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Will government respond to OSCE call for Religion Law changes?

By Felix Corley

Forum 18 (20.12.2010) / HRWF (22.12.2010) – www.hrwf.net - Officials in the capital Ashgabat [Ashgabat] have refused to say what action they are taking – if any – in response to severe criticisms of many provisions of Turkmenistan's current Religion Law by the Organisation for Security and Co-operation in Europe (OSCE). The calls for changes – including an end to the ban on unregistered religious activity and on the private teaching of religion - came in a legal review of the Law conducted by the OSCE's Warsaw-based Office for Democratic Institutions and Human Rights (ODIHR). Pirnazar Hudainazarov, Chair of the Mejlis (Parliament) Committee on the Protection of Human Rights and Freedoms, refused absolutely to discuss the OSCE's review. "You must talk to our Foreign Ministry," he repeatedly told Forum 18 News Service on 20 December and put the phone down. Other Mejlis officials also declined to discuss anything with Forum 18.

Equally unwilling to discuss the OSCE review were officials of the Foreign Ministry. They told Forum 18 that only Begench Karaev, head of the International Information Department, could discuss this. However, he was in a meeting each time Forum 18 called on 20 December.

The telephone of Gurbanberdy Nursakhatov, the new Deputy Chair of the government's Gengeshi (Committee) for Religious Affairs, went unanswered each time Forum 18 called on 20 December. Nursakhatov took over as Deputy Chair – said by local people to be the most important figure in the Gengeshi – after his predecessor Nurmukhamed Gurbanov

was removed from office in November. No reason was given for his removal, sources in Ashgabad told Forum 18.

Similarly, the telephones at the government's National Institute for Democracy and Human Rights in Ashgabad of its Director Yazdursun Gurbannazarova went unanswered on 20 December. Other officials said she was out at a meeting, but only she could answer any questions.

OSCE review

Turkmenistan's current restrictive Religion Law was adopted in October 2003, with significant amendments in March 2004 and further minor amendments in April 2009 and July 2009.

The OSCE ODIHR review outlines many provisions of the Religion Law that fail to accord with Turkmenistan's international human rights commitments. It proposes changes to bring the Law into line with them.

The review was requested by the Ashgabad Centre of the OSCE in July 2009, and finally completed in June 2010, though not made public on the OSCE Legislationline website until 6 December (<http://www.legislationline.org/documents/id/16060>).

The OSCE review echoes many of the complaints expressed to Forum 18 by local religious communities. However, these point out that perhaps more important than the provisions of the Religion Law are the actions local officials undertake to attack religious communities, many of which are not sanctioned in law. Such attacks include raids, threats, imprisonment, confiscation of literature, bans on known active religious believers travelling abroad, public vilification of religious believers, sacking of religious minority members from public employment and bans on opening places of worship freely.

The OSCE review also echoes many of the January 2009 recommendations on improving the Religion Law and the registration system by the then United Nations Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, in the wake of her September 2008 visit to Turkmenistan.

The Turkmen government has long claimed to be working on further amendments to the Religion Law, with officials highlighting it as among "priority" laws marked for "reform" in January 2008. However, officials indicated to Forum 18 in early 2010 that work had not even begun on any revisions to it. Turkmen citizens have told Forum 18 that they remain sceptical that any legal changes will end the government's continuing violations of religious freedom.

End "blanket prohibition" on unregistered religious activity

Crucially, the OSCE review calls for the abolition of the "blanket prohibition" in Article 11 on unregistered religious activity and the removal of punishments for it. "Religious groups have the right to engage in religious activity, whether or not they have acquired legal entity status," the review declares. It points out that "imposing sanctions for the manifestation of non-registered religions interferes with freedom of religion and belief, and cannot be justified under international human rights standards".

The OSCE review also calls for registration procedures in Article 11 for communities which want legal status to be simplified and streamlined, and for the removal from Article 12 of any possibility for state officials to evaluate the legitimacy of religious communities' beliefs and use any such evaluation as a reason to deny them legal status.

Many religious communities the government does not like find it impossible to get state registration. Among them is Path of Faith church in Dashoguz, an independent Turkmen-speaking Baptist congregation, which filed its application in 2005. The Armenian Apostolic Church was also unable to get registration, while many Shia Muslim communities have also been refused.

End ban on private religious teaching

The OSCE review calls for major changes in Article 6, which covers religious teaching, to allow religious teaching of children not only in mosques but in all religious communities. "All religious groups and organizations should be free to arrange religious education for their children in contexts and using methods and personnel that they deem fitting in accordance with their religious beliefs."

It thus goes on to call for an end to the requirement in Article 6 for permission from the state Gengeshi for individuals to provide religious teaching within religious communities, as well as an end to the ban on providing religious teaching privately. "With respect to privately arranged religious education, it should be up to the religious community and not the state to determine what the qualifications of those providing instruction should be, as different religious traditions may have different expectations as to the nature and formality of religious instruction."

Religious education remains under tight government control. The only higher-level religious education allowed within the country is Muslim, and this must take place within the Magtymguly Turkmen State University. No women are allowed, and only ten male students are allowed to join the five-year course each year. All the foreign teachers who used to teach religion there have long been removed.

Apart from some small-scale classes for children in some mosques and Russian Orthodox children, religious education is difficult for religious communities to arrange.

The OSCE review calls for an end to the requirement in Article 8 for permission from the Gengeshi for religious communities to maintain foreign contacts, including for arranging pilgrimages; for an end in Article 8 to any state involvement in who religious communities choose to lead them; for an end to the "blanket prohibition" in Article 19 on wearing religious clothes in public; for an end to restrictions in Article 19 on what religious ceremonies are allowed to be held in private homes; and for an end to restrictions in Article 20 over the import and distribution of religious literature published abroad.

Call for conscientious objection

The OSCE review calls expressly for conscientious objection to compulsory military service to be included in Article 4.

Turkmenistan currently has no alternative service, and those who cannot perform military service on grounds of military conscience are prosecuted under Article 219 of the Criminal Code. This punishes refusal to serve in the armed forces in peacetime with a maximum penalty of two years' imprisonment. Eleven Jehovah's Witnesses are currently serving sentences of between 18 months and two years under this Article, eight of them in labour camp and three serving non-custodial terms.

Government committee's "control" questioned

The review also questions the "control" exercised over religious communities by the Gengeshi under Article 7, arguing that this should be clearly and narrowly defined. "Control which is excessive or overly intrusive and/or disruptive may amount to an

interference with the freedom of religion or belief, and in such a case it should be circumscribed by rules which would ensure that it is carried out in accordance with a procedure detailed in the law, in pursuit of a legitimate aim, and proportionately to the aim sought to be achieved."

Though the OSCE review does not mention that, of the Gengeshi staff drawn from religious communities, all are from the state-backed Muslim Administration or the Russian Orthodox Church. However, the review points out: "It would be inappropriate to give representatives of one group decision-making power in determining whether other groups will be granted legal entity status. It is therefore recommended for the Law to clarify the selection process, composition, representation and tenure of the said Council." The review calls for transparency and restraint in the way the Gengeshi operates: "One of the primary challenges with any body such as the Council on Religious Affairs is to assure that it remains neutral, that its primary aim is to facilitate rather than control religious activity, and that it does not intrude unduly into the autonomy of religious organizations."

Senior Muslim leaders, from the government-appointed Chief Mufti down to the regional Chief Muftis, have a dual role as Muslim leaders and state religious affairs officials, taking decisions on what non-Muslim communities are allowed or not allowed to do. Regional Chief Muftis often take part in police raids on non-Muslim communities.

Sources in Ashgabad – who asked not to be identified – told Forum 18 that while Gurbanov was often of no help to both Muslim and non-Muslim religious communities, the new Deputy Chair Nursakhatov is particularly unhelpful to non-Muslim communities.

Religious freedom survey, November 2010

By Felix Corley, and John Kinahan

Forum 18 (18.11.2010) / HRWF (19.11.2010) – www.hrwf.net - Freedom of religion or belief in Turkmenistan is highly restricted, and it is one of the most repressive regimes in the world. Forum 18 News Service's religious freedom survey notes that systematic human rights violations have continued since President Gurbanguly Berdimukhamedov came to power in December 2006.

Serious violations Forum 18 has documented include: state control of religious leaders and communities; racial discrimination based on promoting a homogeneous culture; severe restrictions on religious education and sharing beliefs, including banning women from studying academic theology in the country; a ban on unregistered religious activity, and great difficulty in those who want it acquiring registration; restrictions on having a place of worship, even for registered groups; MSS secret police informer recruitment; state reprisals against those who discuss human rights violations; an exit blacklist and other restrictions on freedom of movement; censorship of religious literature and other material; increasing numbers of prisoners of conscience, with one prisoner ordered to be subjected to abusive medical treatment; and the use of previous "offences" to harass those the authorities dislike.

Denial of freedom of religion or belief is intertwined with denial of the rights to freedoms of assembly, of speech, of expression, and freedom of movement. Turkmenistan is not a state where the rule of law applies, so human rights enshrined in the Constitution - including religious freedom - do not exist in practice. Similarly, the country's systematic violations break its international human rights commitments.

Geographically, Turkmenistan is the second largest country in Central Asia, but is mostly desert and so 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 ethnic Uzbeks (likewise of Muslim background), Slavs (mainly Russians and Ukrainians, many of Russian Orthodox or other Christian background) and smaller minorities of Kazakhs, Tatars, Armenians, Azeris and others. Despite vast natural resources - mainly natural gas - most people live in deep poverty. The state has minimal to non-existent transparency about its extremely large revenue and expenditure. Many people have left the country to work - sometimes illegally - in Russia, Turkey or elsewhere.

President Berdymukhamedov's strict restrictions on religious activity - and similar restrictions on political, media, trade union, and other non-governmental activity - are designed to ensure that he maintains total control over all aspects of society.

State control of religious leaders

Controls from the time of Berdymukhamedov's predecessor Saparmurat Niyazov continue to apply. Both Article 12 of Turkmenistan's Constitution and the 2003 Religion Law (misleadingly called the Law on the Freedom of Religious Confession and Religious Organisations) claim to guarantee religious freedom. But all religious activity is tightly controlled and restricted by the state. The Sunni Muftiate (Muslim Spiritual Administration) - the only form of Islam permitted - is under tight government control.

The government's Gengeshi (Council) for Religious Affairs in the capital Ashgabat [Ashgabat] names the Chief Mufti (who is also one of the Deputy Chairs of the Gengeshi) and imams down to the district level. Regional Gengeshis select candidates for a vacant post, but the Ministry of State Security (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. Those with a positive recommendation go to the central Gengeshi in Ashgabat for final approval. "They will only be approved if they are 'clean'," one Muslim told Forum 18.

Mullahs - who perform rituals related to births, circumcisions, marriages and deaths in a small district of perhaps 100 families over several streets - do not face such extensive scrutiny on being appointed. They are appointed by district imams, after they have been checked by the MSS. Ethnic minorities, such as Uzbeks, are not barred from being mullahs.

Successive Chief Muftis have been removed from office, most recently in September 2009, when Gurban Haitliev was appointed to replace Rovshen Allaberdiev. Although Haitliev was formally appointed by the leadership of the Muftiate, sources have told Forum 18 that it is inconceivable that the decision was not taken by President Berdymukhamedov. Many regional imams were also transferred to new duties at the same time. This rotation of senior Muslim leaders continues the practice of former President Niyazov, who even imprisoned one former Chief Mufti, Nasrullah ibn Ibadullah, from 2004 to 2007.

Some Muslims said Niyazov-era Chief Mufti Nasrullah was the last Chief Mufti to have had a solid grounding in Islam. His successor as Chief Mufti, Kakageldi Vepaev, who had studied Arabic at Turkmen State University in Ashgabat, was in his mid-30s when appointed in January 2003. In turn, Vepaev's successor, Allaberdiev, who had also studied at the then [Islamic] Theology Faculty of Turkmen State University, was just 27 when former President Niyazov appointed him Chief Mufti in August 2004. Some questioned Allaberdiev's qualifications in Islam, while those who have met him say his knowledge of at least spoken Arabic is poor. The age and educational background of the most recently appointed Chief Mufti remain unknown.

In recent years, devout Muslims have expressed concern about the state's replacement of imams who had thorough Islamic theological education with those with less deep, if any formal theological education. Officials have stated that imams cannot be appointed if they have trained outside Turkmenistan. Muslims have also told Forum 18 that they believe that the authorities' removal from office of ethnic Uzbek minority imams in the northern Dashoguz [Dashowuz] Region, and their replacement with ethnic Turkmen imams, was motivated by racial discrimination (see the section 'Discrimination based on promoting a homogeneous culture' below).

Sermons by imams at Friday prayers are increasingly used to convey state messages, with the Gengeshi "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.

State control of religious communities

Permission from the government's Gengeshi for Religious Affairs is required to acquire a place for religious meetings, publish or acquire religious literature or for a religious group to invite foreign guests. Such permission is rarely granted and, if it is, is frequently accompanied by unwritten demands, such as a willingness to cooperate with the Ministry of State Security (MSS) secret police.

Meeting for worship in unapproved venues - such as private homes - is dangerous and can lead to raids and fines. Even religious communities that have state registration often cannot rent premises for worship and thus cannot meet as communities.

Also violating the constitutional separation of religion from the state is the government role accorded to Muslim leaders, particularly giving them the right to interfere in the activity of other faiths. As previously noted, one of the Deputy Chairs of the Gengeshi is the Chief Mufti, while leaders of the Gengeshi in the regions also continue to have the dual role of regional imam.

Muslims young men in some regions are barred by the state from wearing beards, while 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. Regional Gengeshi officials close to the southern border with Iran have warned workers during talks in factories that beards and full headscarves are not allowed, a local resident told Forum 18 in 2010. Residents of Ashgabad told Forum 18 that such restrictions do not appear to be imposed there.

Father Andrei Sapunov of the Russian Orthodox Church, another Deputy Chair of the Gengeshi, has, since Niyazov's time, had particular responsibility for Christian and other non-Muslim affairs. This gives Sapunov an official power of veto over the affairs of other Christian denominations. Unlike with the Islamic community, however, Berdymukhamedov's government does not appear to appoint religious leaders of Christian denominations.

Fr Sapunov's state role is acknowledged within the MSS secret police, even by local officers outside Ashgabad. In many raids on Protestant churches in different regions of the country, MSS officers have told Protestants that they must receive permission from Sapunov before they can operate. Some members of the Russian Orthodox Church have told Forum 18 that they have evidence that Sapunov passes information received in the confessional - which the church teaches he should never reveal to anyone - to the secret police. Sapunov has also praised a ban on the importation of literature from Russia, which includes a ban on the official Journal of the Moscow Patriarchate.

Members of religious minorities have complained to Forum 18 that officials of the Gengeshi appointed under President Berdymukhamedov tend to discriminate against them in favour of state-controlled Islam more than their predecessors appointed under former President Niyazov. Officials appointed under Berdymukhamedov are said within Turkmenistan to be more willing than officials under Niyazov to routinely deny permission for non-Muslim activity. Under Berdymukhamedov, officials of the Gengeshi appear to more frequently question and threaten religious minorities during raids than was the case under Niyazov. However, for fear of state reprisals the victims of such human rights violations are often reluctant to discuss this publicly.

Under pressure from President Berdymukhamedov, in October 2007 the Russian Orthodox Church took its 12 parishes away from the Uzbek-based diocese and formed them into a Patriarchal Deanery under the Patriarch in Moscow. The bishop who administers the parishes in Turkmenistan is Bishop Feofilakt (Kuryanov) of Smolensk in Russia. Visits by the Uzbek-based bishop were very rare, but since Feofilakt's October 2008 appointment he has been able to visit parishes in Turkmenistan frequently.

Discrimination based on promoting a homogeneous culture

Although President Berdymukhamedov allows Sunni Islam to operate within tight limits, this is not the case for Shia Islam, which is mainly professed by the ethnic Azeri and Iranian minorities in the west of the country who are traditionally more devout than ethnic Turkmen. Official intolerance of Shia Islam is manifested in ways such as refusal to allow Shia rituals among the tiny numbers permitted to make the haj pilgrimage.

Such discrimination may derive from former President Niyazov's policy of promoting an ethnically homogeneous Turkmen-speaking Turkmen national culture. Sunni but not Shia Islam is seen as a part of this. So too was the Niyazov-era removal of ethnic Uzbek imams in the north of the country. Racial discrimination continues, as ethnic Uzbeks still 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.

The promotion of a homogeneous culture is also evident in official harassment of ethnic Turkmen members of religious minorities, as well as of non-Turkmen minorities. While the Russian Orthodox Church is tolerated, the government has effectively banned the Armenian Apostolic Church and suppressed efforts to revive it. An estimated 15 percent of those who attend Russian Orthodox churches are said by local people to be Armenians, although the Armenian Church is of the Oriental family of Christian Churches, not of the Orthodox family of churches. No Armenian Apostolic communities have legal status.

Ethnic Turkmen who are members of non-Muslim faiths (especially those who live in small towns or villages) face public humiliation and accusations from officials of betraying their nation. In a typical example, an ethnic Turkmen Protestant told Forum 18 that in early 2008 he had been summoned before the community, accused of betraying his "ancestral faith", and pressured to renounce Christianity. Religious minority communities led by ethnic Turkmen or which conduct their activity in Turkmen are almost always barred from gaining legal status.

Religious education and sharing beliefs 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. As the government stated in its January 2010 report (CCPR/C/TKM1) to the United Nations Human Rights Committee under the International Covenant on Civil and Political Rights (ICCPR): "Teaching of religion privately is banned."

The single exception to this de facto ban on formal religious education is a small Muslim Theological Section in the History Faculty of Magtymguly Turkmen State University in Ashgabad, the only institution authorised to train imams. Ten new students joined in September 2010 at the beginning of the academic year, maintaining the level of 50 students in its five-year course of study. The section faces restrictions on the number of students and has been banned from employing foreign staff. All candidates need the approval of the Gengeshi 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. Apart from these Russian Orthodox students, no other religious believers can get the state permission required to study religion 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. For example, ten officials from the local Gengeshi department of Ashgabad's Kopetdag district, the Justice Ministry, the MSS secret police, local police and the Tax Ministry raided a Bible class at a Protestant church in April 2008. They threatened that any further religious teaching without specific permission from the Gengeshi could lead to the church being closed down, for teaching religion "without approval".

Sharing religious beliefs in public is extremely hazardous and in the state-controlled media is impossible. 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.

Registration system used as a control system

The registration system for acquiring legal status seems designed to ensure close government control of religious communities. Unregistered religious activity is an offence under the Code of Administrative Offences punishable by a fine. The Gengeshi has to approve registration applications, which are then handed to the Justice Ministry. A special committee attached to the Justice Ministry processes registration applications. This committee includes representatives of law enforcement agencies and other ministries. Any of these bodies can reject applications, a frequent occurrence for communities the government does not like - especially non-Muslim communities led by ethnic Turkmen people. This often happens outside Ashgabad.

In its report to the United Nations under the ICCPR in January 2010, the government admitted in Paragraph 587 that only 123 religious communities had state registration, figures far lower than what officials had previously given. (Shirin Akhmedova, then of the Justice Ministry, told Forum 18 in March 2004 that 152 religious communities had registration, 140 of them Muslim and 12 Russian Orthodox.) The government claimed in January 2010 that 100 of the registered communities are Muslim, both Sunni and Shia, while 13 are Russian Orthodox and 10 are of other faiths (among them Baptist, Pentecostal, Greater Grace, Seventh-day Adventist, New Apostolic, Baha'i, and Hare Krishna communities). Ashgabad's Catholic community - which has been protected by the diplomatic status of its two priests and chapel - finally gained legal status in March 2010

after 13 years of negotiation. The Justice Ministry agreed to allow a foreign citizen to head the community. Turkmenistan has no native Catholic priests.

Some Shia Muslim communities and the Armenian Apostolic Church are among those known to Forum 18 to have had applications rejected under President Niyazov, or to have decided that they should not submit applications because of the tight restrictions imposed. This continues under Berdymukhamedov, but 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 legal status.

One of the communities that has applied for registration - so far in vain - is the Path of Faith church in Dashoguz, an independent Turkmen-speaking Baptist congregation. It filed its application in 2005. "We don't understand why they won't do it," church members told Forum 18 in January 2010. "The Justice Ministry finally said they would register us in January 2009 and that a commission would come here to Dashoguz to examine our documents. But nothing has happened." Ashgabad's Pentecostal Church has been in legal limbo since 2008, when it applied to the Justice Ministry to record the change of pastor, change of legal address, and to re-register a revised statute. "They won't re-register the congregation, so it makes the legal status unclear," one Protestant told Forum 18. "This means it can't rent property because the authorities will say: you don't have registration any more."

Officials also use registration applications as an opportunity to impose extra-legal requirements on communities. If communities obtain registration, they then need to 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. Registered religious communities have told Forum 18 that they are also required to collaborate with the MSS secret police.

Religious communities have complained to Forum 18 that the Religion Law contains no mechanism for granting legal status to branches of religious organisations in other geographic locations. This means that 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, the pastor of a Dashoguz-based Protestant church was questioned in January 2010 after a birthday party in a nearby village, where he prayed briefly at the request of the host. The party was raided by police and officials of the District Gengeshi who told the pastor that by praying there he was violating the Religion Law. Police claimed that he needed extra permission to conduct any religious work in the district and ignored his insistence that the church's registration allows him to conduct religious activity throughout Dashoguz Region.

Similarly a Christian youth summer camp organised by two registered Pentecostal churches in the village of Sekiz-Yab north-west of Ashgabad was raided in July 2010. Protestants who were at the event, but asked not to be identified for fear of state reprisals, told Forum 18 that camp participants were insulted, pressured, and threatened. Some were subsequently sacked from their state jobs.

Restrictions on having a place of worship

One of the largest problems Turkmen believers identify – faced even by registered communities - is not being able to 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 source 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 or belief."

This means that 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 complained to 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 a dozen times in a year.

Meeting for worship in unapproved venues - such as private homes - is dangerous and can lead to raids and fines.

A number of places of worship were confiscated without compensation (some even being destroyed) under President Niyazov. These included mosques demolished because their imams refused to read Niyazov's book, *Ruhnama*, the Armenian Apostolic Church in Turkmenbashi (formerly Krasnovodsk), and Adventist, Baptist and Hare Krishna places of worship. This failure to compensate religious communities parallels the government's general policy of not providing any compensation to almost all individuals and groups when it demolishes their homes and seizes their property.

The administration chief in Dashoguz halted construction work on a Russian Orthodox church for many years, but construction resumed in 2008. In 2009, however, city authorities began construction of tall buildings around it so that it could not be seen from afar. Other religious minorities have been denied permission to buy land and build places of worship or buy buildings to use as places of worship.

The state actively publicises the mosques it builds at government expense, including the mosque completed in Mary in the east of the country in 2009 and the one planned for Koneürgench in Dashoguz Region. However, the decision to build these mosques was taken by the state, not by the Muslim community, and the use of state funds violates the separation of religion from the state mandated by Turkmenistan's Constitution.

The legal framework for registration

Under changes to the Religion Law and a Presidential decree issued in March 2004, communities with just five adult citizen founders can theoretically apply for legal status. But in practice registration is rarely given and - if given - is associated with extralegal requirements, as noted above.

Unregistered religious activity remains an offence under Article 205 of the Code of Administrative Offences ("violation of the law on religious organisations"), although this article appears not to have been used often in 2009 and 2010 as the basis for prosecutions of unregistered activity. State agencies appear to prefer to find other 'informal' means, such as raids, to try to stop unregistered religious activity. This is de facto treated as if it were a criminal offence.

Article 205, which was last amended in October 2003, specifies fines that are between five and ten times the minimum monthly wage for refusing to register a religious community or participating in an unregistered religious community. Fines can be doubled for repeat offenders. Under Niyazov and during the first two years or so of

Berdymukhamedov's rule, many believers of a variety of faiths were fined under this article, including Baptists, Hare Krishna devotees, and Jehovah's Witnesses.

Unregistered activity banned

The government's January 2010 report to the UN states that: "The activity of unregistered religious organisations is banned. An individual carrying out religious activity in the name of an unregistered religious organisation bears responsibility in accordance with the Law of Turkmenistan."

Unregistered 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. Registered religious communities also suffer these raids or, more frequently, less brutal visits by officials.

One example was a raid on the Sunday worship service of the Path of Faith Baptist congregation in Dashoguz on 20 December 2009. Rovshen Allaberdiev, imam of the Dashoguz region who is also the senior regional official of the Gengeshi, led the raid, accompanied by a police officer and three other officials who did not identify themselves. One of them photographed those present. The officials confiscated around 100 Christian books, including personal Bibles.

The officials took all 22 people present to the local administration building, where they were questioned and pressured to sign statements that they would not attend the church in future. "Some people signed and now some are afraid to come to services, especially new people," one church member told Forum 18. "We were told it is illegal to meet without state registration. But we told them we have already applied for registration and are waiting for a response from Ashgabad."

Several members of the same church were summoned by the local Gengeshi, MSS secret police officers, and ordinary police in July 2010 and pressured to sign statements declaring that they would no longer attend the church. Officials told the church members that Turkmenistan "is a Muslim country" and that they would do everything to ensure that Christians did not exist in the country.

MSS secret police informer recruitment

Local MSS secret police officers regularly summon Muslim and Orthodox clerics to report on activity within their communities. 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 secret police and local police also try to recruit agents in unregistered religious groups.

Fear of openly discussing human rights violations

Formally complaining about religious freedom violations can sometimes lead to further harassment. Bilbil Kulyyeva, a Jehovah's Witness and mother of four in Ashgabad, filed complaints with various state agencies in October 2008 over her family's eviction from a hostel and the denial of city residence permits because of her faith. The authorities then threatened to lock her up in a psychiatric hospital, place her two younger children in a state foster home, and deport the other two.

It is likely that state officials want these reprisals to exert an impact that goes beyond those who are directly targeted. Such intimidation has a ripple effect of compelling those

who hear about these incidents to remain silent about human rights violations they know of, or to discuss them only in confidence with people they trust.

Some religious communities are afraid to discuss openly human rights violations such as raids and MSS secret police spying publicly, fearing it will make their situation as a community worse, or harm attempts to gain legal status. Religious believers and communities are for good reason reluctant to publicly discuss the use of physical violence, including torture, and rape threats against women by officials. The use and threat of violence by officials appears to be common.

During the September 2008 visit by Asma Jahangir, the then UN Special Rapporteur on Freedom of Religion or Belief, representatives of at least three different religious communities in Ashgabad were warned by the MSS secret police not to meet her. Neither Jahangir's final press conference in Ashgabad, nor her criticism about the situation in the country was reported in Turkmenistan's government-controlled media - the only media allowed in the country.

One human rights defender, Farid Tukhbatullin of the exiled Turkmen Initiative for Human Rights, faces a credible threat of murder by the MSS secret police.

Exit blacklist and other freedom of movement restrictions

Known active religious believers are among the many people the government prevents from travelling abroad, in addition to the restrictions on religious study abroad. Out of a reported quota of 5,000 granted by the Saudi authorities, the government normally allows only 188 people a year (about one airliner's capacity) to go on the haj pilgrimage to Mecca. This total includes MSS secret police officers. In 2009, the government allowed no haj pilgrims to travel at all.

The obstacles to travel abroad, which President Berdymukhamedov has continued from Niyazov's time, 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 in Turkmenistan from their co-believers abroad.

A Muslim from Turkmenbashi, a city with a population of 70,000, told Forum 18 in November 2008 that he was among about 1,000 would be pilgrims from the city on the waiting list, while only two or three were actually able to go on that year's haj. Would-be pilgrims have to gain "recommendations" from the religious leadership in their place of residence. "All the names of candidates then go to the Gengeshi and there they draw up the final lists," one Ashgabad resident explained to Forum 18. "I know many people who want to go at their own expense, especially as Turkmenistan sends fewer than the Saudi authorities allow. But people cannot go at their own expense - the Turkmen authorities don't give permission."

Going on the haj appears to entail subsequent obligations to the state. One haj pilgrim from a southern district was required by officials several years later to publicly support government policy at regular meetings with the population - alongside the district imam, mullahs and elders - for "propaganda talks". Such talks included warning residents of what the government regards as the dangers posed by some Muslims and by non-Muslim faiths.

Freedom of movement restrictions are also applied to non-haj travellers. Many active religious believers are among those on an exit blacklist maintained by the country's Migration Service, on behalf of the Interior Ministry and the MSS secret police.

For example, Protestant pastor Ilmurad Nurliev was taken off an aeroplane at Ashgabad airport just before departure in October 2007. Nurliev, of Light to the World Pentecostal Church in Mary, told Forum 18 in 2010 that he has been unable to leave Turkmenistan since. In its most recent reply to Nurliev, the Migration Service confirmed to him in July 2009 that he was banned from leaving the country but failed to explain why. Former Baptist prisoner of conscience Shageldy Atakov, was removed from an aeroplane at Ashgabad airport in May 2006. His wife and five of their nine children were later barred from flying to Russia. Atakov has since been told that his entire family is on the exit blacklist.

Forum 18 knows of other active religious believers who have been prevented from travelling abroad on individual trips without being entered on the exit blacklist. The government refuses to explain either to individuals affected or to others why these exit bans have been imposed. Some who have tried to establish the reasons why they cannot travel abroad were told verbally: "You know the reason". They have told Forum 18 that they think the bans were imposed to punish them for their religious activity.

Active religious believers who are generally not 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 status as leaders of religious communities marked on their record on the computer database accessible to border guards at departure points, including Ashgabad airport.

As part of its policy of isolating religious communities from their fellow-believers abroad, the government over the past decade has expelled several hundred local residents with foreign passports who had been prominent in religious activities.

In addition to restricting religious travel for its citizens, the Turkmenistan government also imposes an almost total ban on visits from foreign fellow believers that further increases the isolation of local religious communities. Local communities can only invite foreigners if they have state registration and even then need the permission of the Gengeshi, which is very difficult to obtain. Only very few such visits took place in 2009 and 2010. One frequent visitor, however, was Bishop Feofilakt of the Russian Orthodox Church.

Many communities have tried to invite fellow-believers from abroad for many years without success. One foreign Protestant told Forum 18 that the Gengeshi refused to authorise his planned visit in 2009. 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.

Censorship

As well as implementing a de facto ban on most religious publications, 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.

The authorities routinely confiscate religious literature, CDs, and DVDs found by police or the MSS secret police during raids on religious meetings in private homes. Occasionally these items are later returned, though often only after great efforts and pressure from the owners, who risk further punishment by requesting their return.

No religious literature may be published in Turkmenistan or imported into the country without permission from the Gengeshi. Each title and the number of copies must be specifically approved. State postal authorities hold all religious literature received from

abroad, releasing it only when the Gengeshi has given written approval. Forum 18 has learned that the Gengeshi does occasionally allow small parcels of religious literature sent from abroad to be received by registered religious organisations.

Although the customs declaration required to be filled in by every traveller arriving in Turkmenistan contains no specific question on religious literature, officials routinely ask travellers if they have religious literature with them. Baggage is usually checked by three officers, one from the customs, one from the military, and one official in civilian clothes generally 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. However, Forum 18 knows of several cases where even one or two religious books - such as a personal Bible - were confiscated. For example, this type of confiscation happened in January 2010 to a Protestant pastor. One Orthodox Christian told Forum 18 that on at least five occasions known to them Orthodox priests had small quantities of literature taken from them, at the border, as they returned to the country.

When religious literature is seized, officials are supposed to give the traveller a receipt itemising each title confiscated. They then send the literature to the Gengeshi for "expert analysis" on whether it is authorised. One citizen told Forum 18 that "occasionally they will give back a personal copy of the Koran or Bible". Religious communities have tried to find out from the Gengeshi who is in the commission which officials say conducts their "expert analyses" - or indeed if they actually take place - but Gengeshi officials refuse to tell them. The Gengeshi does not give copies of any analyses in writing to those who have had literature confiscated.

Not only are books and CDs seized. Bracelets with religious inscriptions of any kind are known to have been confiscated. One Turkmen citizen told Forum 18 that he saw a carpet with a Muslim inscription in Arabic being confiscated. At the ferry port in Turkmenbashi in May 2010, customs officers confiscated framed verses from the Koran in Arabic that were brought back by students returning from colleges in Azerbaijan. One Ashgabad resident had two calendars with Russian Orthodox icons confiscated at the airport in October 2010. Customs officers often show particular interest in searching the computers and data sticks of known religious believers.

Religious publications such as the Journal of the Moscow Patriarchate are banned in Turkmenistan. Even Orthodox priests do not receive the journal regularly, being forced to rely on old copies occasionally acquired abroad. Some Russian Orthodox churches have small bookstalls, but supplies of books, baptismal crosses, and icons are limited and often too expensive for local people. Protestant Christians have told Forum 18 that neither a society to translate and distribute Bibles (as found in many countries), nor Christian bookshops are allowed to exist.

Access to the Internet is possible only via state providers which impose strict control on the information that can be accessed. Some foreign religious websites are not accessible to Internet users in Turkmenistan. Moreover, a special computer program - supplied by the German company Siemens - searches e-mails for coded words that could be used to send "unreliable information", while messages deemed by officials as "suspicious" do not get delivered.

Prisoners of conscience

The numbers of known religious prisoners of conscience are steadily increasing. Eight of the nine currently known religious prisoners of conscience are conscientious objectors to

military service. The ninth prisoner of conscience is a Protestant pastor sentenced to four years jail with "forcible medical treatment" for leading his church.

At the beginning of Berdymukhamedov's presidency, sentences for conscientious objectors were non-custodial. By 2009, however, imprisonment of conscientious objectors resumed. Turkmenistan does not offer non-combat alternatives to those who cannot serve in the military on grounds of conscience. Article 37 of the Constitution describes defence as a "sacred duty" of everyone and states that military service is compulsory for men. Military service for men between the ages of 18 and 27 is generally two years. Conscientious objectors face trial under Article 219, Part 1 of the Criminal Code, which punishes refusal to serve in the armed forces with a maximum penalty of two years' imprisonment. Young Jehovah's Witnesses insist they would be willing to do any form of alternative, non-military service, were it to be introduced. The current lack of any alternative service means that male Jehovah's Witnesses of draft age who have not served in the military can be arrested at any time.

As of November 2010, eight Jehovah's Witnesses had been jailed for refusing military service, while three more were serving suspended sentences. None of the sentenced Jehovah's Witnesses were included in the prisoner amnesties proclaimed by President Berdymukhamedov in 2009 or 2010. Instead, the then five prisoners of conscience were before the May 2010 amnesty sent to a labour camp punishment unit for alleged violations of prison rules. Jehovah's Witnesses think this was to make them ineligible for amnesty.

Sakhetmurad and Mukhammedmurad Annamamedov - brothers from the western town of Serdar - were originally given two-year suspended sentences by Serdar Town Court in November 2008. However, in May 2009 the same judge ruled that they should be transferred to prison to serve the rest of their terms. They became the first Jehovah's Witnesses since July 2007 to be jailed for refusing military service on grounds of religious conscience.

The other Jehovah's Witness conscience objectors sentenced to prison terms since then are: Shadurdi Ushotov, two years, Dashoguz Court, July 2009; Akmurat Egendurdiev, 18 months, Dashoguz Court, July 2009; Navruz Nasyrlaev, two years, Dashoguz Court, December 2009; Aziz Roziev, 18 months, Seydi Court, August 2010; Dovleyet Byashimov, 18 months, Turkmenabad Court, August 2010; Ahmet Hudaybergenov, 18 months, Turkmenabad Court, September 2010.

Byashimov's parents were allowed a short meeting with their son in Turkmenabad prison in early September 2010 and "saw that he had been beaten black and blue," Jehovah's Witnesses told Forum 18.

All eight Jehovah's Witness prisoners were being held in November 2010 at the Seydi labour camp.

In April 2009, a Dashoguz court handed down two-year suspended sentences to two other Jehovah's Witness conscientious objectors, Zafar Abdullaev and Dovran Kushmanov. Both live at home under restrictions that require them to report regularly to the police and obtain permission to travel outside of the city.

In April 2010, an Ashgabad court sentenced Jehovah's Witness Denis Petrenko to a two-year suspended sentence, though without specifying any conditions or restrictions during this period.

Government officials' statements to foreign counterparts that some form of alternative service might be introduced have not, to date, resulted in the presentation of any specific plans. Turkmenistan's report to the UN Human Rights Committee under the International

Covenant on Civil and Political Rights states bluntly: "The laws of Turkmenistan make no provision for alternative service." The report does not go on to give any further explanation or reasoning for this policy.

Prisoner of conscience to receive "forcible medical treatment"

In October 2010, Pastor Ilmurad Nurliev of Light to the World Protestant Church in Mary was sentenced to four years' imprisonment, on charges of swindling money from two women who occasionally attended church meetings and two men whom he had never met. His family and church members vigorously refute the allegations and point to police pressure on people to give false testimony against him, as well as serious inconsistencies in the prosecution's claims.

The verdict states that Nurliev is to be "given forcible medical treatment to wean him off his narcotic dependency". The court ordered this enforced treatment under Article 94, Part 2 of the Criminal Code, which states: "Measures of a medical character can be prescribed by a court alongside a punishment in relation to people who have committed crimes who suffer from alcoholism, or drug or substance addiction, with the aim of healing or the creation of conditions enabling the achievement of the aims of the punishment."

This verdict was not based on independent medical testimony, and Pastor Nurliev's wife and fellow-church members are seriously concerned for his health, as he is a diabetic and his wife has been denied the possibility of giving him his medication. She was also denied the chance to meet him between his arrest in August 2010 and his trial eight weeks later. They told Forum 18 he looked "very, very pale and thin" at the trial.

Nurliev is expected to be sent to the Seydi labour camp, where the other religious prisoners of conscience are held. There are indications that previous Baptist and Jehovah's Witness prisoners of conscience in this camp were tortured with psychotropic [mind-altering] drugs.

Old "offences" recycled

The authorities have on occasion dug up old "offences" committed by individuals as a pretext for further harassment. In April 2009, Baptist leader and former prisoner of conscience Shageldy Atakov was visited by an official of the local administration at his family home in the village of Kaakhka near Ashgabad and was also summoned to the local court. Officials showed him documents ordering the seizure of his property to cover money they claimed he owed from a 1995 car purchase. He had already served a prison sentence for the case, which his fellow-Baptists insist was used to punish him for his religious activity. However, since May 2009, officials - while keeping Atakov under surveillance - have taken no specific action to seize any money from him.

Other Baptists and Jehovah's Witnesses faced similar harassment in 2007, early in Berdymukhamedov's rule in which officials revived accusations from Niyazov's time.

Niyazov's Ruhnama

Prior to President Niyazov's death, all mosques and other places of worship were required to display copies of Niyazov's Ruhnama (Book of the Soul), which officials likened to the Koran or the Bible. This practice seems to have lessened since Niyazov's death, but it has not disappeared. Although many mosques, at least in Ashgabad, have now removed copies of the Ruhnama from the shelves where they keep copies of the Koran, Forum 18 learned that in early 2010 copies were still present in mosques in Dashoguz. Study of the Ruhnama continues to be imposed in state education.

Promises, promises

Turkmenistan has openly admitted and defended its human rights violations at the UN Human Rights Committee, but state officials have also made repeated claims that the country will "liberalise" its laws restricting freedom of religion or belief and other fundamental human rights. Some foreign visitors have reported a more open attitude on the part of some state officials. But although the state has sought some foreign analyses of its laws, held workshops with foreign experts, and claimed to be drafting new laws, its human rights violations continue and have even worsened. People within Turkmenistan have noticed no signs that the state has any interest in stopping its human rights violations.

Claims of improvements on paper without any observable change in state behaviour have been seen previously. In 2004 the Religion Law was "liberalised" and unregistered religious activity was changed from a criminal to an administrative offence. The government was eager to present this as a great step forward, and this interpretation was echoed by some others. Yet, de facto, state officials have continued to behave as if unregistered religious activity is a criminal offence, for example in carrying out raids – even if these break Turkmenistan's laws. It appears that promises of "reform" are for foreign consumption only.

Religious believers in Turkmenistan have told Forum 18 that they would welcome efforts to bring the Religion Law into conformity with international human right standards. But they remain sceptical that any legal changes on paper will end violations of religious freedom. As a then Deputy Chair of the Gengeshi, Nurmukhamed Gurbanov, told a group of Protestants in 2008: "Nothing good for you will come from a new Religion Law." Religious communities also doubt that there will be – in a country without freedom of the media – any possibility to participate in an open debate about how the current Religion Law might be improved.

Article 154 of the Criminal Code bans "obstructing the exercise of freedom of conscience and religion". Yet Forum 18 is not aware of any government officials who have been punished for breaking this law, even though many such violations have been documented. When religious believers challenge the legality of official actions, the officials concerned are often found to be ignorant of the relevant parts of the country's Constitution and published laws.

Turkmenistan continues to systematically violate intertwined fundamental rights – such as freedom of religion or belief, of expression and of assembly – it has solemnly undertaken to respect and defend. Government claims of "reform" or "legislative change" have been so far without demonstrable concrete meaning for the people of Turkmenistan. Without fundamental changes in the attitudes and actions of officials – especially genuine independently verifiable implementation of human rights – Turkmenistan is likely to remain a place where fundamental human rights are violated with impunity.

What changes do Turkmen citizens want?

Religious believers of a variety of faiths have, over a number of years, stated that they want to see Turkmenistan respect freedom of thought, conscience and belief, as defined under international human rights standards. They state that they most want the government to:

- stop interfering with the beliefs and internal affairs of religious communities, including theological education and internal personnel appointments;

- stop officials taking any action or imposing any requirement they want against religious believers and communities;
 - allow peaceful unregistered religious activity and register all religious communities that wish to apply for legal status in this way;
 - cease attacking religious activity, including abolishing all legal barriers to peaceful registered or unregistered religious activity;
 - end discrimination based on promoting a homogeneous culture;
 - permit believers to freely provide religious education to whoever wants it;
 - allow people to share their beliefs in public, including through publishing and distributing religious literature;
 - end the obstructions to building, buying, renting, or opening places of worship;
 - end police and MSS secret police raids on religious meetings, whether in private homes or elsewhere;
 - end MSS secret police and other official attempts to spy on and control peaceful religious activity;
 - end interrogations and fines of peaceful religious believers;
 - reinstate believers fired from their jobs for their membership of religious communities;
 - stop trying to isolate religious believers and communities from co-believers in other states, including using exit blacklists and other entry and exit controls as tools of oppression;
 - stop imprisoning people for exercising their right to freedom of thought, conscience and belief;
 - introduce a genuinely civilian non-discriminatory form of alternative service for people liable for compulsory military service;
 - compensate people punished by the state for peacefully practising their faith;
 - restore confiscated places of worship to religious communities, or compensate the communities for the destruction of places of worship;
 - and bring to legal accountability all those responsible for attacking individuals and communities exercising their internationally-recognised right to religious freedom.
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"They didn't even allow him to kiss me"

By Felix Corley,

Forum 18 (21.10.2010) / HRWF (26.10.2010) - <http://www.hrwf.net> - In Turkmenistan, Protestant Pastor Ilmurad Nurliev was today (21 October) given a four-year prison term on charges of swindling. His wife and church members insist the charges have been fabricated to punish him for his religious activity. Judge Agajan Akjaev of Mary Town Court in south-eastern Turkmenistan ruled that Nurliev will serve his sentence in the

general regime labour camp in Seydi, his wife and lawyer both confirmed from the south-eastern town of Mary.

"The court also ruled that Ilmurad is a drug addict and ordered forced treatment for this in prison," Maya Nurlieva told Forum 18 News Service. "This is unjust and a slander.". In reality, Pastor Nurliev is under treatment for diabetes, and his wife has been denied the opportunity to see him or give him his medicines since his arrest in August.

In mid-September Ahmet Hudaybergenov, a Jehovah's Witness who conscientiously objects to compulsory military service, was sentenced to one and a half years. Both Nurliev and Hudaybergenov are likely to be sent to Seydi labour camp, where Baptist and Jehovah's Witness prisoners of conscience have previously been held. There have been indications that some of these prisoners were tortured in the camp with psychotropic [mind-altering] drugs.

The address of Seydi Labour Camp is:
Turkmenistan
746222 Lebap vilayet
Seydi
uchr. LB-K/12

"They didn't even allow him to kiss me"

Nurlieva said her husband – whom she had not seen since his arrest two months earlier – looked "very, very pale and thin". She said that he was surrounded at the trial by Ministry of State Security (MSS) secret police officers, who prevented her from coming close to her husband. "They didn't even allow him to kiss me," she complained. She said she recognised one of the officers, who had raided their home a year or two ago.

Because Nurliev's trial ended with the verdict late in the evening, Forum 18 was unable to reach court or Prosecutor's Office officials.

"The whole thing was set up"

Other friends of Nurliev present at the trial told Forum 18 that "it was clear the whole thing was set up". One Protestant who was not present but who has known Nurliev for many years told Forum 18 of shock at the verdict. "He is not a drug addict or a swindler."

Pastor Nurliev's wife and church members vigorously refute the accusations, and strongly question the credibility of prosecution witnesses. 15 church members who came to the Church's Sunday worship service on 29 August - two days after the arrest - signed an appeal to the Prosecutor's Office testifying to Pastor Nurliev's innocence. Police applied heavy pressure - including threats that her husband would be fired from his job - against another church member to falsely testify against Pastor Nurliev, but she refused to do this.

"But he's not guilty"

Pastor Nurliev was convicted on charges of swindling a large amount of money from citizens under Article 228, Part 2 of the Criminal Code, which carry a maximum penalty of five years' imprisonment and confiscation of property. Money and a certificate as a preacher which he gained in 2006, seized during his arrest, have still not been returned. The charges and false allegations made by the prosecution are emphatically denied by Pastor Nurliev's family and fellow-believers.

Nurlieva told Forum 18 that the court said that if Nurliev pays the 1,600 Manats (3,270 Norwegian Kroner, 402 Euros or 561 US Dollars) prosecutors allege he swindled from

people who came to his church, he might be eligible for a prisoner amnesty. "But he's not guilty," she insisted.

The written verdict is due to be handed down in three days, and Nurliev has ten days from 21 October to lodge an appeal, his lawyer told Forum 18. He said that unless an appeal is successful, Nurliev is almost certain to be sent to the general regime labour camp near the eastern town of Seydi, which is where Jehovah's Witness prisoners of conscience are currently being held.

Denied registration, blacklisted for exit, imprisoned

A 45-year-old grandfather of two, Pastor Nurliev leads the Light to the World Pentecostal Church in Mary. The church has been repeatedly denied registration since 2007, the same year that Pastor Nurliev was placed on the country's exit blacklist without officials explaining why.

He was arrested on 27 August and was held in a crowded, smoky cell in the two months before the trial.

Trial – with a witness who was in jail

The trial had been due to begin at 10 am, but did not start until 4.30 pm and finished in the evening, Nurlieva added. She complained that Prosecutor Ataev, who handled the case in court, produced only the two women who had written accusations against her husband that he had extracted money from them. She said there was no sign of the three men who, the prosecution claimed, had made similar allegations. She added that at the time one of the women claimed to have handed Nurliev some money, she was imprisoned on criminal charges. "So how could she have met my husband and given him money?" Maya Nurlieva asked.

She also complained that of the fifteen church members present in the courtroom who wanted to speak up on Nurliev's behalf, only three – including herself – were allowed to do so.

The official who answered the telephone at the Mary Prosecutor's Office on 21 October told Forum 18 that the working day was over and neither Prosecutor Ataev nor other staff were present. The telephone at Mary Court went unanswered when Forum 18 called in the evening in the wake of the trial.

Diplomat refused entry to court

Nurlieva said court officials had refused to let in a diplomat from the United States Embassy who had travelled from the capital Ashgabad [Ashgabat] to observe the trial. The Organisation for Security and Co-operation in Europe (OSCE) Centre in Ashgabad told Forum 18 on 19 October – soon after the date of the trial became known – that it had "sent a Note Verbale requesting the Ministry of Foreign Affairs to facilitate the Centre's attendance at the court trial on 21 October in Mary". Forum 18 has been unable to find out if the request was granted.

Conscientious objector jailed for one and a half years

After refusing military service, 20-year-old Jehovah's Witness Ahmet Hudaybergenov was arrested on 7 September in his home town of Turkmenabad (formerly Charjew) in north-eastern Turkmenistan. He was sentenced in mid-September at Turkmenabad Court to a year and a half in prison, apparently under Criminal Code Article 219, Part 1. It is believed he did not appeal against the sentence and is thought to have been transferred

to the labour camp near Seydi, where the other seven other imprisoned conscientious objectors are being held.

Article 219 Part 1 of the Criminal Code punishes refusal to serve in the armed forces in peacetime with a maximum penalty of two years' imprisonment.

The latest case brings to ten the number of sentenced Jehovah's Witnesses. Eight are serving labour camp terms of between 18 months and two years, while the other two are serving non-custodial sentences.

Prisoner of conscience "beaten black and blue"

Two Jehovah's Witness young men, Aziz Roziyev from Seydi and Dovleyet Byashimov from Turkmenabad, were each given 18-month prison terms in separate trials in August on the same charges as Hudaybergenov. Soon after Byashimov's trial, his parents were allowed a short meeting with their son in Turkmenabad prison in early September and "saw that he had been beaten black and blue," Jehovah's Witnesses told Forum 18.

After Roziyev's transfer to the Seydi labour camp, he was able to receive a visit from his father, Jehovah's Witnesses told Forum 18.

Jehovah's Witness conscientious objectors have been routinely excluded from prisoner amnesties in recent years. Ashirgeldy Taganov was released from a suspended sentence in February 2008.

Other violations of freedom of religion or belief

Turkmenistan continues to impose an exit blacklist to cut off religious believers and other civil society activists from personal contacts outside the country. The numbers of Muslims being allowed to take part in the haj pilgrimage to Mecca – which is a requirement in Islam for all who can undertake it – is being restricted to 188 people, including members of the MSS secret police to monitor pilgrims.

When a legal Christian young people's summer camp was raided, participants – particularly ethnic Turkmens – were arrested, insulted, threatened and had personal Bibles confiscated by police. Camp leaders pointed out their rights to meet under Turkmenistan's Constitution, but police officers then insulted the Constitution. "To put it mildly, the Constitution is only a scrap of paper for the Turkmen authorities," one Protestant complained to Forum 18, "while the Church's legal status means even less." Others have been pressured to sign statements that they will not meet for worship, and two Protestants were fired from their jobs because of their faith. Registration – and hence the right to carry out activities legally – remains impossible for many religious communities, and re-registration is being used as a weapon to stop religious activity. Strict censorship and border controls are still being imposed on all religious literature and religious believers.

Why can't all Muslims make haj pilgrimage?

By Felix Corley

Forum 18 (19.10.2010) / HRWF (22.10.2010) - <http://www.hrwf.net> - Unlike in 2009, when no pilgrims were allowed to travel, Turkmenistan's government has announced that a group of pilgrims will be allowed to take part in the Muslim haj pilgrimage to Mecca in November – but only 188 people. In the past this figure has included members of the Ministry of State Security (MSS) secret police, to monitor pilgrims. And it appears that,

as in earlier years, would-be pilgrims will not be able to take part outside the small, government-approved group. Forum 18 News Service has learnt that at least one would-be independent pilgrim has been denied a Saudi Arabian haj visa, because the individual was not on the Turkmen government list.

Turkmenistan is thought to have been allocated an annual haj quota by the Saudi Arabian authorities of around 5,000 pilgrims. However, Saudi authorities have repeatedly (including this year) refused to confirm this when asked by Forum 18.

The telephone of Nurmukhamed Gurbanov, Deputy Chair of the government's Gengeshi (Council) for Religious Affairs in the capital Ashgabat [Ashgabat], went unanswered on 18 October. Also unanswered was the telephone of Yazdursun Gurbannazarova, Director of the government's National Institute for Democracy and Human Rights, as well as those of her colleagues.

While all faiths are kept under tight government control, Islam – the majority faith in Turkmenistan – remains under the tightest government control. The government names all senior imams, who also hold a state role in the Gengeshi for Religious Affairs overseeing non-Muslim faiths also.

Islamic education is also tightly controlled. The only permitted higher-level religious education within Turkmenistan is the study of theology at Magtymguly Turkmen State University in Ashgabat. This is confined to Islam and accepts only 10 students per year – and is only open to men. No men who have studied Islam elsewhere are allowed to become imams.

Publication of Islamic literature is strictly limited, while decisions on when and where to build new mosques appear to be taken by the government, not by the Muslim community.

Formal religious education, religious publication and freely building and opening new places of worship are almost impossible for non-Muslim faiths too. Amongst the crackdown on minority faiths, nine Jehovah's Witnesses are serving criminal sentences for refusing compulsory military service on grounds of religious conscience, seven of them in labour camps. Protestant Pastor Ilmurad Nurliev is due to go on trial on 21 October at Mary Town Court on charges his community insists are fabricated.

Exit bans - including a total ban on Muslims taking part in the 2009 haj - are part of the state's policy to isolate religious believers from fellow-believers in other countries.

Small, government-controlled group of haj pilgrims only

The first public announcement that the Turkmen authorities would be allowing at least a small number of pilgrims to travel on this year's haj pilgrimage to Mecca, which takes place in November, came on 14 October. The state-run media reported a cabinet meeting that day chaired by President Gurbanguly Berdymukhamedov which indicated that a group would travel between 2 and 22 November and that the issue was being handled by Deputy Prime Minister Hydyr Saparliev.

At the meeting, President Berdymukhamedov signed an instruction authorising 188 pilgrims to travel and ordering the state-run Turkmenistan Airlines to provide a Boeing 757 to transport them to Saudi Arabia and back at the airline's expense. Interestingly, the seating in Boeing 757 airliners is typically arranged to carry more than 188 passengers.

Officials of the Consular Department of the Saudi Arabian Embassy in Ashgabat have repeatedly declined to say what the quota allocated to pilgrims from Turkmenistan is,

how many haj visas they are issuing this year to Turkmen residents and whether such visas are available only to the small, government-approved group or to would-be pilgrims who wish to travel independently.

"We don't know in advance how many pilgrims will go," one Embassy official told Forum 18 on 21 September, resolutely refusing to answer Forum 18's questions. "Only God knows." Similarly on 14 October, the day the President announced the Turkmen government-approved group, Saudi Arabian Embassy officials refused to say.

How are state-controlled pilgrims chosen

Forum 18 tried to find out on 18 October how many pilgrims are due to travel on the haj from different regions of Turkmenistan and how they were chosen. An official of the Dashoguz Regional Gengeshi refused to discuss this, referring Forum 18 to the Foreign Ministry in Ashgabad. An official of Lebap Regional Gengeshi told Forum 18 that he did not know the number chosen. He said that the region currently has no Regional Imam (and regional religious affairs official) and referred Forum 18 to the Gengeshi in Ashgabad.

An official of Mary Regional Gengeshi said about 30 pilgrims are due to travel from that region, but declined to say if they have already been selected and how, and whether they have been informed that they have been included. The official insisted Forum 18 should talk to Regional Imam Bazar Hojaev (who is also the regional state religious affairs official), but he was not in the office.

Sources in Turkmenistan have told Forum 18 that the central Gengeshi is responsible for granting permission to make the haj pilgrimage, but that would-be pilgrims first have to gain permission and have their documents processed through the local religious affairs official in the hyakimlik (administration) where they live.

No information is available on the criteria used to allocate MSS secret police and other officials to the pilgrimage group.

"In theory pilgrims can go independently, but in practice.."

"In theory pilgrims can go independently," one Ashgabad resident told Forum 18 on 18 October. "But in practice the Saudi Arabian Embassy won't give them a visa unless they are on the list approved by the Turkmen authorities. They refuse them on various pretexts." The Ashgabad resident complained that the Saudi Arabian Embassy in Ashgabad appears to fulfil the wishes of the Turkmen authorities.

The Ashgabad resident told of one would-be pilgrim who this year sought a haj visa from the Saudi Arabian Embassy but was told "gently" that they should gain a place on the official list approved by the Turkmen government and handed to the Embassy.

Turkmen officials have often claimed that Turkmen residents are allowed to go on the haj independently of the small government-sponsored group. However, Forum 18 has not found any independent confirmation that this has been allowed by either Turkmenistan or Saudi Arabia. Some pilgrims are said to travel via other countries without informing the authorities that they are going on haj. But the Saudi Arabian Embassy in Ashgabad confirmed to Forum 18 in December 2007 – as is apparently still its practice – that it had issued haj visas that year only for those on the government-sponsored aeroplane.

Gengeshi Deputy Chair Gurbanov claimed to Forum 18 in September that other pilgrims would be able to travel by "different channels" under "private arrangements that the Gengeshi has no involvement in". Asked how these pilgrims would be able to make

independent arrangements, he responded: "I don't know" (see F18News 24 September 2010 http://www.forum18.org/Archive.php?article_id=1492).

History of state restrictions on haj

The haj pilgrimage is compulsory at least once in their lifetime for Muslims, who are not prevented by factors such as cost and ill health, within Dhu al-Hijja (the twelfth and final month in the Islamic calendar).

The quota allocated to Turkmenistan by the Saudi Arabian authorities is believed to be about 5,000. However, since independence the Turkmen government has allowed only one, government-sponsored aeroplane of pilgrims to travel on the haj each year. Between 2005 and 2008, this was 188 people, including the state officials who travel as part of the pilgrimage party to monitor the pilgrims. In 2009, the Turkmen government banned the 188 pilgrims from going at all, citing health concerns over the H1N1 virus.

Was imam's transfer a state or Muslim community initiative?

Current Mary Regional Imam and senior regional religious affairs official Hojaev previously also held this post until September 2009, when he was transferred to Ashgabad, apparently as part of government-imposed changes in the leadership of the Muslim community.

The official in Mary confirmed to Forum 18 that Hojaev has returned to his previous post in Mary. He declined to say if this decision was taken by the state or the Muslim community, or what the reasons for the latest transfer were.

Protestant pastor's trial set for 21 October

By Felix Corley

Forum 18 (18.10.2010) / HRWF (21.10.2010) - <http://www.hrwf.net> - After nearly eight weeks in pre-trial detention, the criminal trial of Protestant Pastor Ilmurad Nurliev is due to begin on the morning of 21 October, his wife and lawyer both confirmed from the south-eastern town of Mary. The case is due to be heard at Mary Court under Judge Akjaev. "Up to 20 church members will try to attend – all are ready to speak up to defend my husband," Maya Nurlieva told Forum 18 News Service. She says the indictment – which she finally managed to obtain only on 16 October – falsely states that her husband is a drug addict who needs treatment. She says he has not touched drugs since his conversion to Christianity in 1999.

Meanwhile, unlike in 2009, Turkmenistan's government has announced that a group of pilgrims will be allowed to take part in the Muslim haj pilgrimage to Mecca in November – but only 188 people. And it appears that as in earlier years, would-be pilgrims will not be able to take part outside the small, government-approved group.

The telephone of Nurmukhamed Gurbanov, Deputy Chair of the government's Gengeshi (Council) for Religious Affairs in the capital Ashgabad [Ashgabat], went unanswered on 18 October. Also unanswered was the telephone of Yazdursun Gurbannazarova, Director of the government's National Institute for Democracy and Human Rights, as well as those of her colleagues.

The prosecution of Pastor Nurliev comes two months after the latest imprisonment of Jehovah's Witness young men who are unable to perform compulsory military service on grounds of religious conscience. The two new prison terms handed down in August

brought to seven the number of religious conscientious objectors serving terms of imprisonment, with a further two serving non-custodial sentences.

Pastor's trial imminent

A 45-year-old grandfather of two, Pastor Nurliev leads the Light to the World Pentecostal Church in Mary. The church has been repeatedly denied registration since 2007, the same year that Pastor Nurliev was placed on the country's exit blacklist without officials explaining why.

Since his arrest at his home in Mary on 27 August, Pastor Nurliev has been held with about 40 other prisoners in a cramped investigation cell. His wife has been unable to see him since his arrest and remains concerned for his health, as he is under treatment for diabetes.

Pastor Nurliev faces trial on charges of swindling a large amount of money from citizens under Article 228, Part 2 of the Criminal Code, which carry a maximum penalty of five years' imprisonment and confiscation of property. Money and a certificate as a preacher which he gained in 2006, seized during his arrest, have still not been returned.

Maya Nurlieva has asked the Organisation for Security and Co-operation in Europe (OSCE) Centre in Ashgabat to send independent monitors to attend her husband's trial. The OSCE Centre told Forum 18 in September it is "closely following" the case.

Indictment's false accusations?

The 11-page indictment, signed by police investigator Durdimurad Gazakov and Mary town police chief K. Byashimov, includes several unfounded assertions in addition to the accusation of drug-addiction against her husband, Maya Nurlieva complained. She says it also alleged that she and her husband do not work and live off the tithes of church members. She told Forum 18 that her husband works as a barber, while she works in a factory.

The indictment alleges that Pastor Nurliev extracted money from five church members. Two women testified against him in writing, while three men gave verbal testimony, the indictment says.

His wife and church members vigorously refute the accusations, saying that the two female accusers came to church meetings only a handful of times and one never gave any money, while the other gave 46 Manats (98 Norwegian Kroner, 12 Euros or 16 US Dollars). Of the three men, two are people they have never heard of. 15 church members who came to the Church's Sunday worship service on 29 August – two days after the arrest - signed an appeal to the Prosecutor's Office testifying to Pastor Nurliev's innocence.

The third male accuser named in the indictment is Pastor Nurliev's former school teacher who later became an alcoholic and was rejected by his family. "He even stayed with us for a week back in 2007 and Ilmurad helped him with clothes and even crockery," Nurlieva said. "But he has not attended the church since 2007 and never gave any money." She continues to insist that the arrest and prosecution is designed to punish her husband for his religious activity.

Police applied heavy pressure – including threats that her husband would be fired from his job – against another church member to falsely testify against Pastor Nuriev, but she refused to do this.

Pastor Nurliev's new lawyer told Forum 18 on 15 October that earlier that day he had been able to meet his client in the investigation prison. "His spirit was strong," the lawyer noted. He said he did not know whether the trial will be completed within one day or whether it might extend over several sessions.

Maya Nurlieva told Forum 18 that the church has chosen to stop meeting for worship, after her husband's arrest.

Exit blacklist persists

Pastor Nurliev is one of a number of religious believers known to have been placed on the exit blacklist preventing them from leaving the country. Other religious believers have been denied the possibility of leaving on specific occasions, though without apparently ending up on the permanent exit blacklist.

The exit blacklist is run by the Migration Service, sometimes in conjunction with the Ministry of State Security (MSS) secret police who can also impose exit bans. The exit blacklist is part of the Turkmen government's long-standing policy of trying to isolate religious communities within the country as far as possible from their fellow-believers abroad.

Members of one religious faith, who asked that it not be identified, told Forum 18 in September that some of their fellow-believers were not allowed to leave Turkmenistan during the summer to take part in religious events abroad.

Other religious believers on the list include members of the immediate family of former Baptist prisoner Shageldy Atakov. The latest family member to be added to the list was his brother Hoshgeldy Atakov. He was prevented from boarding a flight to Moscow at Ashgabad airport in February 2010, not long after he converted to Christianity and his home was raided by officers of the MSS secret police. "They wouldn't give him any reason for why he couldn't travel," Shageldy Atakov told Forum 18 from the town of Kaakhka on 20 September. He said his brother has been told he still cannot travel abroad.

"They knew my brother had converted not long before," he added. "Then the MSS secret police came and confiscated religious literature from him and told him not to read it." Shageldy Atakov told Forum 18 that soon after the raid, literature confiscation and travel ban his brother had stopped participating in church activity. "All this influenced him. He was afraid."

The official who answered the phone at the State Migration Service in Ashgabad refused absolutely to discuss with Forum 18 how individuals end up on the exit blacklist, why no official reason is given for this and why such people include religious believers. "We don't answer any such questions by telephone," she told Forum 18 on 18 October. "Come along and talk to our Head." She then put the phone down.

Amid new sentences, new law fails to introduce alternative civilian service

Felix Corley

Forum 18 (04.10.2010) / HRWF (11.10.2010) - <http://www.hrwf.net> - As prison terms and a beating were handed down to two further young men for refusing compulsory military service, Turkmenistan's new Law on Military Obligation and Military Service has failed to introduce an alternative service, sources in the capital Ashgabad [Ashgabat] told

Forum 18 News Service. Pirnazar Hudainazarov, the newly-elected Chair of the Mejlis (Parliament) Committee on the Protection of Human Rights and Freedoms, confirmed to Forum 18 on 4 October that the new Law failed to include any provisions for an alternative. However, he refused absolutely to discuss with Forum 18 why young men in Turkmenistan who cannot serve in the armed forces on religious or other conscientious grounds cannot perform an alternative civilian service in line with the country's international human rights commitments.

When Forum 18 pressed him on the issue, Hudainazarov repeatedly responded: "The Law hasn't been published yet in the newspapers, so wait till you see what's in it." He then put the phone down. Subsequent calls went unanswered.

Dismissing any concerns about the continued imprisonment of conscientious objectors and the failure to introduce an alternative to military service was Nurmukhamed Gurbanov, Deputy Chair of the government's Gengeshi (Council) for Religious Affairs. "Why can't people serve?" he asked Forum 18 on 21 September. "Aren't people in prison for this in Norway?" And he added: "You just go round looking for dirt," before putting the phone down.

Meanwhile, the wife of imprisoned Protestant pastor Ilmurad Nuriev has expressed concern that his case is "at a standstill".

New sentences

The two new prison terms handed down in August brought to seven the number of religious conscientious objectors serving terms of imprisonment, with a further two serving non-custodial sentences.

On 4 August, Aziz Roziev – a 20-year-old Jehovah's Witness from the eastern town of Seydi – was sentenced to one and a half years' imprisonment at Seydi Town Court, Jehovah's Witnesses told Forum 18. He appealed against the sentence, but it remains unclear if the appeal has yet been heard. He was being held in the prison in the town of Turkmenabad (formerly Charjew) in north-eastern Turkmenistan, but it is unknown if he is still being held there.

Also sentenced to one and a half years' imprisonment was fellow Jehovah's Witness Dovleyet Byashimov. He was arrested in his home town of Turkmenabad on 12 August and "for some time nobody knew about his whereabouts", Jehovah's Witnesses told Forum 18. However, they later learnt that he had been tried and sentenced at Turkmenabad City Court on 30 August.

Forum 18 believes that both Roziev and Byashimov were sentenced under Article 219 Part 1 of the Criminal Code, which punishes refusal to serve in the armed forces in peacetime with a maximum penalty of two years' imprisonment.

Byashimov's parents were allowed a short meeting with their son in Turkmenabad prison in early September and "saw that he had been beaten black and blue," Jehovah's Witnesses told Forum 18.

No amnesty

Neither of the new prisoners nor any of the five Jehovah's Witness conscientious objectors sentenced earlier - Shadurdi Ushotov, Akmurat Egendurdiev, the brothers Sakhethmurad and Mukhammedmurad Annamamedov, and Navruz Nasyrlaev – were included in the prisoner amnesty signed by President Gurbanguly Berdimukhamedov on 3 September, sources told Forum 18 from Ashgabad. A total of 3,999 prisoners were due

to be freed for the Muslim Night of Omnipotence, which this year fell on 10 September. The list of amnestied prisoners was published in the government-run newspapers.

Nor were the two Jehovah's Witness conscientious objectors serving non-custodial sentences, Zafar Abdullaev and Dovran Kushmanov, amnestied.

The five Jehovah's Witnesses imprisoned earlier have been held in a general regime labour camp near the eastern town of Seydi, where they face harsh conditions. Four of the five were punished in labour camp in late 2009 and early 2010 – including one-month terms in the camp isolation punishment cells. Local Jehovah's Witnesses interpreted these punishments as a move to make them ineligible for the Victory Day amnesty declared by the President in May.

Jehovah's Witnesses have repeatedly called for their conscientious objector prisoners to be freed and for a civilian alternative service to be available.

The last Jehovah's Witness conscientious objector to have been amnestied was Ashirgeldy Taganov. He was released from a suspended sentence in February 2008.

New Law fails to introduce alternative service

The new Law on Military Obligation and Military Service was adopted by the Mejlis on 25 September, the government news agency reported the same day. It said that under the Law, the military conscription age for men will now be between 18 and 27. The agency implied that the Law had been adopted in only one reading. The government media had not indicated as of 4 October whether President Berdymukhamedov had signed the Law. Nor had the text of the Law been published.

The 125-seat Mejlis is made up entirely of members of the ruling party, the Democratic Party of Turkmenistan, which is headed by the President. All other political parties are banned. The Mejlis is widely regarded as a body that merely rubberstamps decisions taken by the autocratic President and the senior leadership.

Forum 18 was unable to reach any other Mejlis deputy between 27 September and 4 October to find out why no law allowing an alternative to compulsory military service is being adopted. Akja Nurberdyeva, Chair of the Mejlis, and Kasymguly Babaev, Deputy Chair, were both out of the office or away on a work trip each time Forum 18 reached their offices at the Mejlis or at the ruling party.

Forum 18 was unable to reach Yazdursun Gurbannazarova, Director of the government's National Institute for Democracy and Human Rights in Ashgabad. The woman who answered her phone on 4 October told Forum 18 that she was expected only very late if at all that day. Subsequent calls went unanswered.

The right to refuse military service is part of the right to freedom of thought, conscience and religion guaranteed by Article 18 of the ICCPR, to which Turkmenistan acceded in 1997. It is also part of Turkmenistan's Organisation for Security and Co-operation in Europe (OSCE) human dimension commitments.

Yet Turkmenistan's authorities have long refused to introduce an alternative to military service, which remains compulsory for all healthy young men. Changes to the Criminal Code approved in May left untouched Article 219, which prescribes punishments for refusing military service.

Case of imprisoned Protestant pastor "at a standstill"

Meanwhile, Ilmurad Nurliev, pastor of Light to the World Pentecostal Church in the south-eastern town of Mary, remains in prison awaiting trial. "His case is at a standstill," his wife Maya Nurlieva told Forum 18 from Mary on 4 October. She said the police investigator in the case, Durdimurad Gazakov, is now on holiday, which could last up to 30 days.

Pastor Nurliev's case was instigated by the 6th Department as a way to punish him for his religious activity, Nurlieva told Forum 18. She remained uncertain as to whether this was the department of the Police or the Ministry of State Security (MSS) secret police.

She said she had again travelled to Ashgabad in late September to lodge a further complaint to the General Prosecutor's Office, this one signed by more than twenty church members. However, officials there told her that they are already working on responding to her first appeal she handed in at the beginning of September, and would not accept a further appeal. They suggested she apply instead to Hoshgeldy Illikurdov, Mary Regional Prosecutor. She told Forum 18 she is planning to lodge the appeal with him on 5 October.

Nurlieva complained to Forum 18 that she has received no response to the appeals she sent a month ago to numerous officials, including the President as well as the General Prosecutor's Office.

The official who answered Gazakov's phone at Mary Police hung up on 4 October as soon as Forum 18 asked about Pastor Nurliev's case, as did the official who answered the phone at the Mary Prosecutor's Office.

Nurlieva expressed continued concern about her husband's health, as he suffers from diabetes. "I have not been able to see him even once since his arrest more than five weeks ago," she told Forum 18. "But I have heard he is suffering very badly from the cold, even though he is crammed up in a cell with about 45 other prisoners."

She also revealed that the imprisonment of her husband has also affected her health. "How could it not?" she asked Forum 18.

Pastor Nurliev, a 45-year-old grandfather of two, was arrested on 27 August and is being investigated on fraud charges his wife and church members have insisted to Forum 18 have been fabricated to punish him for his religious activity. She has asked the Ashgabad office of the OSCE to send independent monitors to any trial in her husband's case. The OSCE Centre told Forum 18 it is "closely following" the case

"Women can't study there"

By Felix Corley, and Mushfig Bayram

Forum 18 (24.09.2010) / HRWF (29.09.2010) - <http://www.hrwf.net> - Women are banned from studying theology in Turkmenistan - including Islamic theology, the only permitted religious university subject - an official of Magtymguly Turkmen State University has told Forum 18 News Service. The University, in the capital Ashgabad [Ashgabat], is the only university-level institution in Turkmenistan where the government allows any religious faith to be studied, and the government only allows Islam to be studied. It is also the only institution where the government allows young men who want to become imams in Turkmenistan to be trained.

This means both that potential imams are not allowed to study abroad, and that only a small number of men (some of whom do not wish to become imams) are allowed to

academically study any religious topic - and these men are only allowed to study Islamic theology.

"Only men are accepted for this course," the official – who did not give her name or role – told Forum 18 from Ashgabad on 22 September. "Women can't study there." She declined to say why this discrimination against women has been imposed.

Nurmukhamed Gurbanov, Deputy Chair of the government's Gengeshi (Council) for Religious Affairs, put the phone down on 21 September before Forum 18 was able to ask him why women cannot study Islamic theology at the University, why only a limited number of men can do so, why the academic study of non-Islamic religions is banned, why the Turkmen Government ended participation in a Turkish-funded Islamic education programme in 2008, why religious colleges cannot be set up, and why individuals have been punished for teaching religion.

Ten students per year

The University official confirmed to Forum 18 that, since the Theology Faculty was abolished by presidential decree in 2005, the subject has been taught within the History Faculty. "There's no separate department – it's a specialism within the Faculty."

The official said that 50 men are studying theology, ten in each year of the five-year course. She said the latest 10 men began the first year of the course at the beginning of the new academic year on 1 September. She added that some of those who graduate from the course become imams, but not all.

Are numbers studying theology falling?

The numbers of students who study Islamic theology at the University is controlled by the government, as is their selection, sources in Turkmenistan have told Forum 18. The University official declined to explain to Forum 18 how the students are chosen and who by.

If the official's claim of 50 current students is correct, this appears to represent the same number as were studying in the 2009-10 academic year, but a fall compared to earlier years. In the 2008-9 academic year 60 students were taking its five-year course of study, sources have told Forum 18.

Islamic education under tightening controls

The closure of a madrassah (Islamic college) in the northern city of Dashoguz [Dashowuz] in 2001 left Turkmen State University as the only place in Turkmenistan where the government would allow imams to be trained.

Gurbanov of the Gengeshi for Religious Affairs and Himra Shamkuliev, the University's Vice Rector for Educational Issues, confirmed to Forum 18 in October 2009 that no Islamic university or Islamic institute exists in Turkmenistan. They also confirmed that the State University is the only place that Islam can be studied.

Islamic education in the University has faced ever-tighter controls. In 2002 the late President Saparmurat Niyazov set limits on the number of students who could train at the then Theology Faculty. In 2005 he ordered all the Faculty's Turkish teachers to leave and downgraded the institution to a Department of the History Faculty. Some local Muslims have complained to Forum 18 that graduates of the Department show often a weak grasp of Islam and knowledge of Arabic.

In 2007, Gengeshi officials claimed to foreign visitors that plans were underway to upgrade the Department to a separate Faculty once again. But it appears that this has not happened.

Although officials denied it to Forum 18, its building – constructed in the 1990s - was demolished in the summer of 2009 without prior warning. Theological studies are said to continue to function in the university's main building.

Formal and informal religious education almost completely banned

The Muslim theology course at Turkmen State University, as well as small scale basic education in some mosques and Russian Orthodox churches, are the only exceptions to the government's de facto ban on formal religious education within Turkmenistan. Religious communities are banned from organising lectures, courses or extended study and training programmes, such as setting up degree or diploma courses, inviting teachers to lead them, or advertising them to would-be students.

This policy was reconfirmed in January 2010. Paragraph 573 of the Turkmen government's report (CCPR/C/TKM1) to the United Nations Human Rights Committee under the International Covenant on Civil and Political Rights (ICCPR) states that: "Teaching of religion privately is banned and is subject to responsibility in accordance with the procedure established by the Law of Turkmenistan."

Other religious communities have been harassed for trying to give their members less formal religious education. Some 10 officials from the Religious Affairs Department of Ashgabad's Kopetdag district, the Justice Ministry, the Ministry of State Security (MSS) secret police, local police and the Tax Ministry raided a Bible class at a Protestant church in April 2008. They threatened that any further religious teaching without specific permission from the Committee for Religious Affairs could lead to the church being closed down, for teaching religion "without approval".

After the arrest of Protestant pastor Ilmurad Nurliev in Mary on 28 August, police confiscated the certificate he obtained for completing a preachers' course in a Ukrainian Christian college in 2006. He remains in detention awaiting trial on criminal charges his community insists are fabricated.

Foreign Muslim education programme halted

Muslims are not allowed to travel abroad for religious education. In 2008 the Turkmen government cancelled without explanation a Turkish-funded programme allowing men from the country to study in the Islamic Theology Faculty of Uludag University in Bursa, Turkey, according to Asim Yediyildiz, Assistant to the Faculty's Dean, who oversees foreign students. "Only male students were sent, and there were around 20 students from Turkmenistan in recent years that attended Uludag University," he told Forum 18 from Bursa on 24 May. "The Turkish State paid for their education." Yediyildiz said he did not know why Turkmenistan cancelled the agreement.

However, Russian Orthodox men from Turkmenistan are allowed to study for the priesthood outside the country, as are male and female choir-leaders. Several young men have studied in recent years at the seminary in the Uzbek capital Tashkent, when the Orthodox parishes in Turkmenistan were under the jurisdiction of the Tashkent diocese. In the wake of their transfer to the jurisdiction of the Bishop of Smolensk, students are now being sent to study there.

The academic Pro-Rector of Smolensk Orthodox Theological Seminary, Oleg Rebizov, was allowed to travel from Russia to Turkmenistan to oversee the entry exams for the Seminary and for the icon-painting course at the Seminary. Two young men and two

young women took the entry exams at St Nicholas' Church in Ashgabad on 21 and 22 August, the website of the Smolensk Diocese noted, the first time such exams have been held in Turkmenistan.

Apart from these Russian Orthodox students who have approval from the state to travel abroad for studies, no other religious believers can get the state permission they are required to obtain to study religion abroad. Those who do study abroad have to conceal this from the state, otherwise they risk being denied the possibility of leaving the country. On return, their foreign religious qualifications are not recognised by the state.

It is unclear why the state restricts the right to travel freely and to gain religious education, or why - uniquely - it largely exempts the Russian Orthodox church from the educational restrictions that affect every other faith.

Exit bans and censorship are part of the state's efforts to isolate believers from their co-believers, as well as to control all their activities (see F18News 3 August 2010). The censorship includes a ban on the import into Turkmenistan of the official Journal of the Moscow Patriarchate.

Will "all who want to go" be able to go on haj?

The haj pilgrimage is compulsory at least once in their lifetime for Muslims, who are not prevented by factors such as cost and ill health, within Dhu al-Hijja (the twelfth and final month in the Islamic calendar).

But in each year between 2005 and 2008 only 188 people, the capacity of one aircraft of the national airline Turkmenistan Airlines, were permitted to go on the haj. This figure included the MSS secret police who monitor the pilgrims. People have not been permitted to travel independently, and in 2009 the government banned the 188 pilgrims from going at all.

Gengeshi Deputy Chair Gurbanov insisted to Forum 18 that pilgrims will be able to travel on the haj this year. "There is no ban – preparations are underway. All who want to go will be able to go." He said the government will as usual organise one planeload of 188 pilgrims, who will be transported on Turkmenistan Airlines at state expense.

Gurbanov also claimed that other pilgrims will be able to travel by "different channels". "These are private arrangements that the Gengeshi has no involvement in." Asked how these pilgrims will be able to make independent arrangements, he responded: "I don't know."

Appeal for imprisoned pastor

By Felix Corley,

Forum 18 News Service (09.09.2010) / HRWF (16.09.2010) - Website: <http://www.hrwf.net> - The wife of imprisoned Protestant pastor Ilmurad Nurliiev has appealed for international observers – including from the Organisation for Security and Co-operation in Europe (OSCE) - to attend any future trial, if the investigation against him reaches that stage. "I want them to be there as witnesses to see that justice is done," Maya Nurliieva told Forum 18 News Service on 9 September from Mary in south-eastern Turkmenistan where her husband is being held. "He is innocent of the accusations against him and I want him back home. All this is being done because of his faith." She expressed concern that his detention in an overcrowded, smoky cell and denial of access to medicine for his diabetes could worsen his health.

Nurlieva added that she has written to President Gurbanguly Berdimukhamedov asking him to look into the case and professing her husband's innocence.

Pastor Nurliev, who leads Light to the World Church in Mary, was arrested on 27 August on charges of large-scale swindling under Article 228, Part 2 of the Criminal Code, which carry a maximum penalty of five years' imprisonment and confiscation of property. Three people wrote statements to the police that he had extracted from them 1,400 Manats (3,079 Norwegian Kroner, 387 Euros or 491 US Dollars). His wife and other church members insist the allegations are false and were obtained from the three under police pressure.

But vigorously defending the investigation is Razmurad Durdiev, prosecutor of Mary. "No-one is being pressured to write statements," he insisted to Forum 18 from Mary on 6 September. "All is being done in accordance with the law." Asked why prosecutors believe Pastor Nurliev has unlawfully extracted 1,400 Manats from the three, he responded: "Ask him where he got the money from." He declined to answer any other questions and put the phone down.

Forum 18 was unable to reach investigator Durdimurad Gazakov, who is leading the case at the Mary town police. The person who answered the phone on 6 September immediately hung up. The telephone went answered each time Forum 18 called subsequently.

Forum 18 was also unable to reach Shohrat Ovezmuradov, head of Mary town police.

OSCE Centre "closely following" case

In the wake of her husband's arrest, Nurlieva took her case to the OSCE Centre in the capital Ashgabad [Ashgabat] on 1 September. She told Forum 18 that she had requested them to send observers to any future trial.

The OSCE Centre told Forum 18 on 7 September that it is "closely following the developments regarding the case of Pastor Nurliev". However, it cited confidentiality over any legal advice it might have offered in the case.

Health concerns

Nurlieva said that she has been denied access to her husband since his 27 August arrest. She said that as far as she knows, he is still being held in a cell designed for 12 which holds 47 prisoners. The cell is small with just one window. "Many of the prisoners smoke and the atmosphere is said to be terrible," she told Forum 18. "My husband is a non-smoker and he will be affected terribly. He has already asked to be moved, but in vain."

Nurlieva added that her husband – who is 45 years old and a grandfather of two – is under treatment for diabetes. He goes to the hospital once a month for treatment and she fears that without this regular treatment his health might suffer.

Long-planned case?

Nurliev has been barred from leaving Turkmenistan since 2007, while his church's registration application has languished since the same year.

Forum 18 has learned that police began questioning church members in early 2010, trying to pressure them to write accusatory statements against Pastor Nurliev which could form the basis of a prosecution case. One church member was told she would be imprisoned if she did not comply. However, all refused, despite the threats.

Eventually, the police found three people who wrote accusations against Pastor Nurliev. Two were women who had attended several church meetings, who are said by church members to have written the statements under police pressure and now bitterly regret them. The other accuser – a man – is unknown to church members.

Since Pastor Nurliev's arrest, three church members have been summoned and pressured – at times crudely – to sign similar statements. However, they all refused.

"They have been working on this case for some months," Nurlieva told Forum 18. "They are singling him out because he is an ethnic Turkmen Christian leader."

Forum 18 notes that officials often pressure ethnic Turkmen who belong to non-Muslim faiths to abandon their religion and accuse them of being traitors to their nation.

Nurlieva told Forum 18 that as of 9 September, police had not returned her husband's internal passport, money, certificate of preaching and other items they had taken on his arrest. "All they gave back were the keys to our flat."

Protestants elsewhere in Turkmenistan have told Forum 18 that they fear similar moves might follow against them. "Which of us will be next?!" a Protestant from a church in another town – who knows Pastor Nurliev – asked Forum 18.

Tight controls

All religious communities in Turkmenistan are under tight government control. Islam has been subordinated to the state, which names all its senior officials, while other faiths remain under close surveillance. Religious communities are not able to acquire, open and maintain places of worship freely. Nor are they able freely to offer religious education, nor publish or import religious books and other materials. They are not free to invite foreigners to visit for religious purposes.

Five Jehovah's Witnesses are serving prison terms for refusing compulsory military service, with a further two serving suspended sentences. Several imams have been imprisoned in 2010, one of whom died in detention. It remains unclear why these imams were arrested.

Will Muslims from Turkmenistan reach Mecca?

It remains unclear whether the Turkmen authorities will allow any local Muslims to take part in this year's haj pilgrimage to Mecca, which begins in November. The Saudi authorities are believed to offer Turkmenistan 5,000 places annually. However, the Turkmen authorities have allowed only one plane-load of pilgrims to travel in a government-controlled group. Between 2005 and 2008, this was 188 people per year, which included pilgrims and government minders to supervise them. However, in 2009 the government refused to allow any Muslims to go on the haj, citing health concerns over the H1N1 virus.

Forum 18 was unable to reach any officials at the government's Gengeshi (Council) for Religious Affairs in Ashgabad to find out if any Muslims will be able to travel on the haj. The telephones went unanswered each time Forum 18 called between 6 and 9 September, while 10 September is a public holiday to mark the end of the Muslim holy month of Ramadan.

Five years' imprisonment for arrested Protestant Pastor?

By Felix Corley

Forum 18 News Service (30.08.2010) / HRWF (06.09.2010) - Website: <http://www.hrwf.net> - Police in the town of Mary in south-eastern Turkmenistan arrested Protestant pastor Ilmurad Nurliev on 27 August, his wife Maya and other church members told Forum 18 News Service. Investigators have accused him of swindling money from two women who attended church meetings and from a man he had never heard of before. He faces up to five years' imprisonment if convicted. Church members vigorously refute the accusations. Another church member has been summoned and threatened that if she does not testify against Pastor Nurliev, her husband will be sacked from his job in the military. "They have no conscience, no limits," Maya Nurlieva told Forum 18 of the officials who have arrested her husband. "What they've done is not right."

Pastor Nurliev has been accused under Article 228, Part 2 of the Criminal Code, which punishes swindling by a group of people, repeated swindling, or large-scale swindling, his lawyer told Forum 18 on 30 August. Those found guilty face punishment of between one and five years' imprisonment and possible confiscation of property. Investigators allege that Pastor Nurliev swindled the three out of 7,000,000 Manats (15,395,700 Norwegian Kroner, 1,932,650 Euros or 2,456,140 US Dollars), which they say represents large-scale swindling.

The lawyer added that investigators have up to two months to prepare a case for trial. Pastor Nurliev is currently being held in the town police investigation cells.

No official response

Forum 18 has been unable to discuss the accusations with investigator Durdimurad Gazakov, who is leading the case at the Mary town police. The man who answered his telephone on 30 August put the phone down as soon as Forum 18 asked for him. Subsequent calls went unanswered. Forum 18 reached town prosecutor Razmurad Durdiev the same day, but he refused to answer any questions and put the phone down.

The man who answered the telephone of Nurmukhamed Gurbanov, Deputy Chair of the government's Gengeshi (Council) for Religious Affairs in the capital Ashgabad [Ashgabat], put the phone down on 30 August as soon as Forum 18 had introduced itself. Subsequent calls went unanswered. The telephone of the Mary Region chief imam, who also heads the Mary Regional Gengeshi, went unanswered on 30 August.

Earlier harassment

Pastor Nurliev's congregation, Peace to the World Pentecostal church, has faced intermittent harassment in recent years. Pastor Nurliev was fined for his religious activity in 2008. The church applied for state registration in 2007, but officials repeatedly asked for "corrections" to be made to the church's application and since the beginning of 2010 no progress on processing the application appears to have been made.

Since October 2007, Pastor Nurliev has been on the government's secret exit blacklist maintained by the country's Migration Service on behalf of the Interior Ministry and the Ministry of State Security (MSS) secret police.

Arrest

The latest trouble for Pastor Nurliev came with his sudden arrest on the morning of 27 August. "I was out at work when the police arrested my husband, and the first I knew

was when he was allowed to call me from the investigator's office," Maya Nurlieva told Forum 18. She said police have refused to allow her to meet her husband. "They should have allowed me to see him." Police also refused to give her any document certifying his arrest or outlining the reasons for it.

She added that they took his certificate in preaching he gained at a Ukrainian Christian college in March 2006, refusing to allow her to take it back and give them a photocopy. He also had 150 US Dollars in his pocket when he was arrested which they have also refused to give back. "All they gave back to me were the keys to our flat," she lamented.

Maya Nurlieva said that police and the investigator have refused to discuss her husband's case with her, only directly with the lawyer.

Accusations

Pastor Nurliev is accused of swindling the money from two women who occasionally attended a women's group of his church, as well as from one man, Maya Nurlieva explained. The three wrote statements to the police denouncing Pastor Nurliev, but she insists neither of the women ever gave money to the church or to her husband. "They now regret having written these accusations, but they did so under police pressure and it is now too late." She said neither she nor her husband knew the man who had accused him.

One of the women attended three or four meetings in 2009, some of them with her mother. Both were subsequently imprisoned for causing a disturbance where they lived, but were freed from prison later that year in a prisoner amnesty. The young woman came to a few more meetings in 2010 after her release, accompanied by another young woman. Maya Nurlieva maintains that police or the MSS secret police put pressure on the two younger women to write the complaints as a basis to arrest her husband.

Human rights defenders have in other cases told Forum 18 that those who have been imprisoned are particularly vulnerable to pressure from the authorities to sign accusations prepared by officers.

Pastor Nurliev's lawyer said that as the case rests on the three accusations, it is only if they renounce their accusations that the case can stop. "None of them has done so," she told Forum 18.

"There are many people who could testify with the truth - that my husband did not extort money from anyone," Maya Nurlieva insisted to Forum 18. "He also has a secular job and so do I - our family does not live off extorted money."

She said that 15 church members who came to their Sunday service on 29 August signed an appeal to the Prosecutor's Office testifying to Pastor Nurliev's innocence.

Threats to church member

Another church member, Kristina Petrova, was summoned by the police on the afternoon of 29 August, Maya Nurlieva told Forum 18. Officers pressured her to testify against the pastor, but she refused. "They shouted at her and threatened her very crudely," Nurlieva told Forum 18. "She's just a young woman."

When Petrova refused to testify against Pastor Nurliev, she was then threatened that her husband would be sacked from his job in the military.

She told the police that he is not a church member and has nothing to do with the case. "If they sack her husband, the family will have nothing to eat," Nurlieva pointed out.

Religious prisoners

Five Jehovah's Witnesses are currently serving prison sentences for refusing compulsory military service on grounds of religious conscience while a further two, also prosecuted under the Criminal Code, are serving suspended sentences.

Mystery surrounds the recent imprisonment of several imams - it remains unclear whether they were punished for peaceful religious activity or for other reasons. A 73-year old imam Shiri Geldimuradov died in prison apparently in early June, Radio Free Europe and the Turkmen Initiative for Human Rights reported. He was arrested in April after the authorities claimed weapons had been found in his Ashgabad home. One of his sons had already been arrested, while three others were arrested after the imam's arrest.

The Turkmen Initiative for Human Rights also reported on 22 August that two other imams were imprisoned in separate cases after MSS secret police claim to have found weapons on them.

One of them, an elderly imam from a village in Lebap Region of eastern Turkmenistan, was given a five year prison term after officers who stopped his car in late June alleged they had found bullets for a Makarov pistol.

By the time the case reached court, no mention was made in the case of any bullets and he was imprisoned on other charges. The other imam was imprisoned for three years after MSS secret police officers claim to have found a dummy grenade at his home. Similarly, by the time the case reached court no mention was made of any grenade.

Harassment continues

Other Protestant churches have faced recent harassment. A summer camp for young people run by several Protestant churches near Geok-tepe was raided by police in July, who questioned and threatened participants. The same month, members of a Baptist church in Dashoguz [Dashhowuz] were pressured to sign statements that they would no longer attend the church. Elsewhere, two Protestant Christians were sacked from their employment because of their faith in summer 2010, one in state employment, the other in private employment.

"The Constitution is only a scrap of paper for the Turkmen authorities"

By Felix Corley and Mushfig Bayram

Forum 18 (13.08.2010) / HRWF (14.08.2010) - Website: <http://www.hrwf.net> - A Christian youth summer camp organised by two Pentecostal churches in the village of Sekiz-Yab near Geok-tepe north-west of the capital Ashgabad [Ashgabat] was raided by the authorities on 22 July, Protestants who asked not to be identified for fear of state reprisals told Forum 18 News Service from Turkmenistan. Participants were insulted, pressured and threatened. Elsewhere in Turkmenistan, others have been pressured and threatened because of their faith. Ethnic Turkmen members of non-Muslim groups come under particular pressure, two Protestants being fired from their jobs because of their faith.

Registration – and hence the right to carry out activities legally - remains impossible for many religious communities. However, after 13 years of waiting, the Justice Ministry finally registered the Catholic congregation in Ashgabad.

No one was available on 30 July or later to discuss these cases at the Justice Ministry, the government's Gengeshi [Council] for Religious Affairs or the government's National Institute for Democracy and Human Rights.

Summer camp raided

The young people's summer camp in Sekiz-Yab had been organised by Light of the East Church in the northern town of Dashoguz [Dashhowuz], and Word of Life Church in Turkmenabad (formerly Charjew). Both these churches have obtained state registration.

The day the camp began, the police jeeps kept driving up and down nearby so that the camp could be observed, the exiled Turkmen Initiative for Human Rights stated. Police then entered the camp claiming that a shepherd had been murdered nearby. The police then detained and questioned all 47 participants, including two pastors, taking them to Geok-tepe police station. There people in civilian clothes interrogated camp participants, making no mention of any murder. Questions focused on when they had become Christians and who was financing them. They were photographed, fingerprinted and their personal Bibles were confiscated. They were not freed until the following morning.

Police warned the leaders that they had not informed the government's Gengeshi [Council] for Religious Affairs that they were holding the camp. The leaders responded that they do not need special permission for church members to meet together in the countryside.

Officers who raided the camp drew up a list of all those present and, Protestants told Forum 18, insulted and swore at participants. When camp leaders pointed out their rights to meet under Turkmenistan's Constitution, officers insulted the Constitution. "To put it mildly, the Constitution is only a scrap of paper for the Turkmen authorities," on Protestant complained to Forum 18, "while the Church's legal statute means even less. The officers told them directly and bluntly that they will do everything to ensure that there are no Christians left in Turkmenistan."

All those present were subsequently summoned for interrogation, where they were intimidated "using psychological pressure". Protestants told Forum 18 that ethnic Turkmen participants were singled out for harsh treatment. The mother of one ethnic Turkmen participant was summoned to the police station, where she was held hostage until her son presented himself for interrogation.

Renewed pressure to sign statements not to worship

Several members of the Path of Faith Baptist church in Dashoguz were summoned on about 19 July to the Regional Gengeshi for Religious Affairs, where they faced "psychological pressure" to sign statements that they would no longer attend worship in the church, Protestants who asked not to be identified for fear of state reprisals told Forum 18 from Dashoguz. Officials told the church members that Turkmenistan "is a Muslim country" and that they would do everything to ensure that Christians did not exist in the country. Joining Gengeshi officials were officers of the ordinary police and Ministry of State Security (MSS) secret police.

Turkmenistan's former Chief Mufti, Rovshen Allaberdiev, who is now imam of Dashoguz Region as well as being the senior regional Gengeshi official, raided the church's Sunday worship service on 20 December 2009. He was accompanied by a police officer and three other officials who did not identify themselves. Christian books were confiscated and church members were pressured in an attempt to get them to sign statements that they would stop attending worship services.

Pressure on ethnic Turkmen non-Muslims

As ethnic Turkmen non-Muslims at the summer camp experienced, officials frequently insult or pressure ethnic Turkmen people belonging to non-Muslim religious communities. Pressure via employers is a frequent tactic.

In two typical cases, two Protestant Christians were sacked from their employment because of their faith in summer 2010, one in state employment, the other in private employment, Protestants who asked not to be identified told Forum 18 in June. They asked that the locations of the two not be given.

The state worker – who worked in the health sector – was visited at home by the local imam, the police and the MSS secret police, who confiscated a personal Bible. The Christian had become known as a church member after being identified on a photo of participants at a 2009 Christmas worship service. "We don't know how the authorities got hold of the photo," one Protestant told Forum 18. "Maybe they have a spy among us."

State officials frequently also have dual roles as clergy in their struggle, along with the MSS secret police, to suppress freedom of religion or belief.

The privately employed worker's employer told the Protestant that they "did not need problems" before they fired them. Church members interpreted this as meaning that pressure from officials had been put on the business owner.

Legal status impossible to gain for many

Path of Faith Church in Dashoguz is among a number of Protestant churches in Turkmenistan to have applied for state registration without success vain in recent years. Normal religious activities such as meeting for worship are regarded as "illegal" without state registration.

Another Protestant congregation, Peace to the World Pentecostal church in the south-eastern town of Mary, has heard nothing since early 2010 about its registration application, its pastor Ilmurad Nurliiev told Forum 18 on 30 July.

The church first applied in 2007, had to "correct" its application three times in 2009, and lodged what it hoped would be an acceptable application at the beginning of 2010. "The Justice Ministry told us we had to give our application to the Gengeshi [Council] for Religious Affairs for them to approve first," Pastor Nurliiev told Forum 18. "They keep saying they are 'considering' the application, and that they've had many visits from commissions from abroad which take up their time so that they haven't had time to devote to it."

Re-registration applications used to stop religious activity

Ashgabad's Pentecostal Church has been in legal limbo since 2008, when it applied to the Justice Ministry to record the change of pastor, change of legal address and to re-register a revised statute. "They won't re-register the congregation, so it makes the legal status unclear," one Protestant told Forum 18. "This means it can't rent property because the authorities will say: you don't have registration any more."

An affiliated congregation of the Pentecostal church in another city was visited by the MSS secret police in 2008 after the re-registration application was lodged, and told not to meet until re-registration had been granted. They were asked to sign statements that they would not meet until then. This has made the congregation afraid to meet as a community.

The authorities' have long used of registration and re-registration to limit or stop religious activity. This has led many in Turkmenistan to question whether registration is worthwhile, and to describe government claims that freedom of religion or belief exists in the country as "fictitious".

Strict border controls

Pastor Nurliev of Peace to the World church is among a number of active religious believers unable to leave Turkmenistan as they are on the government's exit blacklist.

Those who are able to leave Turkmenistan face frequent check-ups of their luggage in their return, when religious books and other items are often taken. Forum 18 has learnt that at the ferry port in Turkmenbashi in May, students returning to Turkmenistan from higher education colleges in Azerbaijan had framed verses in Arabic from the Koran confiscated by border guards.

The customs hall at the ferry port used to display an instruction in Turkmen and Russian from the Gengeshi that bringing religious books, "cult objects" and "other" religious items was not allowed. Although this notice was removed in early 2009, controls on passengers and confiscation of religious items has continued.

Exit bans – including a total ban on Muslims taking part in the 2009 haj – literature confiscations are part of the state's policy to isolate religious believers from fellow-believers in other countries.

Conference on Sufi poet without the possibility of reading his works?

Turkmenistan imposes strict censorship on all religious literature, administered by the Gengeshi. One of the consequences of this is that participants in an official conference on a Muslim poet are unlikely to be able to obtain his works. Following a presidential decree, a conference on a noted twelfth-century Sufi Muslim poet, Khoja Ahmad Yasawi, is being planned in September by the Academy of Sciences and the Makhtymguli Institute of Language and Literature. Yasawi lived in what is now Kazakhstan and was a major influence in Central Asia.

Bairam Taganov, a member of the conference organising committee, told Forum 18 from Ashgabad on 24 May that two books of Yasawi's works had been published in Turkmen in the country since independence. One was a collection of writings on mysticism in the Sufi tradition, published in the mid-1990s, and the other a collection of about 100 of his poems. "Both were published some years ago, so I don't know if they are still in bookshops," he told Forum 18.

Asked whether these works would be republished or others would be published to allow readers in Turkmenistan interested in his works to have access, Taganov responded: "I don't know." He was unable to explain why they were not available and what was preventing their publication.

Taganov was unable to say whether Yasawi's influence on today's Muslim community in Turkmenistan might be discussed.

Registered after 13 years

However, after 13 years of waiting, the Justice Ministry has registered Ashgabad's Catholic congregation on 12 March, the Holy See's nuncio to Turkey and Turkmenistan Archbishop Antonio Lucibello told Forum 18 from Ankara on 26 July. "I explained to them that having diplomatic relations with the Holy See means they recognise the Catholic

Church," he told Forum 18. "This is the juridical basis to recognise the Church in Turkmenistan as a body that depends on the Holy See."

He said the authorities had finally conceded that the Catholic community was not able to abide by the requirement that the leader of a religious organisation must be a Turkmen citizen. Turkmenistan has no native Catholic priests. Fr Andrzej Madej, the Polish priest who has headed the Mission in Turkmenistan since 1997, has been recognised legally as its leader.

Archbishop Lucibello said he had just returned from Ashgabad, where in a meeting with Justice Minister he had taken the opportunity to thank the government for granting legal status to the community. He said the Catholic church has not faced difficulty gaining entry for foreign clergy, gaining exit for local Catholics to go on pilgrimage abroad, or for clergy to bring religious literature into the country with them.

Welcoming the state registration, Fr Madej told the Rome-based Catholic missions news agency Fides on 15 July: "Now we can think about asking government permission to build the first church for our Catholic community. We are already the 'living stones' of the local Church, but we would like to have a place in which to assemble for prayer." So far, the parish has had to meet in the chapel of the nunciature, which has diplomatic status. This status allowed it to function between 1997 and 2004, when no religious communities apart from government-approved mosques and Russian Orthodox churches were allowed to gain state registration.

Fr Madej told Fides that the newly recognised Catholic community now hopes to retrieve possession of a Catholic Armenian church in Turkmenbashi, in the west of the country. This survived Soviet rule, but is in a desolate state. The Church also hopes to reclaim another small church building at Serdar (formerly Gyzyrlybat) in south-western Turkmenistan, which is today a coffee bar.

Religious freedom concerns

Statement by the European Association of Jehovah's Christian Witnesses for the OSCE High-Level Conference on Tolerance and Non-Discrimination, Astana, 29 and 30 June 2010

EAJCW (30.06.2010) / HRWF (05.07.2010) - Website: <http://www.hrwf.net> - In 2009 the TURKMENISTAN authorities resumed imprisonment of conscientious objectors to military service. Currently five Jehovah's Witnesses are each serving prison sentences of up to two years because their religious conscience does not allow them to serve in the army. At present, Turkmenistan does not offer genuine alternative civilian service that would be acceptable to many young Jehovah's Witnesses.

On April 16, 2005, Turkmenistan's former president granted a special amnesty to four Jehovah's Witnesses imprisoned for conscientious objection. In 2007, three Jehovah's Witnesses were imprisoned for conscientious objection, but their prison terms were later commuted to suspended sentences and at least two of them were fully pardoned. However, though having received two-year conditional sentences last year for their conscientious objection to military service, on May 21, 2009, Sakhetmurad (age 22) and Mukhammedmurad Annamamedov (age 21) a court in Dashoguz ordered them to serve their two-year sentence in prison.

On July 13, 2009 Shadurdy Uchotov (age 22) was found guilty and the court sentenced him to two-year imprisonment. Akmurat Yegendurdyev (age 20) was found guilty and

the court sentenced him to a year-and-half term of imprisonment on July 29, 2009. In both cases they appealed their convictions, however, in vain.

Navruz Nasyrlyayev (age 19) of Dashoguz was drafted to the army, when he became 18 years old in March 2009. He refused at three occasions due to his religious beliefs.

Thereafter his case was brought to the Dashoguz City Court. On December 7, 2009 he was sentenced to two years in an open colony. He appealed and on January 3, 2010 the Regional Court kept the decision unchanged. In the meantime he was also transferred to the Seydi labor colony where the other four prisoners of conscience are also serving their sentences.

Recently all five conscientious objectors were accused for allegedly "violating the prison routine", thus becoming not eligible for amnesty. We appeal to the authorities of Turkmenistan to apply amnesties to the five prisoners of conscience and set them free so that they can be with their families. In harmony with the directive of the Council of Europe, the introduction of a genuine alternative civilian service could help these young men to be of benefit to their country without violating their conscience. We hope that our appeal will be received. An amnesty for these five men would demonstrate the willingness of the authorities to respect freedom of conscience in Turkmenistan.

A delegation of Jehovah's Witnesses is ready to meet with representatives of Turkmenistan attending the present high-level conference in order to clarify any misunderstanding and to promote a constructive dialogue.

Jailed conscientious objectors punished again

By Felix Corley

Forum 18 (24.05.2010) / HRWF (26.05.2010) - Website: <http://www.hrwf.net> - Four of the five imprisoned Jehovah's Witness conscientious objectors were twice selected for more punishment in late 2009, Forum 18 News Service has learnt. The punishments included one month in a labour camp's isolation punishment cells. Jehovah's Witnesses suspect this might have been imposed in order to exclude them from the prisoner amnesty declared by President Gurbanguly Berdymukhamedov for the 9 May holiday marking the end of the Second World War. None of the five prisoners of conscience – the only known people currently jailed for exercising their freedom of religion or belief - was included in the amnesty, and nor were the two other Jehovah's Witness conscientious objectors serving suspended sentences.

Forum 18 notes that the changes to Turkmenistan's Criminal Code approved in May left untouched the criminal penalties for refusing compulsory military service. The most recently sentenced of the five currently known religious prisoners of conscience was jailed for two years in December 2009.

Jehovah's Witness young men insist they are ready to do alternative non-military service. However, Turkmenistan offers no non-military alternative to those who cannot serve in the military on grounds of conscience. Military service for young men between the ages of 18 and 30 is generally two years.

Forum 18 was unable on 24 May to reach Yazdursun Gurbannazarova, Director of the government's National Institute for Democracy and Human Rights in the capital Ashgabat [Ashgabat]. The woman who answered her phone told Forum 18 that she was expected later in the day. However, subsequent calls went unanswered.

The man who answered the phone on 24 May of Nurmukhamed Gurbanov, Deputy Head of the government's Gengeshi (Committee) for Religious Affairs, denied that he was Gurbanov, refused to answer any questions and put the phone down.

Conscientious objection kept as criminal offence

Article 219 Part 1 of the current Criminal Code punishes refusal to serve in the armed forces in peacetime with a maximum penalty of two years' imprisonment. Higher penalties are imposed in both Article 219 Part 2 for those who deliberately injure themselves, or use deception, to evade military service, as well as in Article 219 Part 3 for those who evade such service during a war.

A bill enacting many changes to the Criminal Code, and approving the revised text of the Code was approved by the Mejlis (Parliament) on 10 May, the government website reported. The revised text of the Criminal Code was published in full on the same website a week or so later after being approved by President Berdymukhamedov. The entire Article 219 remains unchanged.

Turkmen government officials have repeatedly rejected calls to introduce a civilian alternative to military service. Officials have sometimes indicated that the country's harsh Religion Law might be changed, but Turkmen citizens have told Forum 18 that they remain sceptical that any legal changes will end the government's continuing violations of religious freedom.

Prison punishments

Forum 18 understands that all five Jehovah's Witness prisoners of conscience are being held in harsh conditions, in a general regime labour camp near the eastern town of Seydi.

All four of the then conscientious objector prisoners - Shadurdi Ushotov, Akmurat Egendurdiev, and the brothers Sakhetmurad and Mukhammedmurad Annamamedov – were visited by officials in their labour camp in November or December 2009, Jehovah's Witnesses told Forum 18. Officials who did not identify themselves or say which government agency they represented questioned the prisoners. Immediately afterwards, however, the four prisoners of conscience were sent to punishment cells for three days, on what Jehovah's Witnesses insist were fabricated accusations.

Parents of the four prisoners then lodged complaints to local Prosecutor's Offices and the General Prosecutor's Office in Ashgabad, and sent telegrams to the President. Replies to their complaints insisted that the treatment of the prisoners in labour camp was fair and in accordance with the law. However, soon afterwards an official commission visited the labour camp and the accusations against the four were reportedly withdrawn.

The number of known imprisoned conscientious objector prisoners rose to five, when Jehovah's Witness Navruz Nasyrlaev was sentenced in the northern town of Dashoguz [Dashhowuz] on 7 December 2009.

However, after the commission left the labour camp, the four longest-serving Jehovah's Witness prisoners – Ushotov, Egendurdiev, Nasyrlaev and Sakhetmurad Annamamedov – were each punished again, by being sentenced to one month's detention in the camp isolation punishment cells.

Literature confiscated

Parents of at least some of the Jehovah's Witness prisoners were able to visit them in labour camp in March. However, the parents were thoroughly searched before the

meetings could take place and guards confiscated Bibles and other personal items from them, Jehovah's Witnesses complained to Forum 18.

Two conscientious objectors with non-custodial sentences

Still serving non-custodial sentences are two other Jehovah's Witness conscientious objectors. Zafar Abdullaev and Dovran Kushmanov were given two-year suspended sentences by Dashoguz City Court in separate trials in April 2009. Both are living with restrictions on their movement and activity.

No amnesty for conscientious objectors

The latest prisoner amnesty – for Victory Day – was signed by President Berdymukhamedov on 6 May, the government website reported. Unlike under previous amnesties, the list of those freed was not published in the state media.

However, the punishments meant that none of the five was eligible for the May prisoner amnesty, just as none of the then four prisoners had been included in the December 2009 amnesty. Also not included were the two serving non-custodial sentences.

Some of Turkmenistan's religious prisoners of conscience were in the past eventually freed under amnesty. Five of the then seven religious believers with long sentences – one Muslim, one Baptist and three Jehovah's Witnesses – were amnestied in 2007. The Baptist, Vyacheslav Kalataevsky, was deported soon afterwards.

The only person sentenced for exercising freedom of religion or belief who has since 2007 been amnestied was Jehovah's Witness conscientious objector Ashirgeldy Taganov. He was released from a suspended sentence in February 2008, after having been given an 18-month sentence in December 2007.
