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## **Compulsory re-registration, continuing state obstructionism**

***Eighteen months after Turkmenistan's latest Religion Law came into force, only two religious communities – both Protestant - are known to have been re-registered. The government has claimed that many applications by other communities have "errors". And the government has apparently demolished another Ashgabat mosque.***

By Felix Corley

Forum 18 (09.10.2017) - <http://bit.ly/2kWAVK1> - Eighteen months after Turkmenistan's latest highly restrictive Religion Law came into force in April 2016, only two religious communities – both Protestant Christian - are so far known to have been re-registered. The Justice Ministry has claimed that many of the applications by other communities have "errors" which must be "corrected".

The new Religion Law requires all religious communities which had previously had state registration - and so permission to exist and exercise freedom of religion and belief – to apply for re-registration under the terms of the new Law. Communities with fewer than 50 adult members prepared to sign a registration application are no longer eligible to seek legal status, and so are not allowed by the state to exist. In March 2017 the United Nations (UN) Human Rights Committee strongly criticised the Religion Law and Turkmenistan's many other violations of freedom of religion and belief and interlinked human rights (see below).

The authorities also continue to deny state permission to exist to many religious communities, especially independent mosques, new Russian Orthodox communities, many Protestant communities and Jehovah's Witnesses. Also denied permission to exist is any religious community which chooses not to apply for registration, or is not granted registration or re-registration (see below).

Religious communities of all faiths – both those which have and have not been able to gain state registration – and active members of religious communities are subject to state surveillance by among other agencies the Ministry of State Security (MSS) secret police (see below).

The authorities have also apparently demolished another mosque in the capital Ashgabat [Ashgabat] (see below).

### ***Violating human rights obligations***

The requirements for state permission to exist and to exercise freedom of religion and belief, and the government's arbitrary and obstructive administration of the registration

system, clearly violate Turkmenistan's international human rights obligations, as outlined in the Organisation for Security and Co-operation in Europe (OSCE)/Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (see <http://www.osce.org/odihr/139046>). Turkmenistan is an OSCE participating State.

No Justice Ministry officials were prepared to explain why it denies registration to many religious communities seeking it, and why the re-registration process is so long and difficult. Officials who answered phones at the Ministry in Ashgabad in early October all put the phone down as soon as Forum 18 introduced itself.

The telephone of Pirnazar Hudainazarov, Chair of the Mejlis (Parliament) Human Rights Committee, went unanswered each time Forum 18 called on 2 and 3 October. He was part of a government delegation to UN Committee Against Torture (CAT) hearings on the country in November 2016, and did not answer either the CAT's or Forum 18's questions on the torture of prisoners (see F18News 6 December 2016 [http://www.forum18.org/archive.php?article\\_id=2236](http://www.forum18.org/archive.php?article_id=2236)). The CAT's January 2017 Concluding Observations (CAT/C/TKM/CO/2) state that it is "seriously concerned about consistent allegations of widespread torture and ill-treatment, including severe beatings, of persons deprived of their liberty, especially at the moment of apprehension and during pretrial detention, mainly in order to extract confessions. It is also gravely concerned about continued reports about impunity for acts of torture since no cases of torture have been recorded or examined by the State party's courts during either the previous or the current reporting periods" (see F18News 27 September 2017 [http://www.forum18.org/archive.php?article\\_id=2318](http://www.forum18.org/archive.php?article_id=2318)).

Hudainazarov was also part of a government delegation to March 2017 UN Human Rights Committee hearings in Geneva on Turkmenistan's record. The Committee's March 2017 Concluding Observations (CCPR/C/TKM/CO/2) expressed strong criticism of the country's record, noting that it "retains undue restrictions on freedom of religious belief, such as the mandatory registration of religious organizations and obstacles to registration, and restrictions on religious education and importation and distribution of religious literature. It is also concerned about the reported denial of registration of religious minority communities, raids and confiscation of religious literature and intimidation, arrests and imprisonment of members of religious communities" (see F18News 3 October 2017 [http://www.forum18.org/archive.php?article\\_id=2320](http://www.forum18.org/archive.php?article_id=2320)).

Officials of the presidential National Institute for Democracy and Human Rights in Ashgabad refused to put Forum 18 through on 5 October to its Director, Begench Chariyev. This institution does not comply with the UN's Paris Principles on the independence of such national human rights bodies from government.

### ***Continuing mosque demolitions***

Figures claimed by the government for Muslim communities are impossible to verify independently. The authorities have demolished many mosques in recent years, but may still be including the communities whose place of worship has been forcibly demolished in the figures. Ashgabad had 14 mosques in the early 2000s, but the authorities have been forcibly demolishing them without compensation since then. The eighth of 14 mosques was demolished as the Religion Law came into force in April 2016. The Aksa Mosque – which could accommodate about 100 worshippers – was built in the early 1990s with donations from local Sunni Muslims (see F18News 14 April 2016 [http://www.forum18.org/archive.php?article\\_id=2168](http://www.forum18.org/archive.php?article_id=2168)). Since that demolition the authorities have demolished another mosque, an Ashgabad resident who wished to remain anonymous for fear of state reprisals told Forum 18 on 4 October 2017.

### ***How many registered communities, and do they exist?***

A total of 131 religious organisations had state registration, Gylychmyrat Hallyyev, the then Director of the presidential National Institute for Democracy and Human Rights, claimed to the UN Human Rights Committee hearings on 9 March 2017. Of these 107 were Muslim (102 Sunni and 5 Shia), 13 of the Russian Orthodox Church and 11 others.

Hallyyev did not mention of the compulsory re-registration of religious communities mandated by the 2016 Religion Law.

Of the claimed registered 13 Russian Orthodox organisations, 12 are functioning parishes. However, the 13th, which no longer functions, was the administration for the country when the Orthodox Church there was subject to the then Central Asian diocese in Tashkent. Under pressure from the government, the Church took its parishes in Turkmenistan away from the jurisdiction of Tashkent in 2007 and put them under the direct jurisdiction of the Patriarch in Moscow (see F18News 19 October 2007 [http://www.forum18.org/Archive.php?article\\_id=1037](http://www.forum18.org/Archive.php?article_id=1037)). The Russian Orthodox Church would like to create a separate diocese with a resident bishop in Turkmenistan, as it has in each of the other Central Asian countries. However, Turkmenistan's government is blocking this (see F18News 30 November 2016 [http://www.forum18.org/archive.php?article\\_id=2234](http://www.forum18.org/archive.php?article_id=2234)). The Russian Orthodox Church would also like to open new parishes in other places where it has no church, one Orthodox who wished to remain anonymous for fear of state reprisals told Forum 18. "But we need to consult the Justice Ministry about this once we get re-registration for the existing parishes".

The 11 non-Muslim and non-Russian Orthodox communities previously registered were: Baha'i, Hare Krishna, Catholic, Baptist, Pentecostal, Greater Grace Protestant, Seventh-day Adventist, Church of Christ and New Apostolic communities in Ashgabad, one Word of Life community in Turkmenabad and one Pentecostal community in Dashoguz (see Forum 18's Turkmenistan religious freedom survey [http://forum18.org/archive.php?article\\_id=2244](http://forum18.org/archive.php?article_id=2244)).

Many others - including Protestant communities, independent mosques and Jehovah's Witnesses - have been consistently refused registration over many years. Many of these function without state registration. Anyone participating in their activity risks punishment for exercising freedom of religion or belief (see Forum 18's Turkmenistan religious freedom survey [http://forum18.org/archive.php?article\\_id=2244](http://forum18.org/archive.php?article_id=2244)).

The Justice Ministry has repeatedly rejected Jehovah's Witnesses' registration applications. "The lack of legal registration puts Jehovah's Witnesses at risk," Jehovah's Witnesses point out, given that all exercise of freedom of religion or belief without state registration is illegal and punishable (see Forum 18's Turkmenistan religious freedom survey [http://forum18.org/archive.php?article\\_id=2244](http://forum18.org/archive.php?article_id=2244)). Their attempts to meet officials of the government's Commission for Work with Religious Organisations have been unsuccessful.

### ***Compulsory re-registration, state-imposed model statute***

Article 34, Part 3 of the 2016 Religion Law requires existing registered religious communities to bring their statutes into line with the Law. The Law also states that any part of the existing statutes that conflict with the new Law no longer apply. It is the authorities who decide whether or not there is a conflict with the new Law. As any changes to religious organisations' statutes must be approved and registered by the Justice Ministry, this has the effect of requiring every religious community which previously had registration to apply to be re-registered.

Justice Ministry officials told religious communities that it would produce a model statute that all communities would have to follow. Although the new Law came into force in April 2016, it was only in about November 2016 that the Justice Ministry began asking

religious communities to prepare re-registration applications, community members told Forum 18.

The 2016 Law also abolished the previously-existing category of "religious group", which required (in theory) only five adult citizen founders to apply to register. Under Article 13 of the new Law, at least 50 adult citizens currently resident in Turkmenistan are needed to found a religious organisation and apply to register it with the Justice Ministry (see Forum 18's Turkmenistan religious freedom survey [http://forum18.org/archive.php?article\\_id=2244](http://forum18.org/archive.php?article_id=2244)).

Officials use registration applications to impose extra-legal requirements, such as a compulsory unwritten requirement to collaborate with the MSS secret police (see Forum 18's Turkmenistan religious freedom survey [http://forum18.org/archive.php?article\\_id=2244](http://forum18.org/archive.php?article_id=2244)).

### **"Errors"**

A variety of religious communities began lodging re-registration applications with the Justice Ministry in early 2017. However, 18 months after the new Religion Law came into force in April 2016, few communities are known to have gained the compulsory re-registration.

Only the Pentecostal communities in Ashgabad and in Dashoguz are known to have received re-registration so far, Protestants told Forum 18 from Ashgabad.

Forum 18 has not been able to ascertain whether the Justice Ministry has allowed any of the government-controlled Muslim communities to re-register. These communities are under complete state control (see Forum 18's Turkmenistan religious freedom survey [http://forum18.org/archive.php?article\\_id=2244](http://forum18.org/archive.php?article_id=2244)).

The Russian Orthodox Church lodged applications for its 12 parishes. "The Justice Ministry pointed to some mistakes," one Orthodox who wished to remain anonymous for fear of state reprisals told Forum 18 on 4 October. "We corrected these. We most recently resubmitted the applications in September. We are still waiting."

A Catholic who wished to remain anonymous for fear of state reprisals told Forum 18 on 29 September that the community is still awaiting re-registration from the Justice Ministry. Other communities that had registration similarly told Forum 18 that they too are still waiting after having to correct alleged "errors" in their applications.

### ***Commission to decide who does and does not get re-registration***

On 20 December 2016, state officials held a meeting in Ashgabad with representatives of religious communities, both registered and unregistered, the first such meeting for 10 years. Among those present were Muslims, Russian Orthodox, Protestants and Jehovah's Witnesses.

The meeting was led by Deputy Foreign Minister Vepa Hadjiev, although officials of the Justice Ministry, the presidential National Institute for Democracy and Human Rights, and the government's Commission for Work with Religious Organisations were present. Hadjiev is thought to be a member of the government commission working with the Justice Ministry to decide if a religious community will get re-registration or not.

"The Muslim and Russian Orthodox representatives were silent," one participant who wished to remain anonymous for fear of state reprisals told Forum 18. "Only members of the other communities spoke up. Officials listened and made various promises."

### ***Surveillance***

Religious communities and individuals active in them remain under close surveillance by the MSS secret police, the ordinary police and other state agencies. Such surveillance takes place at places of worship and as individuals go about their daily lives (see Forum 18's Turkmenistan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2244](http://www.forum18.org/archive.php?article_id=2244)).

In one typical complaint, a Muslim from Ashgabat who wished to remain anonymous for fear of state reprisals complained in 2016 that unknown individuals observe people at prayer in the mosque. Those conducting the surveillance come up to those who have been worshipping asking why they pray for so long. They then warn them of unspecified consequences if they continue to do so.

The MSS secret police often summon individuals active in religious communities. "They put nothing in writing," a Protestant from Ashgabat who wished to remain anonymous for fear of state reprisals told Forum 18. "They just summon you by phone or pick you up in a car." MSS secret police officers sometimes record interviews on camera. They often seek compromising information they believe they can use to discredit religious leaders, the Protestant added. The MSS also actively seeks to run agents or recruit informers inside every religious community (see Forum 18's Turkmenistan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2244](http://www.forum18.org/archive.php?article_id=2244)).

Religious leaders have to report regularly to the MSS secret police about the activity of their communities. Imams are under particular pressure to report anything the MSS thinks is "serious", a Muslim who wished to remain anonymous for fear of state reprisals told Forum 18 in January.

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## **Pressure in schools, sackings, haj restrictions**

***Teachers and police intimidate Jehovah's Witness children in schools, including for refusing to wear the national flag. Muslims and Jehovah's Witnesses have been sacked from state jobs. A student was expelled from university. This year had the smallest government-sponsored haj pilgrimage group since 2009.***

By Felix Corley

Forum 18 (04.10.2017) - <http://bit.ly/2xPR3mC> - School children in Turkmenistan continue to face pressure from education officials and police if they are known to be members of religious communities the authorities do not like. Police and education officials have brought in state-appointed Muslim clerics to intimidate children from non-Muslim faiths. A woman was expelled from a university in the capital Ashgabat [Ashgabat] for meeting with Jehovah's Witnesses.

Muslims and Jehovah's Witnesses are known to have been sacked from state jobs in the past year, especially from the army and hospitals, because they exercised their right to freedom of religion or belief (see below).

Meanwhile it appears that the number of Muslims the Turkmen government allowed to go on this year's haj pilgrimage to Mecca – just 160 – was the lowest since 2009, when the government allowed no pilgrims to travel. The haj is an obligation for all able-bodied Muslims who can afford it at least once in their lifetime. The government has severely restricted its citizens' participation in the past two decades. It has never explained why it does so (see below).

These violations of freedom of religion or belief come as religious communities that want to gain legal status once more subject themselves to another compulsory round of re-

registration mandated under the 2016 Religion Law. Russian Orthodox, Catholics and others are still waiting for the Justice Ministry to re-register their communities. Independent Muslim communities are not allowed to exist, while only two non-Muslim communities have been allowed to gain state registration and so permission to exist (see F18News 9 October 2017 [http://www.forum18.org/Archive.php?article\\_id=2323](http://www.forum18.org/Archive.php?article_id=2323)).

### **Harassment of school children**

Protestant and Jehovah's Witness children, particularly outside Ashgabad, face pressure in schools because of their faith. Teachers, school principals, local officials and Muslim clerics have all publicly vilified non-Muslim children.

Jehovah's Witness children face additional pressures because of their refusal, on religious grounds, to wear the national flag, sing the national anthem or recite the national oath.

According to the 2007 Law on the National Oath, the text reads in translation: "Turkmenistan, my beloved homeland, my native land, I am always with you in my thoughts and in my heart. For the slightest evil against you let my hand be removed. For the slightest slander about you let my tongue become powerless. At the moment of my betrayal of my motherland, of the President of Turkmenistan, of your sacred banner, let my breath stop."

Jehovah's Witnesses would not treat a national flag with disrespect, but would not show any veneration for it, such as by wearing a pin with its image. Similarly, they would not sing a national anthem or, in countries that have them, recite a national oath.

On 3 April, a Jehovah's Witness was summoned to her son's school in Turkmenabad [Turkmenabat] (formerly Charjou), Jehovah's Witnesses told Forum 18. The teacher was pressuring the boy, who is in the second year, to wear a pin with the national flag. The school principal asked the mother to write an explanatory note.

The next day, the boy's sister, a student at the same school, was similarly summoned to the office of the director of studies. Later the girl's teacher told her that documents about her had been handed to the police inspector. When the girl's mother asked the principal to provide the legal basis for the requirement to wear a pin, the principal began to threaten her. On 14 April the director of studies summoned the girl to her office for the local police inspector to question her about her religious beliefs.

On 30 January the director of studies of a school in Turkmenabad brought two Jehovah's Witness students of the 10th and 8th grades to her office. She demanded that they sign a pledge that they "will not trust in other religions anymore", a reference to non-Muslim faiths.

The school then summoned the students' mother. A police officer demanded that she explain why her children do not wear a pin in the form of the national flag, do not sing the national anthem, and do not recite the national oath. When she asked them to show her the law requiring them to do so, they threatened that they would search her home.

On 14 January, the Azadi National Institute of World Languages in Ashgabad expelled a student because she is studying the Bible with Jehovah's Witnesses. Prior to that, the university administration had repeatedly pressured to participate in events that contradicted her religious beliefs, Jehovah's Witnesses complained to Forum 18.

On 21 November 2016 a Jehovah's Witness was invited to visit the principal's office in the school in Dashoguz where her children are enrolled. When she arrived she found present her children, several teachers, and three law enforcement officers. The officers demanded that the mother explain why her children do not wear a pin in the form of the national flag; they demanded that her son recite the national oath.

The teachers began to explain to the officers that the woman's children are well-behaved, but the officers were very rude. They asked the Jehovah's Witness to bring her personal Bible to them. The next day they made inquiries about her husband.

On 18 October 2016 a Jehovah's Witness in the 10th grade of a Turkmenabad school was invited to visit the principal's office. In the office two police officers, along with Islamic clerics, were present. They questioned the student and demanded that he write an explanatory note. The officers searched his mobile phone.

### ***State-backed denigration of rival faiths***

In March 2017, the local imam held a numbers of meetings at schools and kindergartens in the southern town of Tejen. He warned about the "danger of the sect named Jehovah's Witnesses" and "slandered the moral character of a local Witness", Jehovah's Witnesses noted.

Parents have in the past been summoned to school meetings at which members of non-Muslim faiths – especially Protestants and Jehovah's Witnesses – are publicly vilified (see Forum 18's Turkmenistan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2244](http://www.forum18.org/archive.php?article_id=2244)).

### ***Dismissals***

People employed by the state have often been dismissed because they exercise their right to freedom of religion or belief.

A Muslim who asked not to be identified was dismissed from the armed forces after he refused to stop praying the namaz, as he told Radio Free Europe's Turkmen Service for a 17 March article. Officers initially instructed him to stop praying the namaz at work. Then his home was searched and a Koran was seized.

As the Muslim continued to pray the namaz he was summoned to the Defence Ministry. There officers demanded that he write a statement and a letter of resignation. He and his family were also forced to leave their service accommodation.

Such cases of Muslim military personnel and workers of other state agencies being sacked for refusing to stop praying the namaz appear to be becoming more frequent, Radio Free Europe noted.

Another former worker of a state organisation told Radio Free Europe that he had also been sacked for refusing to stop praying the namaz.

On 1 November 2016 a Jehovah's Witness employed at a school in Dashoguz was summoned to the school principal. Later, both of them reported to the regional Education Department. The head of the Department told the Jehovah's Witness that she has to write a letter of resignation of her own will, since as a Jehovah's Witness she cannot work at the school. The head also demanded that she bring in her personal religious publications. On 4 November 2016 the school principal again summoned her to the office, where two officers questioned her about her religious beliefs.

### ***Only 160 haj pilgrims?***

The Turkmen government appears to have allowed only 160 pilgrims to go on this year's haj pilgrimage to Mecca. "The President of Turkmenistan signed an instruction under which 160 pilgrims will undertake the haj to Saudi Arabia from 17 August to 7 September 2017," the government website noted on 1 August. It added that Turkmen Airlines would fly them to and from Saudi Arabia at its cost.

As usual the government announcement made no mention of whether pilgrims could travel on the haj outside the government-sponsored group.

On 15 August, officials at the consular department of the Saudi Arabian embassy in Ashgabad told Forum 18 that all the haj visas had already been issued. However, officials refused to say how many it had issued or whether it had issued them only to members of the government-sponsored group.

The man who on 15 August answered the telephone of Gurbanberdy Nursakhatov, a Deputy Chair of the government's Commission for Work with Religious Organisations and Expert Analysis of Resources Containing Religious Information, Published and Printed Production (the body that replaced the Gengesh for Religious Affairs in 2015), put the phone down as soon as Forum 18 introduced itself.

An official of Balkan Region Religious Affairs office refused to tell Forum 18 on 15 August how many pilgrims had been approved from that region. Telephones at Religious Affairs offices of other regions went unanswered.

Usually the government allows between 180 and 190 pilgrims in the government-sponsored group. This year was the lowest since 2009, when the government allowed no pilgrims to travel, claiming that health concerns prevented any travel on the haj that year (see F18News 2 February 2010 [http://www.forum18.org/Archive.php?article\\_id=1403](http://www.forum18.org/Archive.php?article_id=1403)).

The known exceptions were in 2013 – when the Turkmen government asked the Saudi Arabian authorities to allocate 1,277 visas – and in 2014 – when it asked for 650, a Saudi Arabian consular official told Forum 18 in 2014 (see F18News 25 August 2014 [http://www.forum18.org/archive.php?article\\_id=1988](http://www.forum18.org/archive.php?article_id=1988)).

The quota the Saudi Arabian government allocated to Turkmenistan for the haj in 2014 was 4.600, the Saudi Arabian consular official told Forum 18 that year. The Turkmen government has never explained why it allows far fewer people to undertake the haj.

### ***Secret police approval***

Those that are allowed to join the government-sponsored haj group have to be approved by a range of state agencies, according to the Balkan Region Religious Affairs official. He identified these as the state-controlled Muftiate and the government's Commission for Work with Religious Organisations. "Everything is resolved in Ashgabad," he insisted to Forum 18.

However, it is known that the local Hyakimlik (administration), the police and, most importantly, the Ministry of State Security (MSS) secret police have to give approval for each haj pilgrim (see Forum 18's Turkmenistan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2244](http://www.forum18.org/archive.php?article_id=2244)).

Individuals on the government's blacklist of those unable to leave the country cannot apply to join the haj group, but others too face difficulties for political reasons. "Individuals themselves can be worthy in all ways to travel to Mecca," Amanmyrat Bugayev, an Ashgabad-based writer, told Radio Free Europe's Turkmen service for a 31 August 2016 broadcast. "But if it turns out that someone in their extended family or close friends interprets the policies underway in the country differently, you can be sure that a range of reasons will be found to remove them from the list of pilgrims travelling to Mecca."

One woman who had been told by officials in early 2017 that she was on the list to travel this year was told several months later that there had been a mistake, one Ashgabad resident told Forum 18 on 4 October. Officials cited connections her husband had with former residents of Turkmenistan now working abroad.

The cost for joining the government-sponsored group is reportedly high. While the official price in 2014 was 5,000 Manats (then 11,000 Norwegian Kroner, 1,300 Euros or 1,800 US Dollars). The official cost in 2017 appears to have been about 7,000 Manats, but the real cost might be five times that, one Muslim who asked not to be identified told Forum 18 in early 2017.

Even those who get a place on the government-sponsored group can be removed right up to departure. "I know cases when even after preparing all documents and passing through all the controls, people have been removed from the plane as it prepared to leave for Saudi Arabia," Bugayev noted in August 2016.

Those unable to get a place on the Turkmen government-sponsored list and who can afford it try to travel on the haj via third countries on the quota of those countries. One person put the number each year at about 2,000, but noted this was now becoming more difficult in Iran and Turkey.

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## **Raids, fines, torture, detentions, threats**

***Dashoguz Police threatened to inject a Jehovah's Witness with drugs and send her to a psychiatric hospital. Officers detaining a Jehovah's Witness in Turkmenabad "twisted his hands, strangled him, threw him to the floor, and forcefully shut his mouth to keep him from calling for help".***

By Felix Corley

Forum 18 (03.10.2017) - <http://bit.ly/2xgeFf0> - The authorities continue to conduct raids on meetings for worship and homes, detain, torture, threaten and fine individuals, and seize religious literature in house searches. In many incidents, male police officers physically assault women trying to exercise their right to freedom of religion or belief. In one case, police threatened to inject a woman with drugs and send her to a psychiatric hospital.

"In the past year Jehovah's Witnesses were subjected to beatings, intimidation, unwarranted searches, detention, seizure of religious publications, and fines merely for attending worship services and otherwise manifesting their religious beliefs," Jehovah's Witnesses note. They point out that most of the incidents for their adherents occurred in the eastern Lebap Region, in particular the regional capital Turkmenabad [Turkmenabat] (formerly Charjou).

The United Nations (UN) Human Rights Committee expressed concern about Turkmenistan's treatment of those exercising freedom of religion or belief and called for an end to such violations (see below).

No official could be reached to explain why individuals are punished to exercise their right to freedom of religion or belief. The telephone of Pirnazar Hudainazarov, Chair of the Mejlis (Parliament) Human Rights Committee in the capital Ashgabad [Ashgabat] (who was part of the Turkmen government delegation to the UN Human Rights Committee hearings), went unanswered each time Forum 18 called on 2 and 3 October.

Similarly unanswered on 2 and 3 October was the telephone of Gurbanberdy Nursakhatov, a Deputy Chair of the government's Commission for Work with Religious Organisations and Expert Analysis of Resources Containing Religious Information, Published and Printed Production (the body that replaced the Gengesh for Religious Affairs in 2015).

These violations of freedom of religion or belief come as religious communities that want to gain legal status once more subject themselves to another compulsory round of re-registration mandated under the 2016 Religion Law. Independent Muslim communities are not allowed to exist, while only a few non-Muslim communities have been allowed to gain state registration (see forthcoming F18News article).

Meanwhile it appears that the number of Muslims the Turkmen government allowed to go on this year's haj pilgrimage to Mecca – just 160 – was the lowest since 2009, when the government allowed no pilgrims to travel (see forthcoming F18News article).

### **Renewed United Nations concern**

The United Nations (UN) Human Rights Committee expressed wide-ranging concerns about Turkmenistan's treatment of those exercising freedom of religion or belief in its Concluding Observations, adopted on 23 March (CCPR/C/TKM/CO/2).

Turkmen officials repeatedly avoided answering questions at hearings on the country's record in Geneva in March. Questions that went unanswered included those on bans on exercise of the right to freedom of religion or belief without state registration, punishments for those who do exercise these rights, including arrests and imprisonments, and seizures of property. Turkmen officials failed to answer questions in why the state interferes in the Muslim community's nomination of muftis and imams.

Delegates also asked about two Muslims who died in 2016 in the top-security Ovadan-Depe top-security labour camp, Lukman Yaylanov and Narkuly Baltayev (see F18News 23 January 2017 [http://www.forum18.org/archive.php?article\\_id=2249](http://www.forum18.org/archive.php?article_id=2249)), tortured Jehovah's Witness Bibi Rahmanova and her husband (see F18News 20 August 2014 [http://www.forum18.org/archive.php?article\\_id=1987](http://www.forum18.org/archive.php?article_id=1987)), and tortured Jehovah's Witness Bahram Hemdemov, who remains in prison (see below). However, Turkmen officials also failed to answer these questions.

In its Concluding Observations the UN Committee expressed concern that the legal framework – including the 2016 Religion Law – "retains undue restrictions on freedom of religious belief, such as the mandatory registration of religious organizations and obstacles to registration, and restrictions on religious education and importation and distribution of religious literature. It is also concerned about the reported denial of registration of religious minority communities, raids and confiscation of religious literature and intimidation, arrests and imprisonment of members of religious communities, particularly Protestants and Jehovah's Witnesses".

The Committee called on Turkmenistan to halt all violations, bring laws into line with international human rights commitments and "investigate all acts of undue interference with the freedom of religion of religious communities, including Jehovah's Witnesses, Protestants and Muslims".

The UN Committee also expressed concern about the demolition of mosques and churches in Ashgabad, including the April 2016 bulldozing of a mosque, with the authorities claiming it had been built without permission over 20 years earlier.

The Sunni Muslim Aksa Mosque in Ashgabad bulldozed by the Hyakimlik (administration) was the eighth of 14 mosques in the city to have been destroyed in recent years (see F18News 18 April 2016 [http://www.forum18.org/archive.php?article\\_id=2169](http://www.forum18.org/archive.php?article_id=2169)).

The UN Committee called on Turkmenistan to end prosecutions of those unable on grounds of conscience to conduct compulsory military service, change the law and "provide for alternative service of a civilian nature outside the military sphere and not under military command for conscientious objectors".

These calls echoed the comments of the UN Committee Against Torture in its Concluding Observations on Turkmenistan's record (CAT/C/TKM/CO/2), adopted in December 2016 (see F18News 27 September 2017 [http://www.forum18.org/archive.php?article\\_id=2318](http://www.forum18.org/archive.php?article_id=2318)).

### ***State torture or threats of torture***

On 17 May, three officers in plainclothes approached a Jehovah's Witness sitting on the street near his work in Turkmenabad. One officer, who introduced himself as Mekan Veliyev, demanded that he give them the keys to his flat. When they found keys at his workplace, they took him to his flat.

"Officers Veliyev and Haytyev twisted his hands, strangled him, threw him to the floor, and forcefully shut his mouth to keep him from calling for help," Jehovah's Witnesses complained. "They opened the door to conduct an unauthorised search and seized his passport, personal books, and laptop computer, and then brought him to the police station." That same evening, the Jehovah's Witness was fired from his employment.

Turkmenabad-based Ministry of State Security (MSS) secret police officer Veliyev (or who gives his name as Mekan Veliyev) has taken part in earlier torture of Jehovah's Witnesses, including prisoner of conscience Bahram Hemdemov (see F18News 21 May 2015 [http://www.forum18.org/archive.php?article\\_id=2063](http://www.forum18.org/archive.php?article_id=2063)).

Also in Turkmenabad, on 20 January about 15 law enforcement officers raided the home of a Jehovah's Witness family. Officers took 14 of their guests to the police station. During the raid, officers seized personal copies of religious publications, laptop computers, tablets and mobile phones.

Officers beat a male Jehovah's Witness, and later others as the officers demanded they provide the passwords for their tablets. "Officer Suleyman hit a 14-year-old boy in his stomach and face, and threw his mother to the floor," Jehovah's Witnesses complained. "The officers were rude and threatened all in attendance with 10-15 years of imprisonment." At 2 o'clock the following morning, officers released all except the homeowner and another male Jehovah's Witness.

In an earlier incident in Turkmenabad, on 27 December 2016 a local police officer, Didar Saparov, MSS secret police officer Mekan Veliyev, and two police officers (including A. Hudayberdyev) raided the home of a Jehovah's Witness and her three children.

"They treated the family rudely as they carried out the unwarranted search, at one point grabbing the woman by her neck and pressing her against the wall," Jehovah's Witnesses complained. "Mekan Veliyev grabbed and held the oldest daughter by her hair. Both women had bruises." Officers seized a personal copy of the Bible and took the adult Jehovah's Witness to the police station.

Turkmenabad Prosecutor's Office acknowledged the complaint she later filed and confirmed the fact of the bruises, but denied any wrongdoing in the actions of police officers. A further complaint was filed with the Regional Prosecutor's Office. "A response is still pending," Jehovah's Witnesses note.

In another serious case in the northern city of Dashoguz, on 7 October 2016 police officers detained a Jehovah's Witness on the street and brought her to the police station. Officers searched her mobile phone, and threatened to inject her with drugs and send her to a rehabilitation centre or psychiatric hospital. Then they brought her to her flat, searched it, and seized her personal copy of the Bible and passport.

### ***"Brutal beatings" continue in prison***

The authorities have repeatedly failed to include Jehovah's Witness prisoner of conscience Bahram Hemdemov in regular prisoner amnesties. "Bahram is detained in a notoriously wretched labour camp in the town of Seydi, where he has suffered repeated interrogations and brutal beatings at the hands of the authorities," Jehovah's Witnesses complain. Hemdemov's wife, Gulzira, has been able to visit him periodically.

The 54-year-old Hemdemov, who is married with four sons, was an elder of his Jehovah's Witness community. He has been imprisoned since 14 March 2015 to punish him for hosting an "illegal" religious meeting in his home. He is currently serving a four-year general regime prison term in Seydi Labour Camp on charges of "inciting religious hatred", which he adamantly rejected (see F18News 5 July 2016 [http://www.forum18.org/archive.php?article\\_id=2196](http://www.forum18.org/archive.php?article_id=2196)).

On 15 August 2016, an appeal on Hemdemov's behalf was sent to the UN Human Rights Committee.

Turkmen officials repeatedly avoided answering questions about the torture of Hemdemov at hearings of the country's record at the UN Human Rights Committee in Geneva in March 2017 (see above).

The three young Muslim prisoners of conscience from Turkmenabad known to have died in the top-security Ovadan-Depe prison appear to have been tortured. When Aziz Gafurov's thin body was returned to relatives in June it was covered in bruises, according to an eyewitness (see F18News 27 September 2017 [http://www.forum18.org/archive.php?article\\_id=2318](http://www.forum18.org/archive.php?article_id=2318)).

### **Further raids, threats**

Raids and detentions are often followed by fines. Many individuals are fined under Administrative Code Article 76 ("Violation of the Religion Law"), particularly Part 1.

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).

Each 100 Manats is equivalent to 230 Norwegian Kroner, 25 Euros or 30 US Dollars at the inflated official exchange rate, but half that at the street rate.

In autumn 2017, police raided the home of several Protestants in Turkmenabad, confiscating computers, Protestants told Forum 18.

On 18 July, three police officers, including Murat Nasyrov, raided the house of a female Jehovah's Witness in Turkmenabad, without permission, to disrupt a religious meeting with eleven in attendance. The officers switched off the electricity in the home to force the group outside. After some time, another three police officers arrived, including district police officer Sadriddin Kabulov. They interrogated even a ten-year old and treated the Jehovah's Witnesses "rudely". The officers brought a female Jehovah's Witness from the group to the police station and threatened her.

On 13 June in Lebap Region, Police Inspector Merdan (last name unknown) invited a male Jehovah's Witness to the local police station "under false pretences". When he arrived, Sultan (last name unknown), an officer from the Migration Police, told him that they invited him to talk about his religion. Officers claimed they needed to search his flat because they believed that a "terrorist" was hiding in his home and that weapons are stored there. The Jehovah's Witness filed a complaint.

On 22 May, the local house manager came to the flat of a female Jehovah's Witness in Turkmenabad. When she opened the door, two unknown men forced their way in. One of the officers was Soltan Orazov from the Migration Police. The officers searched the flat and seized her personal computer and a phone. The officers took the woman to the police station. There "they made accusations about her moral character, grabbed her by the neck, injured her hand by pressing it to the table, and threatened her with administrative liability", Jehovah's Witnesses complained.

On 19 May in Mary, police officers Shatlyk and Gurbanmyrat Abdullayev detained a female Jehovah's Witness and "brought her to the police station by forcefully shoving her into a car, causing bruises on her arms". Officers demanded that she write an explanatory note. The chief of the police department, Hezretgulyev, demanded that she stop talking to others about her faith, and then ordered the officers to write a protocol and release her.

However, Officer Shatlyk attempted to accuse her of wrongdoing. That afternoon, four hours after detaining her, Sergeant Suvkhanov had her brought to a temporary detention centre, where they held her until early evening. The next day she went to a hospital for a medical examination to confirm the rough treatment she had received. The police officers involved came to the hospital and threatened her with an administrative offence.

In mid-May, police raided a place where a group of Protestants were meeting. They detained the leader and seized the place.

Elsewhere in mid-May, police detained the female leader of a Protestant religious community. The woman's neighbour had attended a meeting for worship, stolen a Bible and then reported the woman to the police.

Courts in Turkmenabad handed out "small" fines to several Protestants during the summer to punish them for exercising the right to freedom of religion or belief, one Protestant told Forum 18.

On 24 February, police officers and an imam in Serakhs in Akhal Region raided the home of a female Jehovah's Witness, where a group of 11 were meeting to discuss their faith. The intruders conducted a search without a warrant and confiscated Bibles, personal copies of religious publications, a computer, and other items. All present were taken to the police station, where they were photographed and fingerprinted. On 28 February, Serakhs City Court fined six individuals 500 Manats each. Akhal Regional Court rejected the individuals' appeals.

### **Earlier fines**

Fines to punish individuals for exercising their right to freedom of religion or belief, mostly under Administrative Code Article 76 ("Violation of the Religion Law"), have been common (see Forum 18's Turkmenistan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2244](http://www.forum18.org/archive.php?article_id=2244)).

On 22 December 2016, Police took a female Jehovah's Witness in Lebap Region directly to court. The judge fined her 500 Manats and ordered that her computer be handed to the state. Ten police officers had raided her home without a warrant on 23 November 2016. They seized a copy of the "Injil" (New Testament in Turkmen) and her computer.

In Ashgabad, two female Jehovah's Witnesses were each fined 400 Manats after police officers detained them on 25 October 2016.

In summer 2016, a Protestant was fined 4,000 Manats in punishment for distributing Christian discs, Protestants told Forum 18. Police also confiscated the discs and a machine for duplicating them.

## **Beatings reflect "incompetence"?**

On 8 February 2017 local Jehovah's Witnesses visited the Interior Ministry in Ashgabad. They discussed with officials cases where police officers have pressured Jehovah's Witnesses. "Ministry representatives explained that it is part of their work to undertake certain measures in connection with Jehovah's Witnesses, including detentions and summons," Jehovah's Witnesses noted, "but the cruel actions of some officers reflect the incompetence of those officers."

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## **Another disappeared prisoner dies – of torture?**

***Another of the disappeared Muslim prisoners of conscience from Turkmenabad died in the summer in Ovadan-Depe top security prison. Aziz Gafurov's body, returned to relatives, was "incredibly thin" and "blue from beatings". The authorities disappeared another Muslim prisoner of conscience, Annamurad Atdaev, possibly in Ovadan-Depe.***

By Felix Corley

Forum 18 (27.09.2017) - <http://bit.ly/2xh15ge> - A third member of the large group of Muslims from Turkmenabad [Turkmenabat] (formerly Charjew) given long jail terms for meeting with others to discuss their faith is known to have died in the top-security Ovadan-Depe prison. The body of Aziz Gafurov – who was in his mid-thirties - was returned to relatives in his home village near Turkmenabad on 24 June. His thin body was covered in bruises, an eyewitness told Alternative Turkmenistan News.

Gafurov was one of dozens of Muslims imprisoned in 2013 and after to punish them for their involvement in a Muslim study group. Most or all the prisoners are believed to be held in Ovadan-Depe with no outsider being able to establish if they are still alive. Relatives often have no information as to whether they are still alive.

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! (see <http://provetheyarealive.org>).

Forum 18 has been unable to establish whether Gafurov died of illness, starvation, neglect or torture. It failed to reach Ovadan-Depe Prison despite repeated calls on 27 September. A recorded message said the line was overloaded.

An official of the Penal Correction Department at the Interior Ministry in the capital Ashgabad [Ashgabat] – who would not give his name – initially claimed to Forum 18 on 27 September that Gafurov had died "a normal death". He then insisted that the Department had no information. Another official at the Department put the phone down as soon as Forum 18 asked about Gafurov's death in Ovadan-Depe.

The United Nations (UN) Committee Against Torture has again criticised Turkmenistan over "consistent allegations of widespread torture and ill-treatment" and the government's failure to stop and prevent such torture (see below).

Pirnazar Hudainazarov, now Chair of the Mejlis (Parliament) Human Rights Committee, was a member of Turkmenistan's delegation at the UN Committee Against Torture hearings in Geneva in November 2016. His telephone went unanswered each time Forum 18 called on 27 September.

Another prisoner who has been disappeared – apparently in Ovadan-Depe – is 31-year-old Muslim Annamurad Atdaev. He was punished with a 15-year strict regime prison term after returning to Turkmenistan to renew his passport from Egypt, where he was studying Islam at Al-Azhar University (see below).

"I don't know if my husband is even still alive," Daria Atdaeva told Forum 18 on 27 September. "Even when prisoners die they often don't hand over the body."

Meanwhile, another Jehovah's Witness conscientious objector was given a two-year corrective labour term in February to punish him for refusing compulsory military service. Since 2014 the authorities have punished conscientious objectors with corrective labour or suspended prison terms, rather than imprisonment (see below).

### ***UN Committee Against Torture criticises failures***

The United Nations (UN) Committee Against Torture said in its Concluding Observations on Turkmenistan's record (CAT/C/TKM/CO/2), adopted in December 2016, that it is "seriously concerned about consistent allegations of widespread torture and ill-treatment, including severe beatings, of persons deprived of their liberty, especially at the moment of apprehension and during pretrial detention, mainly in order to extract confessions. It is also gravely concerned about continued reports about impunity for acts of torture since no cases of torture have been recorded or examined by the State party's courts during either the previous or the current reporting periods."

The Committee added that it "remains deeply concerned about reports of deaths in custody owing to torture and about the State party's failure to ensure independent forensic examinations of such deaths". The Committee "is particularly concerned by reports that numerous prisoners may have died as a result of conditions at Ovadan-Depe prison". It also expressed concern at "continued reports that an estimated 90 persons are being held by the State party in long-term incommunicado detention, a practice that amounts to enforced disappearance and violates the Convention".

The Committee reminded Turkmenistan that it has repeatedly called on the authorities to end torture, introduce reliable safeguards to prevent it and to punish the perpetrators.

The Committee noted that previously Turkmenistan "was called upon to ensure the provision, in practice, of safeguards against torture; provide access for international monitoring bodies, either governmental or non-governmental, to all detention facilities; permit visits to the country by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on Arbitrary Detention; inform the relatives of individuals detained incommunicado of their fate and whereabouts, and facilitate family visits; and ensure prompt, impartial and thorough investigations into all outstanding cases of alleged disappearances. Nonetheless, the Committee regrets that the State party has not implemented its recommendations" (see [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fTKM%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fTKM%2fCO%2f2&Lang=en)).

### ***Long prison terms***

The authorities arrested more than 100 Muslims in and around the eastern city of Turkmenabad who had participated in an informal Sunni Muslim study group led by Bahram Saparov. Saparov and 19 others were arrested in March 2013 and sentenced to long prison terms in May 2013 (for full list see F18News 23 January 2017 [http://www.forum18.org/archive.php?article\\_id=2249](http://www.forum18.org/archive.php?article_id=2249)).

All 20 of those sentenced are believed to have been eventually transferred to the isolated top-security prison at Ovadan-Depe (Picturesque Hill) in the Karakum desert 70 kms (45 miles) north of Ashgabad. Saparov and at least three more, and possibly all of the

others, were imprisoned there in the blocks reserved for prisoners the authorities describe as "Wahhabis".

After the first group was tried and sentenced to long terms, further large groups were sentenced at closed trials. Aziz Gafurov, who was born in 1982, was among those believed to have been arrested and sentenced in late 2015.

Following his conviction, Gafurov was – like many of the other jailed members of the group – transported to the top-security Ovadan-Depe prison.

Two members of the first group of those sentenced died in Ovadan-Depe. Lukman Yaylanov died in summer 2016, possibly as a result of torture, and Narkuly Baltayev several months later. Both men were in their thirties (see F18News 23 January 2017 [http://www.forum18.org/archive.php?article\\_id=2249](http://www.forum18.org/archive.php?article_id=2249)).

### ***"Aziz's whole body was blue from beatings"***

Following Gafurov's death, the authorities returned his body to relatives in their home village of Urgenji near Turkmenabad on 24 June, Alternative Turkmenistan News noted. Officials forced Gafurov's relatives to sign statements not to reveal anything about the condition of the body.

"Aziz's whole body was blue from beatings," a local resident who witnessed the body being washed before burial told Alternative Turkmenistan News for its 19 July article. "Indeed, it would be difficult to call it a body: it was incredibly thin with sagging skin."

### ***15-year prison term***

Another prisoner of conscience punished for exercising freedom of religion or belief is Annamurad Nurmuhammedovich Atdaev (born 17 July 1986). On 13 December 2016, Ashgabad City Court sentenced him to a 15-year strict regime prison term, according to a 7 March 2017 letter from T. Allagulyyev, deputy head of the Court, seen by Forum 18.

Atdaev was convicted under Criminal Code Article 174, Part 1 ("Conspiracy to seize power"); Article 175, Part 2 ("Calls to violent change of the constitutional order"); Article 177, Part 1 ("Inciting social, ethnic or religious hatred"); and Article 275, Part 1 ("Creating an organised criminal group"). All these Articles carry punishments of long prison terms.

In the same letter, Allagulyyev declared that "the possibility of issuing the verdict is not given". He did not explain why not.

Atdaev was denied a lawyer of his choice and was given only a state lawyer. "My husband denied any guilt," Daria Atdaeva told Forum 18 on 27 September.

Atdaev's one-day trial was closed, Vitaly Ponomarev of the Russian human rights group Memorial noted on 15 May. Relatives who found out about the trial tried to attend, but were denied entry to the court.

Relatives took on their own lawyer after the first trial to prepare an appeal on Atdaev's behalf. However, the lawyer failed to submit an appeal.

In late January 2017, Atdaev was transported to the prison in Tejen in Ahal Region to the south-east of Ashgabad. His relatives were told he would spend two weeks in "quarantine", the isolation period when a prisoner is transferred to a new prison. When relatives tried to visit him at the end of this period the prison head told them verbally that after two days in the prison Atdaev had been transferred to the top-security prison at Ovadan-Depe on orders from Ashgabad.

Since then relatives have not been able to submit parcels for Atdaev. At the reception centre in Ashgabad, officials told relatives in summer 2017 that his name is not on the list of Ovadan-Depe's prisoners. Relatives have been allowed no meetings or correspondence with Atdaev since he was sentenced.

### ***Why was Atdaev jailed?***

In 2008 Atdaev began legal studies at Grodno State University in Belarus. It was there he became interested in Islam and started to pray the namaz regularly. He then decided to abandon his legal studies and prepare to enter Al-Azhar University in Cairo to study Islam. After Arabic studies he entered the university.

While in Egypt he married a Russian convert to Islam, Daria, and they have two young children.

In 2013 Russian television showed a former Turkmen student of Al-Azhar who had travelled to fight against the government in Syria. "We found out about this from Russian television," Daria Atdaeva told Ponomarev of Memorial.

As Atdaev had an old-style Turkmen passport whose validity was annulled when new passports were introduced, he was required to return to Turkmenistan which he had not visited since 2008.

As soon as Atdaev landed in Ashgabad Airport in March 2016, he was detained for questioning. The Ministry of State Security (MSS) secret police questioned him for several hours. As soon as he was released and reached his relatives' home he shaved off his beard and bought a packet of cigarettes to put in his pocket, hoping to avoid accusations of "Wahhabism".

The MSS secret police summoned Atdaev for questioning lasting about six hours at a time about his fellow Turkmen students in Cairo. They appeared well informed about his life there, including over the layout of the family's flat. They asked him to become an informer for them about Muslims in Ashgabad, but he refused.

Police arrested Atdaev on 27 September 2016 at his place of work. He was initially sentenced to 15 days' imprisonment, apparently for "hooliganism". Two new 15-day sentences were then handed down. At the end of the third 15-day term investigators launched the criminal case against him.

The lawyer engaged by relatives after the trial told them that Atdaev had been punished for anti-government remarks he had made during festivities for the end of Ramadan in Ashgabad in July 2016. Relatives insist that the claims that he made such remarks came from informers to the MSS secret police.

### ***Appeals for Atdaev***

Atdaev's wife Daria, a Russian citizen who is based in Egypt with their two young children, pledged to continue campaigning for her husband, whom she has not seen since his return to Turkmenistan in March 2016. "I'll do everything to try to find out if my husband is still alive, if he is being fed properly, to try to ensure that he is not being beaten," she told Forum 18.

She appealed to the Russian Foreign Ministry for help in identifying where Atdaev was being held and seeking visits to him in prison. However, the Foreign Ministry referred the enquiry to Russia's Embassy in Ashgabad.

On 20 June, in a letter seen by Forum 18, the head of the Embassy's Consular Service, Vitaly German, wrote back to her merely informing her that Turkmenistan's "competent

organs" said that her husband "is being held in places of deprivation of freedom in Turkmenistan" in accordance with the Ashgabad City Court decision.

An appeal was also sent on Atdaev's behalf in late April to the UN Working Group on Enforced or Involuntary Disappearances in Geneva. "On 27 April 2017, the Working Group transmitted, under its urgent action procedure, a case to the Government of Turkmenistan concerning Annamurad Atdaev, allegedly disappeared in late January 2017 from the penal colony in Tedzhen, Ahal Province, Turkmenistan," the Working Group noted in its report of its May session in Geneva (A/HRC/WGEID/112/1).

### ***Another conscientious objector sentenced***

Another conscientious objector to compulsory military service has been sentenced: Jehovah's Witness Vepa Bahromovich Matyakubov (born 19 August 1998), from the northern Dashguz Region's ethnic Uzbek minority.

On 14 February, Judge A. Omarov of Boldumsaz District Court found Matyakubov guilty under Criminal Code Article 219, Part 1, according to the decision seen by Forum 18. Judge Omarov sentenced him to two years' corrective labour, meaning that he will live at home but 20 percent of his salary will be withheld by the state budget.

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.

Matyakubov and his parents chose not to appeal against the court decision, Jehovah's Witnesses told Forum 18.

Matyakubov's older brother Dovran was convicted and imprisoned twice for his conscientious objection to military service, in December 2010 and again in December 2012. Dovran Matyakubov was released from his second sentence under amnesty in October 2014 (see F18News 28 October 2014 [http://www.forum18.org/archive.php?article\\_id=2009](http://www.forum18.org/archive.php?article_id=2009)).

On 2 November 2016 Vepa Matyakubov did not report to the Military Conscription Office. Two days later he again sent through the post his written petition for an alternative service as a conscientious objector to military service. "I cannot go to military service as my conscience, in accordance with Holy Scripture, does not allow me to do so," the indictment – seen by Forum 18 – quotes him as telling the Military Conscription Office.

However, the following day officials forcibly took him to the Military Conscription Office along with his mother to be sent to the military training camp. Matyakubov's mother talked with an official of the Military Prosecutor's Office, who informed her that this issue is outside of their competence, but promised her to contact the Military Conscription Office.

When she returned to the Military Conscription Office, the official informed her that her son would be released. However, under great pressure she wrote a statement promising to bring her son to the Military Conscription Office on 7 November 2016, otherwise a criminal case would be initiated against her. However, Matyakubov did not report to the Military Conscription Office on that day.

On 11 November 2016 he received a second response from the Military Conscription Office informing him that no alternative service exists in Turkmenistan, according to the indictment. During the next couple of weeks an officer kept coming back looking for Matyakubov and asking again that he wrote an explanation about why he was refusing to report to the Military Conscription Office.

The criminal case was then instituted against him. Investigator G. Atayev of Boldumsaz District Prosecutor's Office led the case. As he was awaiting trial, Matyakubov had to sign a pledge not to leave the area.

At the trial, M. Durdymedov of the District Village Administration noted that he and Military Conscription Office officials had "conducted propaganda about his carrying out of his civic duty" with Matyakubov at the Office and at his home.

In 2016, courts sentenced five Jehovah's Witness conscientious objectors to two-year suspended prison terms for refusing compulsory military service on grounds of conscience. A sixth received an 18-month suspended sentence and a seventh a one-year corrective labour sentence (see F18News 3 October 2016 [http://www.forum18.org/archive.php?article\\_id=2220](http://www.forum18.org/archive.php?article_id=2220)).

The last known imprisoned conscientious objector, Jehovah's Witness Ruslan Narkuliyev, was freed under amnesty in February 2015 (see F18News 18 February 2015 [http://www.forum18.org/archive.php?article\\_id=2039](http://www.forum18.org/archive.php?article_id=2039)).

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## **Two prisoners of conscience deaths from torture?**

***Two Muslims jailed for attending meetings in Turkmenabad died in top-security Ovadan-Depe prison. At least one had been beaten there. Relatives were ordered not to reveal the state of their bodies, but one weighed only 25 kilogrammes. Interior Ministry officials refused to say if their deaths were investigated.***

By Felix Corley

Forum 18 (23.01.2017) - <http://bit.ly/2jOruK8> - At least two Muslim prisoners of conscience died in Turkmenistan's top security Ovadan-Depe prison in the second half of 2016, the exile Alternative Turkmenistan News noted on 10 January. Lukman Yaylanov died in summer 2016, possibly as a result of torture, and Narkuly Baltayev several months later. Both men were in their thirties. The two were part of a large group of Sunni Muslims from the eastern Lebap Region imprisoned in 2013 to punish them for exercising their right to freedom of religion or belief.

Although the two men's bodies were handed over to their families for burial, relatives had to sign a document banning them from revealing what they saw, Alternative Turkmenistan News added. However, Baltayev's body showed that at death he weighed no more than 25 kilogrammes (55 pounds). In his lifetime he had been a large man.

Forum 18 has been unable to establish whether Yaylanov and Baltayev died of illness, starvation, neglect or torture. Alternative Turkmenistan News cites a former fellow prisoner who said he heard Yaylanov being tortured in Ovadan-Depe Prison.

An official of the Penal Correction Department at the Interior Ministry in the capital Ashgabat [Ashgabat] – which is supposed to investigate any prison deaths – refused to give Forum 18 any information.

### ***Long prison terms***

The two deceased prisoners of conscience were members of an informal Sunni Muslim study group led by Bahram Saparov, a resident of Turkmenabad [Turkmenabat] in Lebap Region. Saparov and 19 others – including Yaylanov – were arrested in March 2013 and

sentenced to long prison terms in May 2013. Baltayev was among other members of the group sentenced in separate trials later.

In a separate case in Turkmenabad, a Muslim committed suicide in December 2016 after weeks of daily police interrogation where he was pressured to identify other "Wahhabis" (a term used for Muslims the authorities do not like).

Like members of all religious communities in Turkmenistan, Muslims face severe government restrictions on their exercise of freedom of religion or belief. 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. Independent Muslim communities outside Muftiate control are banned.

### ***Did Interior Ministry investigate prison deaths?***

Another Muslim reportedly imprisoned for exercising freedom of religion or belief died in labour camp near Turkmenabad in 2013. Atageldi aga was imam of an unregistered Sunni Muslim mosque in the Khitrovka district of Ashgabad until his 2008 arrest.

Other prisoners of conscience have survived torture, including Jehovah's Witness Mansur Masharipov, tortured by police in the northern city of Dashoguz.

The Turkmen government claimed to the United Nations Human Rights Committee on 25 October 2016: "In 2015 to 2016, no cases were known to Turkmenistan's Interior Ministry of harsh treatment on the part of officials towards sentenced people" (CCPR/C/TKM/Q/2/Add.1).

Similarly, the Turkmen government had earlier denied that anyone is tortured while in detention in its written report submitted to the United Nations Committee Against Torture on 16 July 2015 (CAT/C/TKM/2). "No cases of death resulting from torture during custody have been recorded in the country," it added.

"The Penal Correction Department of the Ministry of Internal Affairs investigates all cases of death in any detention facility," the government claimed in its July 2015 submission. "Records of all cases of death during detention are kept in every prison and in the above department. There is no record of death due to torture or brutal treatment in a detention facility."

An official of the Penal Correction Department at the Interior Ministry – who would not give his name – refused to tell Forum 18 on 23 January if any investigations into the prison deaths of Yaylanov and Baltayev had been undertaken and, if so, what the results were. "We can only give information to relatives who come in person to our Ministry in Ashgabad between 3 and 5pm on working days," the official insisted. "We can't give any information by phone."

Other Interior Ministry officials reached on 23 January similarly refused to give Forum 18 any information by phone. "Come to the reception desk of the Ministry," another responded.

### ***Arrested, sentenced***

Yaylanov was from Garabekevil District 80 kms (50 miles) south-east of the regional capital Turkmenabad. He had joined the Muslim group Saparov had started in Turkmenabad in 2007 to study the basics of Hanafi Sunni Islam. However, the Ministry of State Security (MSS) secret police soon began several years of harassment, including

interrogations and beatings. Police also used known local criminals to attack them to try to provoke members of the group to respond.

Police opened a criminal case on 18 January 2013 against numerous members of the group. Yaylanov and Saparov were among the first group of 21 Muslims arrested by the Police Department to Counter organised Crime on 9 March 2013. They were tried in closed hearings at Lebap Regional Court. On 22 May 2013, at the conclusion of the trial, the Judge sentenced 20 of the Muslims to long prison terms. One was acquitted and released.

Those sentenced:

All 20 Muslims were punished under Criminal Code Article 174, Part 1 ("Conspiracy to seize power"), Article 175, Part 2 ("Calls to violent change of the constitutional order"), Article 177, Part 3 ("Incitement of social, ethnic or religious hatred"), Article 275, Parts 1 and 2 ("Creation of an organised group, criminal association or other criminal structures or participation in their activity") and Article 291 ("Theft of extortion of weapons, military materiel, explosive substances and explosive devices"). This last charge was subject to Article 14, which covers cases where an individual did not manage to carry out the crime through circumstances that did not depend on themselves.

- All sentenced under Criminal Code Article 174, Part 1, Article 175, Part 2, Article 177, Part 3, Article 275, Parts 1 and 2, and Article 291:
  1. Mekan Nurmamedovich Jomartov
  2. Lukman Yaylanov
  3. Agamammet Meretgulyevich Gaipov
  4. Yusup Atajanovich Akyyev
  5. Bahram Jumanazarovich Saparov
  6. Azamat Charyevich Kurbanov
  7. Tahir Sharipovich Davletov
  8. Babajan Dovletdurdyevich Kadyrov
  9. Maylis Muhammedovich Mejidov
  10. Allaberdi Maratovich Kurbanov
  11. Umarkuly Dovrankulyevich Jumashov
  12. Hasan Saburbayevich Yusupov
  13. Mansur Ishanmuradovich Islamov
- Sentenced additionally under Criminal Code Article 279 Part 2 (Points a and b) ("Hooliganism" in a group or with resistance to the authorities):
  14. Guvanch Myradovich Gurbanov
  15. Dovletmyrat Kakyshovich Ahipov

16. Nuritdin Kamilovich Jurayev

17. Atajan Imitjanovich Raimov

18. Ahmet Ergeshevich Mirzayev

19. Sultan Ahmetovich Bebitov

- Sentenced additionally under Criminal Code Article 279 Part 2 (Points a and b) and Article 287 Part 2 ("Illegal weapons"):

20. Adylbek Erkinovich Atajanov

Saparov was sentenced to 15 years' imprisonment, the Turkmen government delegation told the UN Committee Against Torture in writing on 24 November 2016. The sentences the others received are unknown.

Saparov worked in the fuel-and-oil supply service of Turkmenabad Airport. Another defendant, Azamat Kurbanov, had a family business selling sweets at local markets. Another, Hasan Yusupov, worked as a hairdresser at a small market in the Central district. "And none of them paraded their faith or recruited followers," Alternative Turkmenistan News said.

One of the 20 sentenced, Sultan Bebitov, appears to have been a supporter of more radical Islam than that espoused by the group's leader Saparov. One source told Alternative Turkmenistan News that "the community did not know much about him", adding that "you can't really say that his views represented those of the entire community".

### ***Torture, death in Ovadan-Depe***

All 20 of those sentenced are believed to have been eventually transferred to the isolated top-security prison at Ovadan-Depe (Picturesque Hill) in the Karakum desert 70 kms (45 miles) north of Ashgabad. Saparov, Yaylanov, Atajanov and Mejidov, and possibly some or all of the others, were imprisoned there in the blocks reserved for prisoners the authorities describe as "Wahhabis".

In Saparov's case his transfer to Ovadan-Depe Prison in October 2014 followed a second trial – apparently while he was in Tejen Prison. He was sentenced a third time in July 2016 while already in Ovadan-Depe, according to the Turkmen government's information to the UN Committee Against Torture.

It was in Ovadan-Depe Prison that Yaylanov was tortured and died, though it remains unknown if his summer 2016 death was the result of torture. "When they tortured Lukman Yaylanov, we heard his cries and groans on the upper floors of the prison," said a former fellow-prisoner who happened to serve part of his term with Yaylanov, Alternative Turkmenistan News noted.

### ***Arrested later***

After the initial March 2013 arrests, the Police and MSS secret police continued to arrest other members or associates of Saparov's Muslim group in and around Turkmenabad.

Among those arrested later was Baltayev, who died in the top-security Ovadan-Depe Prison in autumn 2016. He was from the Dostluk (former Spark) collective farm in Turkmenabad, where he looked after animals, Alternative Turkmenistan News noted.

Forum 18 was unable to find out when Baltayev was arrested, when he was tried or what sentence he received. Nor is it known when he was transferred to Ovadan-Depe Prison.

Another of those imprisoned in a further group trial was Aybek Atajanov, who was just 17 years old, Alternative Turkmenistan News added. He is (or was) the cousin of Adylbek Atajanov, sentenced in the first mass trial in May 2013. Both Atajanovs were severely tortured in pre-trial detention, it said.

### ***No news***

As the trials were conducted in secret, relatives were given no information about the charges against the defendants, the sentences they received or – for many – where they were sent to serve these sentences, Alternative Turkmenistan News noted. They were also unable to hire lawyers to defend them in court.

"The relatives don't even know if their children are still alive, and if yes, where they are kept," Alternative Turkmenistan News said. It added that relatives are regularly summoned for "conversations" with the MSS secret police. "When they try to visit prison camps, they are told that their children are not there, or that they had been transferred somewhere else. Sometimes they even say where, but it usually turns out to be a lie. Getting permission to visit them or send a food parcel is also not possible."

### ***Disappeared***

Although the secret May 2013 mass trial was not the first, other associates or alleged associates of Saparov's group appear to have been arrested and disappeared. Two brothers from the village of Dachny near Turkmenabad airport – Hamra and Jumabai (last name unknown) – have not been seen since their apparent arrest some time after the initial trials, Alternative Turkmenistan News said. "Their mother soon died from anxiety and uncertainty," it added.

### ***Police interrogation led to suicide?***

Meanwhile, in a separate case in Turkmenabad, police repeatedly summoned Muslim resident Yoldash Khodjamuradov for interrogation about his religious views under orders from the MSS secret police, Alternative Turkmenistan News noted on 28 December 2016. Police summoned him every day for several weeks.

"Are you a Wahhabi?" Alternative Turkmenistan News cited police as asking. "We'll lock you up many years for Wahhabism if you don't give us the names of two Wahhabis."

On releasing him from interrogation on 17 December 2016, officers ordered him to return on 19 December. On 18 December he hanged himself. His wife was unable to prevent this, Alternative Turkmenistan News said.

The 52-year-old Khodjamuradov and his wife have three children. He worked as a butcher at the market. He regularly attended the local mosque and recently began wearing the khirqa, a long white robe often worn by Sufi leaders as a sign of their spiritual authority, local people told Alternative Turkmenistan News.

"Suicide is a grievous sin in Islam, so you can imagine how far they must have driven a Muslim that he took this course," one source said.

Residents of Lebap Region told Alternative Turkmenistan News that the police and MSS secret police have increased their surveillance and interrogation of those who attend mosque. Police summon Muslims of all ages for questioning.

## Religious freedom survey, January 2017

***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.***

By Felix Corley and John Kinahan

Forum 18 (06.01.2017) - <http://bit.ly/2igEysv> - 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 unelected 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 blacklist 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 Turkmens, 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 [Türkmenbashi, 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 imprisoned 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 five further Jehovah's Witness conscientious objectors under the International Covenant on Civil and Political Rights (ICCPR). These decisions bring to nine 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, Sanjarbek Saburov and Artur Yangibayev all received two-year suspended sentences between February and August 2016.

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 blacklist***

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 blacklist. 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 Kiev, 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 Bochurov, 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.

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 bans "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.

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