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TURKMENISTAN: Is state registration disguised persecution?

By Felix Corley, Forum 18

As well as continuing to harshly persecute religious believers, Turkmenistan is also refusing to allow religious communities to see requirements the authorities insist communities must follow to be registered. Forum 18 News Service has found that amongst harsh new requirements to be imposed will be: a requirement that any worship service or other event has the prior permission of the Gengeshi (the state body controlling religion); a requirement that the full names of any financial donors be given to the Gengeshi; and a requirement that all non-Muslim religious communities pay 20 per cent of their income to the Gengeshi. Many religious communities are too frightened to lodge applications for state registration. "The last time we applied for registration was five years ago, and they went round persecuting all the people who had signed the registration application," one believer told Forum 18. "We are not prepared to go through this again."

Two months after President Saparmurat Niyazov claimed that any religious community that wished to register could do so (see F18News 12 March 2004 http://www.forum18.org/Archive.php?article_id=274), Forum 18 News Service has learnt that no religious community has received registration and the only one even to have lodged a registration application – the Protestant Greater Grace Church in the capital Ashgabad – has had no response to its application after three weeks.

Officials have insisted that religious communities abide by the harsh new registration requirements apparently adopted in the wake of the March decree and amendments to the religion law, but refuse to give them copies of the requirements. One local believer told Forum 18 they were horrified to learn that under the new rules one fifth of the donations non-Muslim registered religious communities receive will now go to the Gengeshi (Council) for Religious Affairs, the government agency that controls religious groups. "If we pay them they'll talk to us. If we don't, they won't," the source reported.

Gengeshi officials have explained that the new 20 per cent levy on all donations does not apply to mosques and that money they receive through donation boxes in mosques and from private companies are not subject to this levy. Forum 18 has been unable to find out if the only other current legal faith, the Russian Orthodox Church, will have to pay this levy.

Although Forum 18 has also been unable to obtain a copy of the secret new registration requirements, it understands that under the new system the Fairness (Adalat or Justice) Ministry receives the application and then it is immediately handed to the Gengeshi, which decides whether to register the community or not. "If you don't agree to pay us the 20 per cent, you won't get registration," Gengeshi officials have told non-Muslim religious communities. The chairman of the Gengeshi is a mullah, while the chief mufti and a Russian Orthodox priest are among the deputy chairmen, meaning in effect that members of the only two legal faiths have the power of veto over whether other religious communities can function.

In addition, the Gengeshi has told religious communities that even after acquiring registration, they need permission to hold any event or service and that a Gengeshi official has the right to attend any such event. All donations would have to be recorded on paper for the Gengeshi, giving the full name of the donor, the recipient and what the funds were used for. Registered communities would also require prior permission from the Gengeshi to invite clerics or missionaries from abroad. "I got the clear understanding they didn't want anyone to come from abroad," one source told Forum 18. "They would drive any foreigners out of the country."

In October 2003 a harsh new religion law "legalised" the (illegal under international law) de facto criminalisation of all unregistered religious activity from 1997 (see F18News 11 November 2003 http://www.forum18.org/Archive.php?article_id=180). So it remains unclear how religious communities that are illegal in law can hold the required founding meeting legally. One leader told Forum 18 that they had approached the local administration, the Gengeshi and the Fairness Ministry to ask how they went about this, but none knew how to do it "as no-one had done this before". Even more of a problem is finding a legal address that the Fairness Ministry and the Gengeshi will accept as the base for the religious community.

Forum 18 tried to reach Shirin Akhmedova, head of the department that registers religious organisations at the Fairness Ministry, and any of the various officials at the Gengeshi to clarify the new registration requirements, but their telephones went unanswered between 3 and 7 May. Forum 18 also tried to reach officials at the government-sponsored National Institute for Democracy and Human Rights, but likewise the telephones went unanswered.

Given these harsh new demands, together with the continued repression of unregistered religious communities – including Baptists, Hare Krishna communities and Jehovah's Witnesses – many are too frightened to lodge registration applications. "The last time we applied for registration was five years ago, and they went round persecuting all the people who had signed the registration application," one believer told Forum 18. "We are not prepared to go through this again." (See F18News 23 March http://www.forum18.org/Archive.php?article_id=285 and 1 April http://www.forum18.org/Archive.php?article_id=293).

Some are determinedly optimistic. Father Andrzej Madej, head of the Catholic mission in Ashgabad who can lead his unregistered community only because of his diplomatic status as a representative of the Vatican, said he is preparing the documents to register the Ashgabad parish. "The Justice Ministry is very kindly providing the information so that we can submit all the documents required for the application in accordance with the law," he told Forum 18 on 4 May. "We believe there will be a happy ending and we will be registered." He said he was initially seeking registration of the Ashgabad parish and would then decide whether to register parishes in other towns.

Also determined to apply is the New Apostolic Church in Ashgabad. "We are looking for a local lawyer to help us prepare the documents so that they meet the demands of the law," Tatyana Uskova, acting vice-president of the New Apostolic Church in Russia, which maintains close links with the community in Turkmenistan, told Forum 18 from Moscow on 5 May. She said that two years ago the pastors were warned not to hold any services because the church was unregistered. "After they were summoned and warned, we have not held services," she explained. "We abide by the law of each country." She said their pastors from abroad try to visit the country every six months to provide "spiritual support", but stressed that they do not hold services during these visits.

Other communities say they will apply, but will not allow their applications to conform to the harsh new restrictions the authorities want to impose on those applying for registration. "We want to receive registration, but without all these harsh demands, conditions and restrictions," one leader told Forum 18. "They removed the barrier of needing 500 members, but they've installed other barriers. Then they can say: 'Look we gave you the opportunity to register and you don't want to, so it's your fault!'" The leader feared if they fail to get registration they will again be fined for refusing registration.

One Hare Krishna representative told Forum 18 in April that their communities were amongst the communities too afraid to apply for registration, in the wake of the punishment imposed on those signing the last application.

In the light of the continuing attacks on religious believers (see F18News 10 May http://www.forum18.org/Archive.php?article_id=316), and the harsh restrictions the authorities intend to impose on any religious community which gains state registration, many in Turkmenistan believe that the state has no intention of stopping the ongoing reality of continuing persecution, and de facto and de jure criminalisation, of religious belief.

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