

TURKMENISTAN

Turkmenistan gained its independence from the Soviet Union in 1991. Like several other former Soviet states, the country maintained much of its communist leadership by simply altering the names of its institutions and political parties. In 1991, the Turkmen Communist Party became the Democratic Party of Turkmenistan, its First Secretary, Saparmurat Niyazov, became President of the newly-independent state of Turkmenistan. Upon Niyazov's death in 2006, Gurbanguly Berdimuhamedow, also from the Democratic Party, became the country's second president. In 2012, Berdimuhamedow was reelected to the presidency with a questionable 97% vote.¹

Turkmenistan has a population of 5.2 million, 89% of which are Muslim. Another 9% identify as Eastern Orthodox, leaving a tiny minority to represent various other religions. The government has been highly repressive of religious freedom and only registered religious organizations – approximately 141 in number, mostly Muslim – have the right to practice freely.

Even legally registered groups are permitted a limited range of activities related to worship. Other activities, such as distributing literature, educating children without approval, or proselytizing, are punishable with fines or imprisonment.

Some groups, such as Jehovah's Witnesses, have been particularly restricted by law because of their tendency to proselytize and publicly share their religious beliefs. They have also been targeted for their conscientious objection to military service. Turkmenistan offers no alternative service and the punishment for refusal to enlist is a two-year prison term. Jehovah's Witnesses have been beaten, arbitrarily detained, sexually assaulted, and otherwise mistreated by government officials.²

While there is little information about prisoners being held for long periods of time in Turkmenistan, police can detain citizens for shorter periods, such as fifteen to thirty days, during which they are often physically and verbally abused. Because of the country's lack of cooperation with international organizations and unwillingness to share information, it can be assumed there are more existing prisoners than those that are mentioned below.

Jehovah's Witnesses in Prison

A minority of about 2% of Turkmen adhere to various Christian groups such as Jehovah's Witnesses. In 2016, Jehovah's Witnesses have been subjected to harassment and mistreatment, beatings, intimidation, unwarranted searches, detention, seizure of religious publications, and fines for exercising their religious beliefs. The Witnesses' practices of

¹ The World Factbook Central Asia: Turkmenistan. Central Intelligence Agency

² Turkmenistan International Religious Freedom Report for 2014. Bureau of Democracy, Human Rights and Labor

sharing their faith with others, distributing religious literature, hosting meetings in private homes, and rejecting military service have posed difficulties in Turkmenistan.

Some Cases

On 6th February 2015, fifty-two-year-old **Bahram Hemdemov** was arrested in Turkmenabad for “fomenting social, national and religious strife” (Criminal Code 177) and has been imprisoned since 14th March 2015. Hemdemov claims he was simply hosting a religious meeting. On 19th May, he was sentenced by the Lebap Regional Court to four years in the LB-K12 labor camp in Seydi. On 25th August, he was denied appeal to the Supreme Court.

On 16th June 2016, **Artur Yangibayev** was arrested at his home in Seydi for refusing compulsory military service (Criminal Code Article 219). He was detained from 8th to 30th August before being released with a two-year suspended sentence.

On 30th June 2016, thirty-two-year-old **Mansur Masharipov** was arrested in Ashgabad for allegedly assaulting a police officer. He denies the charge, saying that he had been targeted ever since his house was raided by police in 2014 where Bibles and other religious literature were destroyed. On 18th August, Masharipov was sentenced under Criminal Code 211 part 1 to one year of imprisonment in Dashoguz.

On 17th July 2016, **Sanjarbek Saburov** was arrested in Dashoguz for refusal of compulsory military service (Criminal Code Article 219). After being detained for three weeks in pre-trial preventative detention, Saburov received a suspended two-year prison sentence.

Sunni Muslims in Prison

Currently at least twenty-one Muslims are imprisoned in Turkmenistan on charges of “Wahhabism.” While Wahhabism is a common branch of Islam in some countries, such as Saudi Arabia, it is often regarded in central Asia as any fundamentalist Muslim group that strictly adheres to the five pillars of Islam. Turkmen government policy prefers a more mainstream and progressive approach to Islam and fundamentalist groups are considered dangerous to the secular society. This intolerance for religious diversity has resulted in the arrest and torture of Bahram Saparov and other fundamentalist Muslims in Turkmenistan.

Some Cases

35 year old Bahram SAPAROV and 20 other Sunnis including Adylbek, Meylis, Atajan, Kamiljan and Allaberdi (last names unknown) were arrested in Turkmenabad in May of 2014 for charges of Wahhabism. They were found guilty by the Lebap Regional Court in Turkmenabad, but the duration of their sentence is not known. The prisoners were originally detained at the high security Ovadan-Depe Prison, but since the closure of this facility their whereabouts has been unknown.

The full list of documented cases of FoRB prisoners for each denomination is available on the USB key attached to this report and on our website: <http://hrwf.eu/forb/forb-and-blasphemy-prisoners-list/>.

Laws Used to Criminalize Religious Activities

The Constitution of Turkmenistan guarantees its citizens the rights to “individually or jointly with others profess any religion or none, to express and disseminate beliefs related to attitude toward religion, to participate in religious observances, rituals and ceremonies.”³

Even still, the Criminal Code of Turkmenistan has been used to punish religious people in direct contradiction with the country’s Constitution. Articles 177(2) and 219(1) of the Criminal Code are consistently used against Jehovah’s Witnesses who proselyte, distribute religious literature, or object to military service. In one case, Article 177(2) was used to prosecute Bahram Hemdemov when he hosted a religious meeting in his home. Hemdemov is still being detained at this time and has been subjected to harsh prison conditions and torture.

In 2014, dozens of young men who were conscientious objectors to military service were granted amnesty, and the government began to give corrective labor sentences and a 20% fine on their income rather than prison sentences. However, punishments for violations of Article 219(2) remain officially unchanged. It is possible that in future conscientious objectors could again be handed prison sentences for their choice to refuse military service under Article 177(2): inciting social, national, or religious enmity,⁴ or Article 219(1): evasion of military service in the absence of legal grounds for exemption from such service.⁵

National Standards for Detention Conditions

The government of Turkmenistan has pledged to match prison standards to international norms. Constitutional provisions and the Criminal Code ban torture as well as inhuman and degrading treatment. The Turkmen government should immediately make necessary policy changes in keeping with its constitutional law that reads “no one can be subjected to torture, cruel, inhuman or degrading treatment or punishment.”⁶

In a 2009 report to the UN Committee Against Torture (CAT), Turkmenistan claimed to meet UN penitentiary standards and that the prison conditions do not threaten the lives or health of prisoners.

Other legal provisions include:

³ Article 12 of the Constitution of Turkmenistan. English translation published by Legislation Online.

⁴ Torture and jail for one 4 years and 14 short-term prisoners of conscience. Corley, Felix. Forum 18

⁵ Petition to United Nations Working Group on Arbitrary Detention. Mirakmal Niyazmatov and Regina Rana, Freedom Now.

⁶ Article 23 of The Constitution of Turkmenistan. English translation published by Legislation Online.

- Citizens may challenge before a court of law the decisions and actions of State bodies, other organizations and officials (Constitution, Article 43).
- Under Article 45 of the Constitution, no one may be forced to give evidence or testimony against himself or his close relatives. Evidence obtained through psychological or physical pressure or other unlawful methods has no legal force.
- Penal measures imposed on offenders may not be aimed to cause physical suffering or humiliate.

Numerous NGOs confirm that these provisions are not being upheld in Turkmenistan.

National and International Reports on Prison Conditions in Turkmenistan

The government of Turkmenistan releases almost no official information regarding its prisons to the outside world. The Economist Democracy index ranks democracy in Turkmenistan as 162th out of 167 countries, ahead of only Chad, Equatorial Guinea, Central African Republic, Syria and North Korea.⁷ International NGOs have collected data from interviews with ex-convicts, family members of prisoners, and former officials to report on the status of the prisons in Turkmenistan.

The country's prisons are seriously overcrowded. Cells designed for four people often hold six to eight and those designed for ten people may hold eighteen to twenty.⁸ Turkmenistan's prison system contains approximately 534 inmates to every 100,000 people of the population. In most European countries the ratio is eighty to ninety per 100,000. Many inmates are forced to share cells with people who have contagious diseases, such as tuberculosis or skin diseases which thrive in damp prison conditions.

A recent report by the Norwegian Helsinki Committee describes abuses against women in the Turkmen prison system. At one women's detention facility, food quality was low to the point of malnourishment despite the hard work required of the prisoners six days out of the week. Forms of punishment for violating prison rules included detention in a small cell with up to eight other people and no beds. At this same facility it was reported that cells did not include proper ventilation and summer temperatures could reach a constant level of over 40 degrees Celsius. Pregnant women are returned to work one to two days after giving birth, and prisoners in need of medication often informally pay doctors to bring in medication at high costs, if it is even available at all.⁹

The Turkmenistan Independent Lawyers Association has reported human rights violations based on their research of the infamous LBK-12 facility. Beatings are common at LBK-12, such as one case in which an inmate had all of his teeth knocked out and showed bruises and cigarette burns all over his body. Exposure to the elements is also common at the LBK-12

⁷ "Democracy Index 2016 – Revenge of the "deplorable." The Economist Intelligence Unit. [us-cdn.creamermedia.co.za/assets/articles/attachments/66663_democracy_index_2016.pdf](https://www.eiu.com/public/assets/articles/attachments/66663_democracy_index_2016.pdf)

⁸ "Inside one of the world's most notorious prison systems." Myatiev, Ruslan. Open Society Foundations

⁹ TURKMENISTAN: Dashoguz women's prison colony. Norwegian Helsinki Committee

facility, where inmates are repeatedly exposed to temperatures of -20 degrees Celsius in the winter and +50 Celsius in the summer. LBK-12 has an excessively high mortality rate of 5.2%. According to accounts from ex-prisoners, fights that lead to serious injuries or death often break out between inmates about which prison staff do nothing. Nutrition is poor in LBK-12, and prisoners rely on family members to deliver most of their basic necessities, if allowed to visit.¹⁰

Instances of sexual abuse have risen in recent years. Law enforcement has employed torture tactics that include electric shocks, asphyxiation, rape, forced administration of psychotropic drugs, deprivation of food and drink and exposure to extreme cold.”¹¹ It is common for these torture methods to be used against conscientious objectors to military conscription. One report by Turkmen journalist and civil activist Ruslan Myatiev stated that "Beatings and sexual violence are directed at those who have angered authorities for any reason. Many who have left the prisons say they were beaten daily with everything from batons to plastic bottles filled with water. Some inmates, especially gay men, report being raped by guards and other prisoners. Others, like the six-one men suspected of planning a revolt in the Seidi prison in eastern Turkmenistan, say they were forced to perform sexual acts on each other as punishment for insubordination."

Conclusions

Soviet-style criminal justice does little to dissuade discrimination against religious minorities in Turkmenistan. Government efforts to control religious activities through intimidation and suppression of individual liberties have resulted in severe policing and the promotion of anti-democratic policies which leave no room for even the most benign expressions of religious faith.

The Government of Turkmenistan should immediately release all prisoners being detained solely for the peaceful exercise of their religion and end the prohibitions on religious freedom that impede its citizens from pursuing religious practices without fear of official sanctions.

The government should also institute an alternative civilian service for Jehovah's Witnesses and other individuals who are legitimate conscientious objectors to military service. Prisons should be opened for inspection by international organizations such as the Red Cross/Red Crescent that have been denied access in the past. All government officials that have used torture, abuse, and other degrading forms of treatment against prisoners should be held accountable for their actions and brought to criminal trial.

¹⁰ Turkmenistan's penitentiary facilities. Turkmenistan Independent Lawyers Association.

¹¹ Turkmenistan Human Rights Annual Report 2013. Bureau of Democracy, Human Rights, and Labor.