposed Constitution by the Organisation for Security and Co-operation in Europe (OSCE). "Under international human rights law," the OSCE review noted, "religious or belief communities should not be obliged to acquire legal personality if they do not wish to do so; the enjoyment of the right to freedom of religion or belief must not depend on whether a group has sought and acquired legal personality status."

On 12 April 2016 a new Religion Law replaced the 2003 Religion Law. President Berdymukhamedov first announced the new Religion Law to the Mejlis (Parliament) on 12 January 2016, claiming a "need" for a new Law sparked by a worldwide rise in alleged terrorism and "religious extremism". He did not state why the regime wanted to increase its repression and so promote support for violence. The draft was prepared and "unanimously" adopted in secret on 26 March 2016.

The Religion Law changes, similarly to the new Constitution, totally ignore the recommendations of a detailed 2010 OSCE legal review of the 2003 Religion Law. This called for many changes to bring the Law into line with international human rights standards and obligations, including an end to state control, the ban on unregistered religious activity, and the ban on conscientious objection to military service.

Religion Law Article 16 states: "The activity of unregistered religious organisations on the territory of Turkmenistan is forbidden." Unregistered religious activity is punished under Article 76 of the 2014 Administrative Code ("Violation of the Religion Law"). 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 (each base unit is 100 Manats). Article 76, Part 7 specifies that a repeat offence within one year will lead to fines of up to 10 base units (1,000 Manats) and the "administrative halting" of a legal organisation's activity for up to six months.

Further punishments are outlined in Administrative Code Article 77, Part 1 ("Refusal to register a religious group or organisation with the state agency by founders or leaders, as well as leadership of the activity of liquidated or halted religious organisations"), Part 2 ("Failing to publicise that a religious organisation has been liquidated or banned"), and Part 4 ("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"). These provisions appear to be infrequently used, mainly against Protestants and Jehovah's Witnesses. Fines are up to 10 base units (1,000 Manats) for individuals or up to 100 base units for organisations.

Article 13 of the Religion Law restricts leaders of registered religious communities to citizens of Turkmenistan who have received an undefined "appropriate religious education". The same Article requires approval from the Commission for Work with Religious Organisations if an individual is named to lead a religious organisation with an undefined "spiritual centre" outside Turkmenistan. Religious organisations need Commission approval for links with foreign religious organisations, including for participation in pilgrimages abroad.

Article 13 also requires at least 50 currently resident adult citizens to found a religious organisation and apply to register with the Justice Ministry. (Previously, only 5 founders were needed.) Article 16 of the Law requires all 50 founders of a religious community to submit their full names, addresses, dates of birth with the registration application. Under Article 17, the Justice Ministry must respond to a registration application within one month (three if an "expert" analysis is required from the Commission) and give any refusal in writing with reasons. Article 18 notes that registration denials can be challenged in court.

Administrative Code 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 (400 Manats) and on legal organisations of up to 10 base units (1,000 Manats). This means that a religious community which conducts any activity not specifically listed in its statute could be fined up to 1,000 Manats.

Registration denials

The Commission for Work with Religious Organisations and Expert Analysis of Resources Containing Religious Information, Published and Printed Production has to approve registration applications, which are then handed to the Justice Ministry. They must be approved by the Justice Minister, the First Deputies of the Justice Minister, the Foreign Minister, the General Prosecutor, the Ministry of State Security (MSS) secret police, the Interior Minister, and the Deputy Head of the State Service for Registering Foreign Citizens. Any of these bodies can reject applications, and in practice registration is rarely granted to any community. Non-Muslim communities led by ethnic Turkmen, or which conduct activities in the Turkmen language, have never been permitted.

Registration denials are often arbitrary. The predecessor body to the Commission included members from the Russian Orthodox and state-controlled Muslim communities, who denied other communities registration. Religious communities are generally told that their applications contain "grammatical mistakes" or other "errors". One religious community was told that the reason for the rejection was that its leader is blind, while another was rejected because its leader is female.

Registration applications can be met with official hostility towards those who sign them and their relatives. In September 2013 police in Mary summoned for interrogation Pastor Ilmurad Nurliev (a former prisoner of conscience jailed for his faith), his wife Maya's relatives, and all those they could find of those who had signed the unregistered Protestant Church's 2007 registration application. Officers took their fingerprints and photos, forced them to write statements and subjected them to threats and insults. One police officer threatened to "tear off" the head of a relative if she adopted "their faith". The Pastor was told: "it was because of people like us that Syria is facing conflict". "Who is threatening him? We simply need to know more about him", an officer of Mary police Criminal Investigation Department claimed to Forum 18.

The 2016 Religion Law required registered religious communities to bring their statutes into line with the Law. These changes needed to be approved by the Justice Ministry. Full re-registration of all registered religious communities is due to follow when the Justice Ministry has prepared a "model statute" that all religious communities will need to use.

Article 32 of the Religion Law allows Justice Ministry officials to attend any religious event held by a registered religious community, and question community members and leaders about any aspect of the community's activities. If communities obtain registration, they must then 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. If a community receives two official warnings about "violations" of a law or regulations, their registration can be removed so rendering them illegal.

Officials also use registration applications to impose extra-legal requirements, such as a compulsory unwritten requirement to collaborate with the MSS secret police.

Some Shia Muslim communities and the Armenian Apostolic Church are among those known to Forum 18 to have had applications rejected, or to have decided that they should not apply because of the legal and extra-legal restrictions imposed. 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 formal legal status.

MSS secret police informer recruitment

Local MSS secret police officers regularly summon Muslim and Orthodox clerics and leading members of other registered and unregistered communities to report on activity within their communities or demand reports in writing. 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 MSS secret police and local ordinary police also try to recruit agents in unregistered religious groups.

Registration restrictions

The Religion Law contains no mechanism for granting legal status to branches of religious organisations in other geographic

locations. Registered communities can in practice give permission for local branches to meet, which requires notification to the Commission for Work with Religious Organisations in Ashgabad and the local administration, the police, and MSS secret police. This means that a branch can in practice meet, but formally 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, on 20 February 2016 members of the Greater Grace Church congregations in Ashgabad and Mary visited the town of Tejen to talk to local people about their faith. An officer of the State Service for Security Protection of Healthy Society (the former Anti-Drugs Police) in civilian clothes and police detained church members for questioning for several hours and they had religious literature, phones and money taken from them. On 29 February they were fined 500 Manats (then about 1,200 Norwegian Kroner, 125 Euros or 140 US Dollars at the inflated official exchange rate) for having "illegal" religious literature, apparently under Administrative Code Article 76, Part 3. This punishes distribution of religious materials inciting hatred or promoting "religious extremism, separatism or fundamentalism".

Unregistered and registered 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. During one such raid on 29 April 2014 on members of Mary's registered Baptist Church, the home owner noted: "We explained that Turkmenistan's Constitution allows us to believe and to meet, and speaks of freedom of religious profession. But they [officials] asked us to show them such a law, as if it didn't exist."

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, as noted below. Trials are often marked by lack of due legal process and other illegalities, including the planting of evidence and refusal to accept evidence of illegal actions by the authorities.

Commission for Work with Religious Organisations

The Commission for Work with Religious Organisations and Expert Analysis of Resources Containing Religious Information, Published and Printed Production replaced the former Gengesh (Council) for Religious Affairs in summer 2015. However, it appears to have retained many of the same personnel and remains in the same offices next to Ashgabad's Ertogrul gazy (Turkish) Mosque.

The Religion Law gives the Commission wide powers to restrict freedom of religion and belief. It organises religious "expert" analyses of literature, recommends to the Justice Ministry whether to approve or not approve religious communities' registration applications, approves or rejects the appointment of religious leaders by religious organisations with a headquarters outside the country, and presents to the Cabinet of Ministers "proposals to create religious educational institutions to train clergy and religious personnel needed by religious organisations".

Local hyakimliks (administrations) have the power to grant or not grant permission for religious rituals to be held outside registered places of worship under Religion Law Article 11. They must also agree with the Commission in Ashgabad any application to build a place of worship in their area and decide where, if approved, it should be built.

Although regional imams no longer automatically lead regional branches of the Commission, imams are still appointed by the state. They still participate in repression of the exercise of freedom of religion and belief of both Muslims (for example numbers allowed on the haj pilgrimage) and followers of faiths other than their own (for example pressure on people to change their beliefs).

Applications for permission to build places of worship, register a community, invite foreigners, or import religious literature must go direct to the Commission in Ashgabad. But most such applications have long been unsuccessful.

How many communities?

The government told the United Nations (UN) Committee Against Torture on 22 November 2016 that 130 religious communities had state registration. 101 of the 130 were Sunni Muslim, five Shia Muslim, 13 Russian Orthodox and 11 of other faiths. The authorities had earlier identified the five registered Shia Muslim communities as: the Imam Riza community (Ashgabad); the Shikhalov community (Bagir village in Ahal Region); the Hezreti Ali community (Turkmenbashi [Türkmenbashy, formerly Krasnovodsk]); the Huseini community (Turkmenabad); and the Muhamed Resulalla community (Iolatan District of Mary Region). The 11 registered non-Muslim and non-Russian Orthodox communities include one Catholic, one Hare Krishna, one Baha'i, one Baptist, one Pentecostal, one Greater Grace, one Seventh-day Adventist and one New Apostolic community.

These figures have not been independently verified, and it is unknown if the religious communities the government claims as registered include any of the Muslim communities whose mosques have been destroyed in recent years. The most recent such demolition was of the Sunni Aksa Mosque in Ashgabad, bulldozed in April 2016.

The Russian Orthodox Church would like to set up a fully-fledged diocese in Turkmenistan. "This was raised officially by [Moscow Patriarchate] Metropolitan Kirill when he visited Ashgabad in 2008, before he became Patriarch. But it hasn't yet happened", a lay Orthodox Christian from the country, who wished to remain anonymous for fear of state reprisals, told Forum 18.

One religious community with state registration since 2005 – the Pentecostal Light of the East Church in Dashoguz – has been unable to meet for worship since early 2015. Church members have faced raids, religious literature confiscations and threats to its members. During a November 2013 raid on a home where a singing rehearsal for the following Sunday's worship meeting was happening, officials stated: "singing about God here is banned". The Church was also threatened with loss of state registration, so making it illegal. A state religious affairs official who is also an imam told Church Pastor Yuri Rozmetov that Christianity "is wrong", and tried to pressure him to become a Muslim.

Torture

The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Turkmenistan acceded to on 25 June 1999, defines torture as: "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity".

Under Article 6 of the Convention Turkmenistan is obliged to arrest any person suspected on good grounds of having committed torture. Under Article 4 Turkmenistan is obliged to try them under criminal law which makes "these offences punishable by appropriate penalties which take into account their grave nature". No official is known to have ever been arrested for torture.

Such torture has occasionally included the forcible injection of unknown drugs. In July 2014 ethnic Uzbek Jehovah's Witness Mansur Masharipov's home in the northern city of Dashoguz was raided by six Police officers, only two of them in uniform. After his flat was searched he was grabbed from behind by the neck, "choking him so he could not breathe, and then dragged him into a waiting vehicle". Once in the vehicle, the officers "began to beat him repeatedly on his head and on his body above his kidneys". He was then taken to Dashoguz City Police Station, where he was again tortured and police openly discussed what pretext they would use to justify placing him in detention. After being threatened with rape, he was taken to the local Drug Rehabilitation Centre where he was injected four times. His arms and legs became paralysed and he vomited throughout that evening and the following day. He also began to suffer a high fever and severe headaches.

On 18 August 2016 the 32-year-old Masharipov was sentenced to one year's imprisonment, for allegedly assaulting a police officer in July 2014. He denied these charges. No officials responsible for torturing him are known to have been arrested.

Torture has also been used to intimidate those protesting at freedom of religion and belief violations. After complaints by 10 Jehovah's Witness conscientious objectors to military service to the United Nations (UN) Human Rights Committee, in January 2013 about 30 police officers raided the lead complainant's family home in Dashoguz. Six people were taken to a police station. According to their statements seen by Forum 18, all six were beaten and tortured, one of them severely. One detainee was threatened with being raped on a table in the police station. Three were then fined.

Torture continues. Jehovah's Witness Emirjan Jumanazarov was on 16 March 2015 sentenced to 15 days' imprisonment. He was then "beaten, kicked and subjected to obscene insults by law enforcement officials," fellow Jehovah's Witnesses told Forum 18. He was also threatened with torture by electrocution. Officers forced him to sign a statement that he had been detained for an identification check because he had "aimlessly strolled about the streets". He was then given another 15 days' imprisonment for "disorderly conduct". It was claimed that while "preaching the teachings of an unregistered religious organisation" he had "insulted" an officer who had stopped him.

Former prisoners have stated that torture is frequently used against long-term prisoners. Prisoners branded as "Wahhabis" (used by officials to mean any devout Muslim they dislike) are given harsh treatment and are often confined in special sections of prisons. Many are held in a closed section of the isolated top-security prison at Ovadan-Depe (Picturesque Hill) in the Karakum desert 70 kms (45 miles) north of Ashgabad. This has a closed section for political prisoners serving harsh sentences, with general regime prisoners also being in the prison for manual labour, including in the kitchens. In August 2014 Alternative Turkmenistan News noted that, like political prisoners held in the desert prison, "Wahhabis" are banned from receiving visits from relatives or exchanging correspondence with the outside world.

In February 2015 Muslim prisoners convicted of alleged "Wahhabism" were subjected to brutal beatings in Seydi Labour Camp, sources who asked not to be identified told Forum 18. One man suffered a broken hand, while another suffered a broken rib and damage to his lung. Former prisoners of conscience – who all served their sentences at the Seydi Labour Camp – state that solitary confinement and violent torture by guards is routine within the Camp.

An individual who saw Muslim prisoner of conscience Bahram Saparov (jailed in 2013 for leading a Sunni Muslim group) in the

isolated top-security Ovadan-Depe Prison in late 2014 – the last time he is known to have been alive – barely recognised him. "Bahram's face – and the faces of the other prisoners in the block – were unrecognisable because of the beatings," one source told Forum 18. "Officers in uniform came weekly from Ashgabad in helmets and riot gear and beat the prisoners."

The regime has repeatedly failed to answer or given incomplete answers to repeated UN Committee Against Torture (CAT) questions about torture cases, including questions put in the context of the CAT's November 2016 examination of Turkmenistan's record.

Prisoners of conscience jailed for exercising freedom of religion and belief

Protestants and Jehovah's Witnesses have often been jailed as short-term prisoners of conscience for periods of up to 15 days. For example, a total of 14 Jehovah's Witnesses were short-term prisoners of conscience between February and May 2015. Many prisoners are tortured, as noted above.

Prisoner of conscience Bahram Hemdemov was arrested during a March 2015 raid on his home, after which he was tortured. He is serving a four year prison term from 19 May 2015 on charges of allegedly inciting religious hatred, which he strongly denies, but his real "crime" seems to have been hosting a meeting for worship. All Hemdemov's attempts to overturn his sentence on appeal have failed. The Supreme Court in August 2015 denied his appeal because Hemdemov "propagates the religious beliefs of Jehovah's Witnesses".

An unknown number of long-term Muslim prisoners of conscience are jailed for exercising their right to freedom of religion or belief. The nature of Turkmenistan's "justice system", in which the planting of evidence and torture by the authorities is often credibly claimed, makes it unlikely that the authorities – or anyone else - knows what exactly these prisoners did, or how many may simply be "guilty" of being devout Muslims who exercised their right to freedom of religion and belief.

One example of a Muslim jailed for exercising their right to freedom of religion or belief is 34-year-old prisoner of conscience Saparov. Married with three children, he led a Hanafi Sunni Muslim community in the eastern city of Turkmenabad [Turkmenabat] (formerly Charjew) in Lebap Region until his imprisonment in March 2013. As noted above, he has been tortured in jail.

Saparov organised meetings in homes from 2007 to study the five pillars of Islam and the attitude of Islam to the family and neighbours. Up to 10 young people initially joined the group, which later grew to about 60 people in two groups. In 2008 and 2009, MSS officers frequently interrogated them individually, torturing some of the group.

The police and MSS secret police arrested Saparov and about 20 others on 9 March 2013 and all were convicted at a mass, closed trial in May 2013. After his conviction, Saparov was initially imprisoned at the labour camp in Tejen, south-east of Ashgabad. He was transferred to the top-security Ovadan-Depe Prison in October 2014, where he was last seen alive in that year. In November 2016, the government claimed to the UN Committee Against Torture that prisoner of conscience Saparov was in three separate closed trials while already imprisoned given concurrent 15-year jail sentences. The government delegation claimed that Saparov's relatives have been able to hand in 55 food parcels for him, but did not mention any meetings with relatives.

Human rights defenders have told Forum 18 that while the authorities may have accepted some food parcels for Saparov in Ashgabad since his transfer to Ovadan-Depe, there is no guarantee that they were handed on to him. They point out that all alleged "Wahhabi" prisoners in Ovadan-Depe, who are held separately from other prisoners, are denied all visits and all communication with the outside world. Many prisoners sent there have not been heard of for many years and may have died there, possibly under torture.

Human rights defenders note that prisoners in ordinary labour camps, such as Tejen where Saparov was originally held, can receive visits and food parcels, though prison staff often demand bribes for this.

The disappearance of over 100 prisoners jailed for a variety of reasons from the early 1990s onwards, with their families being unable to find out whether they are alive or dead since their imprisonment, has been documented by the human rights defenders' campaign Prove They Are Alive!

One Muslim reportedly imprisoned for exercising freedom of religion or belief who died in labour camp near Turkmenabad in 2013 was Atageldi aga. He was imam of an unregistered Sunni Muslim mosque in the Khitrovka district of Ashgabad, someone familiar with his work told Forum 18 in 2016. His body was never returned to relatives for a funeral. The Imam was arrested in September 2008 soon after an armed clash between a local gang and security forces. The individual insisted the Imam had not been involved in the gang.

Prisoners' severely limited freedom of religion and belief

The UN Standard Minimum Rules for the Treatment of Prisoners, known as the Mandela Rules (A/C.3/70/L.3), require governments to respect the freedom of religion and belief and other human rights of prisoners. Turkmenistan routinely ignores them.

Article 10 of the 2011 Criminal Procedural Code claims to guarantee prisoners freedom of religion and belief, including: prisoners in lower security designated labour camps to visit (presumably registered) places of worship in the place the camp is located in; prisoners in all harsher jail categories being allowed to invite clergy of registered religious organisations; and prisoners being able to perform religious rites in prison premises, and have religious literature.

The general regime Seydi Labour Camp has its own prison mosque, but prisoners are afraid to attend. "The mosque is open to any prisoner, but Muslim prisoners won't go for fear of being branded a 'Wahhabi'," a former prisoner told Forum 18 in 2016. "At Friday prayers there are usually only about 4 or 5 people." The former prisoner added that the prison library has no religious literature. Non-Muslim prisoners also appear not to have access to religious literature, or be able to meet for worship.

Apart from the prison mosque, no other provision appears to exist for prisoners to exercise their freedom of religion and belief in Seydi Labour Camp, or in any other of Turkmenistan's prisons.

Conscientious objectors

Turkmenistan imposes compulsory military service on young men, with no alternative civilian service. Article 58 of the 2016 Constitution describes defence as a "sacred duty" of everyone and states that military service is compulsory for men. Military service is between the ages of 18 and 27 and is generally two years. A proposed Alternative Service Law was reportedly drafted in 2013, but officials have been unable to tell Forum 18 if and when it might be adopted.

Turkmenistan has repeatedly rejected UN Human Rights Committee calls for the country to allow conscientious objection to military service, along with other manifestations of freedom of religion and belief. In 2015 the UN Human Rights Committee ruled that the rights of Jehovah's Witness conscientious objectors had been violated by their imprisonment and torture during their imprisonment. But Turkmenistan has failed to, as the Human Rights Committee required, expunge their criminal records, offered recompense, or acted to prevent similar future violations.

In July 2016 the Human Rights Committee found that Turkmenistan violated the rights of six further Jehovah's Witness conscientious objectors under the International Covenant on Civil and Political Rights (ICCPR). These decisions bring to ten the number of such findings by the Committee against Turkmenistan in conscientious objection-related cases.

Ambassador Atageldi Haljanov of Turkmenistan's Permanent Mission to the UN in Geneva told a November 2016 hearing before the UN Committee Against Torture: "Unfortunately there are citizens in our society who refuse their constitutional duty towards their homeland," he told the Committee. He also claimed that before bringing to court individuals who refuse military service on grounds of conscience, "complex measures are undertaken by a range of organisations in Turkmenistan, including youth organisations, local authorities, parents and elders to explain to them their constitutional duty".

A full review of the country's record by the Human Rights Committee is due to take place in Geneva in March 2017.

Criminal Code Article 219, Part 1 punishes refusal to serve in the armed forces in peacetime with a maximum penalty of two years' imprisonment or two years' corrective labour. The 2016 Religion Law, among other restrictions, stated in Article 7 that: "No one has the right on grounds of their religious convictions to refuse to fulfil obligations established by the Constitution and laws of Turkmenistan". This appears to be a reference to compulsory military service.

Young Jehovah's Witnesses are routinely severely punished for conscientious objection to military service, and insist they would be willing to do an alternative genuinely non-military service were it to be introduced. Male Jehovah's Witnesses of conscription age who have not served in the military can be arrested at any time. As of January 2017, no-one is known to be imprisoned for conscientious objection alone. However, 11 conscientious objectors are known to have been sentenced to corrective labour for between one and two years since October 2014. They live at home under restrictions, the state confiscating 20 per cent of their wages. They were convicted under Criminal Code Article 219, Part 1.

Among those recently given correctional labour sentences are: Akmurad Nurjanov in December 2014; Timur Baltayev in January 2015; Serdar Hemdemov in April 2015; Kerven Kakabayev in December 2015; and Dayanch Jumayev in February 2016. Merdan Ochanov, Konstantin Sivkov, Ruslan Rahmetulov and Sanjarbek Saburov all received two-year suspended sentences between February and August 2016, while Artur Yangibayev received a two-year corrective labour sentence, where he lives at home but the state takes 20 percent of his wages.

The 20-year-old Serdar Hemdemov, who is from the eastern city of Turkmenabad [Turkmenabat] (formerly Charjew), was also in March 2015 given two consecutive 15-day prison terms after police raided a meeting for worship in the family home. During both his 15-day terms of imprisonment, he was placed in isolation and severely tortured by the police by being kicked and beaten with plastic bottles filled with water. As noted above, his father Bahram is a prisoner of conscience on a four-year jail sentence from May 2015.

No military freedom of religion and belief

Despite the alleged partial guarantees in the Law on the Status and Social Protection of Servicemen, "no religion is allowed in the army at all" members of different religious communities told Forum 18 in 2016. "You can't have a Koran, Bible or other religious literature and you can't conduct prayers visibly," one noted. Conscripts often have no leave during their entire two year service, which means they cannot attend meetings for worship, a member of one religious community noted to Forum 18.

One young member of a registered non-Muslim religious community was insulted by officers on grounds of his religious faith in 2015. However, after complaints from the young man's parents such insults stopped, those familiar with the case told Forum 18.

State control of Muslims' exercise of freedom of religion and belief

Islam, because it has the largest number of followers, is the community the government is most interested in controlling. The Sunni Muftiate (Muslim Spiritual Administration) is under tight government control. The government names the Chief Mufti. The Muftiate appoints all imams down to the district level, but the 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. Ethnic Uzbeks 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.

Those with a positive MSS secret police recommendation "will only be approved if they are 'clean'" a Muslim told Forum 18. Mullahs - who perform rituals related to births, circumcisions, marriages and deaths in a small district of about 100 families - are appointed by district imams, after the MSS secret police has checked them.

Sermons by imams at Friday prayers are used to convey state messages, with the authorities "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. Muslim young men in some regions are barred by the state from wearing beards, and 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.

Although Sunni Islam is allowed to operate within tight limits, the practice of Shia Islam is obstructed. This is mainly professed by the ethnic Azeri and Iranian groups in the west of the country, who are commonly seen as more devout than ethnic Turkmen. Official intolerance of Shia Islam includes refusal to allow Shia rituals among people permitted to make the haj pilgrimage.

As noted below, the authorities also impose severe restrictions on the numbers of Muslims permitted to make the obligatory haj pilgrimage to Mecca.

State control of other belief communities' exercise of freedom of religion and belief

Control of followers of non-Muslim beliefs is mainly formally imposed via the Commission for Work with Religious Organisations and Expert Analysis of Resources Containing Religious Information, Published and Printed Production, as noted above. Also, permission from the Justice Ministry is required to acquire a place of worship, publish or acquire religious literature, or to invite foreign guests. Such permission is rarely granted and, if it is, is frequently accompanied by unwritten demands, such as cooperation with the MSS secret police.

The exercise of freedom of religion of belief without state permission is banned, as noted above. Whether or not a community is registered, raids on their meetings and members frequently happen, as noted above. Officials continue to pressure non-Muslims to change their beliefs. In February 2015 Narmurad Mominov, a Protestant leader from Galkynysh in Lebap Region, was fined two weeks' average local wages after police raided a home, local Protestants told Forum 18. Many of those present were held until the early hours of the morning, while some were pressured to renounce or change their faith. One who did so was told to "repent" publicly in the mosque.

Officials also bully non-Muslim schoolchildren and their parents and guardians, frequently at public meetings. The children of Protestants and their parents were subjected to apparently increased official public bullying in 2014-15 in schools, as well as pressure to sign statements renouncing their faith. Protestant teachers have been fired from their jobs. In February 2016 MSS secret police officers warned Protestants not to hold summer camps for children.

Ethnic Turkmen Protestants have frequently told Forum 18 that they are summoned before their village or settlement, accused of betraying their "ancestral faith", and pressured to renounce Christianity.

Religious education 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.

The only exception to the ban is a small Muslim Theological Section in the History Faculty of Magtymguly Turkmen State University in Ashgabad, which trains imams. The number of students is restricted, and foreign teaching staff are banned. All candidates need the approval of the Commission for Work with Religious Organisations 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. No-one else can get the necessary state permission to study religious subjects 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. Officials are also hostile to religious children's activities. For example, in February 2016 MSS secret police questioned the Pastor of Mary's registered Baptist Church at the town's central mosque for about 90 minutes. They told him they knew all about the children's camps the Church had held in 2013, 2014 and 2015. The MSS secret police officers then demanded that the Pastor write and sign a statement that he had violated the law. However, despite threats the Pastor refused to write and sign any statement. The MSS warned him that if the Church conducts a summer camp for children in 2016, "it would be a different conversation". Church members saw this as a threat.

Restrictions on having a place of worship

Even registered communities often cannot 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 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 and belief."

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 told 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 12 times a year.

Meeting for worship outside state-approved venues - such as in homes - is dangerous and can lead to raids and fines, especially in locations close to Turkmenistan's borders with Uzbekistan and Iran.

In April 2016, the authorities in Ashgabad bulldozed the Sunni Muslim Aksa Mosque with no prior consultation and apparently without compensation. Demolition workers justified the demolition by telling local people that "this mosque has been built without any kind of permission", Radio Free Europe reported. This was the eighth of 14 mosques in the city to have been destroyed in recent years, as have mosques in other parts of the country. Christian churches and Hare Krishna temples were also earlier destroyed or confiscated in the capital and elsewhere, with no compensation. The government has a general policy of not compensating almost all individuals and groups when it at short notice demolishes their homes and confiscates their property.

Building or regaining places of worship is almost impossible. Article 22 of the Religion Law allows religious communities to own property, but Article 11 requires approval to build any place of worship from the Commission for Work with Religious Organisations and from the local administration. But religious communities without an existing place of worship find it almost impossible to build or acquire a place of worship. This can make it impossible for meetings for worship or other purposes to be held, as noted above in relation to the registered Light of the East Church in Dashoguz which has not met since early 2015.

Article 23 of the Religion Law guarantees religious organisations priority over other entities in regaining former places of worship (presumably those confiscated in the Soviet period). It requires government bodies to respond to such applications in writing within one month. But despite repeated attempts, the Armenian Apostolic Church has not regained its former church in Turkmenbashi, confiscated during the Soviet period and partially destroyed in the mid-2000s. President Berdymukhamedov's November 2012 promise to return what remains of the church for restoration and reopening for worship has not been fulfilled. No fundamental changes have occurred in the process of reactivating closed churches in Turkmenistan, the Moscow-based Armenian Diocese told Forum 18 in November 2016. Russian Orthodox Patriarch Kirill also complained in February 2015 about difficulties his Church has faced recovering places of worship confiscated in the Soviet period, stating that requests were not answered.

New mosques are apparently only built by presidential order, and the use of state funds violates the separation of religion from the state required by the Constitution. When such new mosques are built, President Berdymukhamedov often attends amid massive

official publicity, as happened when a new mosque was opened in the northern city of Dashoguz on 30 October 2015. Turkmenistan's Chief Mufti, as well as all the Regional Muftis, were required to be present.

Officials have never explained why the President can order places of worship to be built, but religious communities themselves cannot.

Severe haj restrictions, exit ban list

Turkmenistan's 2012 Migration Law states in Article 24: "Every citizen of Turkmenistan has the right to leave Turkmenistan and enter Turkmenistan. A citizen of Turkmenistan cannot be deprived of the right to leave Turkmenistan or enter Turkmenistan." But Article 30 allows "temporary" restrictions, including for those awaiting criminal trial, under police supervision, in possession of state secrets, or whose exit "contradicts Turkmenistan's national security interests", which are not defined.

Known active religious believers are among many people the government prevents from travelling abroad, in addition to the restrictions on study abroad. The quota granted by the Saudi authorities is reported to be 5,000, but the government only allows much lower numbers of pilgrims. In 2014 the government sought and received approval from the Saudi Arabian authorities for 650 Muslims (including MSS secret police and other officials) to travel on the haj.

Muslims in one of the country's six administrative divisions have to wait up to 11 years to reach the top of the haj waiting list, an official of Balkan Region Religious Affairs office told Forum 18. He said that 21 pilgrims from his Region were selected to travel in 2014, the same number as in 2013. Going on the haj appears to entail obligations including supporting government policy at public meetings.

Freedom of movement restrictions are also applied to non-haj travellers. Many active religious believers are among those on an exit ban list. An official confirmed to Forum 18 that it is maintained by the Migration Service, on behalf of the Interior Ministry and the MSS secret police. Officials rarely explain to those they have barred from leaving why this happened. Some who have tried to establish the reasons were told verbally: "You know the reason". They have told Forum 18 that they think the bans were imposed to punish them for exercising freedom of religion and belief.

Active religious believers who have not been 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 activity in religious communities noted in a computerised database accessible to border guards at departure points.

The obstacles to travel abroad 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 from their co-believers abroad.

In 2013 Turkmen students studying in Ukraine and Belarus were pressured not to attend non-Muslim religious communities, an attaché of Turkmenistan's Embassy in Ukraine's capital Kyiv, Charymurad Atahanov, stating: "there are concrete facts as well as photographs of the participation of Turkmen students in various religious sects 'of another faith'. But you are Muslims – think about your future, we are obliged to send all these complaints to Ashgabad and discussions are underway with directors of higher educational establishments about expelling such students," Alternative Turkmenistan News reported. In January 2013, Turkmenistan's Foreign Ministry ordered embassies in Ukraine and Belarus to hold "prophylactic discussions" with students.

Almost no foreigners allowed

The government also imposes an almost total ban on visits from foreign fellow-believers. Many communities have tried to invite fellow-believers from abroad for many years without success. 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.

Only registered religious communities have the right to apply to invite foreigners for religious purposes, though such applications are rarely successful. Any one registered community can generally only invite one foreigner or small group of foreigners (such as a husband and wife) per year, religious community members told Forum 18. "There is always a time limit," one community member explained. "A guest is usually allowed to stay for three days, maximum five days, never more."

At least two Protestant communities were able to have such brief visits in 2016. Other registered Protestant churches, as well as the Baha'i and Hare Krishna communities have also been able to have short, rare visits by foreign citizens.

The state-controlled Muftiate - the only form of the majority religion Islam permitted – appears only to invite foreigners on very rare occasions. Islamic communities outside the framework of the Muftiate are not allowed to exist, and therefore (like Jehovah's Witnesses and many Protestant churches) cannot invite foreign citizens.

The few foreigners allowed to work with their fellow-believers can be arbitrarily expelled. Russian Orthodox priest Fr Grigory Bocharov, a Russian citizen who was from 2012 Secretary of the local Patriarchal Deanery and senior priest of Ashgabad's St Nikolai Church, was forced to leave in spring 2015 with no reason being given.

Censorship

The state imposes a de facto ban on most religious publications, and 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.

Under Article 26 of the Religion Law, a registered religious organisation requires a religious studies "expert" analysis by the Commission for Work with Religious Organisations before it can import or distribute religious literature or other materials. These "analyses" are not published. Article 26 states that individuals and religious communities can "acquire, produce and use" religious literature, but is silent on whether individuals can import, publish, print or distribute religious literature.

One of the few religious communities which can sell religious literature openly is the Russian Orthodox Church, which has kiosks at several of its churches. But all the literature it sells needs to be stamped as approved by the Commission for Work with Religious Organisations. Registered Christian churches have been unable to register a Bible Society which could openly promote and sell Christian scriptures.

Anyone who violates the state-imposed censorship of religious literature is liable to be fined under the wide-ranging Administrative Code Article 76, Part 1 (see above).

Searches for and confiscations of "illegal" religious literature remain a constant threat. The authorities routinely confiscate religious literature, CDs, and DVDs found by police or the MSS secret police during raids on religious meetings in homes, as noted above. Occasionally these items are later returned, though often only after great efforts and pressure from the owners, who risk further punishment for return requests – for example threats of torture or having the government supply of free electricity and salt (which everyone is entitled to).

No religious literature may be published in Turkmenistan or imported into the country without permission from the Commission for Work with Religious Organisations. Each title and the number of copies must be specifically approved. Postal authorities hold all religious literature received from abroad, releasing it only with written Commission approval.

Although the customs declaration for every traveller arriving in Turkmenistan contains no specific question on religious literature, officials routinely ask travellers if they have religious literature. Baggage is usually checked by three officers, one from the customs, one from the military, and one official in civilian clothes 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. But even small quantities of literature for personal use only are at risk of confiscation. For example, a Protestant returning to the country had religious literature – including a personal Bible – confiscated at Ashgabad Airport in late 2015. Four Muslim books were confiscated there in June 2016 from a returning traveller. As well as books and CDs, bracelets with religious inscriptions of any kind – including Islamic texts - have been confiscated.

Government censorship of the internet and communications – including emails, calls and mobile phone text messages – makes users wary of being open about any exercise of freedom of religion and belief. Computers and mobile phones are often confiscated – particularly at Ashgabad airport or in raids – and scrutinised for their content. For example, a Protestant outside Ashgabad was fined 200 Manats after electronic religious texts were found on a relative in August 2014. Police and local administration officials detained and questioned the relative about the texts for some hours.

Fear of openly discussing human rights violations

Some religious communities are afraid to discuss human rights violations, fearing it will make their situation worse, or harm attempts to gain legal status. Religious believers and communities are for good reason reluctant to publicly discuss the use of torture, including rape threats against both women and men by officials.

Impunity

Criminal Code Article 154 punishes "obstructing the legal activity of religious organisations or conducting of religious rituals, provided this does not violate social order or infringe on the rights, freedoms or legal interests of citizens". Yet no instance is known of officials being punished for breaking this law, or being arrested and tried for torture. When challenged about the legality of their actions, the officials concerned are often ignorant of the relevant parts of the country's Constitution and published laws.

Officials routinely deny that human rights violations take place, or – as with conscientious objectors - appear proud of such violations. Government claims of "reform" to foreigners have so far been without demonstrable concrete meaning for Turkmenistan's people. Without fundamental changes in the attitudes and actions of officials - especially genuine independently verifiable implementation of the state's politically and legally binding human rights commitments and obligations - Turkmenistan will remain a place where fundamental human rights are violated with impunity. (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 and 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>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion and belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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