

TURKMENISTAN

A. Introduction

Turkmenistan can be described as one of the most totalitarian states in the world today. Human rights are severely curtailed by the highly authoritarian government of President Saparmurad Niyazov, who rules Turkmenistan by means of an extensive cult of personality. Though a façade of democratic governance has been created by the establishment of three separate branches of government, in fact, the country's parliament, or *Mejlis*, rubber-stamps Niyazov's decisions and the judiciary is not independent of his whim. Criticism of Niyazov or the government is not tolerated and there is no legal organized opposition. Major opposition figures have been imprisoned, institutionalized, deported, or have fled the country, and their family members are routinely harassed by the authorities. As the government completely controls all media, there is no press freedom and foreign media is not permitted. No independent, politically-active non-governmental organizations (NGOs) exist.¹ Conditions for religious freedom in Turkmenistan are extremely poor. Only two religions are officially recognized, and even these two are highly restricted by the state. Other religions are effectively prohibited from operating freely. According to the State Department's most recent religious freedom report, the Turkmen government's "respect for freedom of religion deteriorated during the period from July 1, 2000 to June 30, 2001."²

In view of the ongoing, egregious, and systematic violations of religious freedom in Turkmenistan, in 2000 and 2001, the U.S. Commission on International Religious Freedom called on the U.S. Department of State to name Turkmenistan a country of particular concern, or CPC, pursuant to the International Religious Freedom Act (IRFA). However, in both years, the State Department declined to designate Turkmenistan a CPC.

Since its inception, but over the past year in particular, the Commission has broadly studied the situation in Turkmenistan. It has held a number of private briefings with academics, former diplomats, and other experts on Central Asia and Turkmenistan, and conducted personal interviews with representatives of human rights organizations. The Commission has also conducted personal interviews with victimized groups. In addition, in November 2001 the Commission held a hearing on the issue of promoting religious freedom during the campaign against terrorism, at which conditions for religious freedom in Central Asia, including Turkmenistan, were examined by commissioners.

In light of these conditions, the Commission makes the recommendations outlined in Subsection C of this report.

B. Background

1. Demographic Information

Turkmenistan is a thinly populated country of 4.8 million in a relatively large geographic area, much of which is uninhabitable desert. Approximately 77 percent of the country's population is Turkmen, 10 percent Uzbek, and 9 percent Russian, with smaller numbers of Kazakhs and others. Roughly 89 percent of the population of Turkmenistan is Muslim (overwhelmingly Sunni, although some Shia communities exist) and 9 percent is Russian

Orthodox. In addition, there are very small communities of Armenian Orthodox, Roman Catholics, Baha'is, Baptists, Buddhists, Jehovah's Witnesses, Pentecostals, and Seventh-day Adventists in Turkmenistan.

2. Recent Political Developments

In recent years, President Niyazov has tightened his grip and further elevated his personal status. Beginning in the late 1990s, the few remaining government critics were arrested and convicted of criminal offenses. Families of dissidents in exile experienced more harassment, frequently being dismissed from their jobs, blacklisted from higher education institutions, and having their property confiscated.³ An intense crackdown on religious groups was instigated (see below). In July 2000, the government announced that it would monitor all visiting foreigners, and decrees were issued to monitor foreign mail and telephone calls.⁴ A 2000 Helsinki Commission report summarized the situation in Turkmenistan by noting that, "despite a totally stage-managed parliamentary election, his own virtual coronation, and absolute control, Niyazov remains fanatically intolerant of any criticism." In February 2001, Niyazov strengthened his personality cult with the publication of his three-volume work, *Ruhnama*, containing his "spiritual thoughts." The work, according to Niyazov himself, "must be in a Turkmen's heart, it must be his happiness."⁵

3. Religious Freedom Concerns

The Constitution provides that Turkmenistan is a secular state that guarantees freedom of religion, the equality of religions, and the separation of the state from religious organizations. In practice, however, religious freedom, as in the case of other human rights, is a casualty of the repressive nature of the regime. Since the country gained independence in 1991, religious groups have been required to register with the government in order to engage in religious activities, according to the Law on Freedom of Conscience and Religious Organizations. In 1997, the Turkmen government passed a new version of this law that effectively banned all religious denominations apart from Sunni Islam and Russian Orthodoxy, though the religious activity of even those two religions is controlled and tightly regulated by the state. At the same time, Niyazov's cult of personality can be seen as quasi-religious; according to the State Department's *International Religious Freedom Report*, the Turkmen government requires all schoolchildren to be instructed in the *Ruhnama*, the president's spiritual guidebook.⁶ The book is compared in importance in Turkmenistan's press to the Quran; indeed, the work is to be "holy, like the Quran" for the Turkmen people. A newspaper article announcing the work describes Niyazov as "having the wisdom of a prophet."⁷ Opposition on religious grounds to the reverence demanded by the Turkmen leader is considered a grave affront to his power.

a. Muslims

Islam in Turkmenistan was particularly influenced by tribal ties and traditions that remain very strong. During the Soviet period, the Islamic religion was harshly repressed in Turkmenistan (as it was elsewhere in Central Asia), and came under the control of the Soviet government's Muslim Spiritual Board in 1941. With the establishment of state-monitored religious practice, there emerged teachers and other believers who did not accept the authority of those imams who collaborated with the Soviet regime.⁸ When the Turkmen republic gained

independence in 1991, the Muslim Spiritual Board was maintained. However, Niyazov declared Islam to be an integral part of Turkmen identity, and the Islamic religion was no longer officially repressed. In the early 1990s, Niyazov ordered that Islamic principles be taught in schools, and more religious schools and mosques were opened. In addition, Turkmenistan became a member of a number of Islamic organizations.

However, the government under Niyazov has retained tight control over Islamic practice and observance and continues to appoint, remunerate, and monitor all members of the clergy. As a result of the 1997 changes in the religion law effectively permitting only the Sunni Muslim Board and the Russian Orthodox Church to remain registered, only these two religions are allowed to be practiced in any organized fashion in Turkmenistan. In fact, however, only those Muslim religious teachers and believers who accept and fully cooperate with state authority are tolerated. Religious worship, instruction, or other education outside of this officially approved structure is not allowed. According to the International Helsinki Federation for Human Rights, “an official of Turkmenistan’s Council for Religious Affairs acknowledged that the council directly controlled the selection, promotion, and dismissal of all Sunni Muslim mullahs” in the country.⁹ Imams have been instructed by the government to repeat an oath of loyalty to the “fatherland” and the President after each daily prayer. Anyone who acts outside this rigid state structure is considered in opposition and is treated as harshly as other political opposition figures. In February 2000, an elderly imam, Hoja Ahmed Orazgylych, was arrested for “economic crimes” in retaliation for comments he made criticizing Niyazov’s pronouncements on religion.¹⁰ Imam Orazgylych also provided a Turkmen translation of the Quran that was “called into question” by Turkmen authorities, who had all copies of the translation burned.¹¹ The Islamic cleric was eventually sent into internal exile and his home and a small mosque on his grounds in Ashgabat were bulldozed by security forces. In addition, Niyazov deported as many as 300 foreign Islamic teachers in 2000.¹²

In June 2001, the government closed the *madrasah* in the town of Dashoguz (sometimes spelled Tashauz), leaving only one institution in the country able to carry out Islamic education (the theological faculty at the Turkmen State University in Ashgabat).¹³ Niyazov ordered the closure, saying that he is “against education that confuses children.”¹⁴ In a speech in January 2002, President Niyazov publicly admitted that he had closed down all the country’s *madrasahs* and announced that one *madrasah* to serve the entire country would soon be set up, and that it would have a maximum of 20 students.¹⁵ In addition, the government maintains control over participation in the annual pilgrimage to Mecca (the *hajj*) by determining who and how many are able to travel there.

b. Religious Minorities

Similar to its control over the Islamic clergy, the Turkmen government’s Council for Religious Affairs exercises direct control over the hiring, promotion, and firing of the Russian Orthodox clergy.¹⁶ Other religious minorities are not able to function legally at all, as the new version of the religion law put forth in 1997 not only required all groups to re-register with the government, but also made registration considerably more onerous. To satisfy re-registration requirements and gain legal status, religious organizations must identify in writing at least 500 Turkmen citizens over the age of 18 as adherents in each city where the group seeks to be registered. This requirement has effectively meant that only two groups, the officially

sanctioned Sunni Muslims and the Russian Orthodox, are currently legally registered.¹⁷ Numerous churches and religious groups, including Baptists, Baha'is, and others, that had been registered for years suddenly found themselves "deregistered" and prevented from re-registering due to the deliberately onerous registration requirements. Not only have all other groups, regardless of their religious orientation, become "deregistered," and thus, in effect, banned and actively suppressed, but it is "reported that security forces routinely interrogate and intimidate believers, especially those attempting to collect the 500 signatures required for registration."¹⁸ Moreover, Turkmen authorities have apparently told minority groups that "they should not include Turkmen names among the signatures on any application for state registration."¹⁹ Even when 500 signatures are collected, these groups are still denied registration, usually for some spurious reason that is not mentioned in the law.²⁰ President Niyazov personally promised senior Clinton Administration officials in 1999 that the registration requirements would be relaxed, but no such changes have been made.²¹

The 1997 religion law appears to be part of a deliberate, systematic government policy to rid Turkmenistan of religious activity other than that engaged in by the two recognized communities. Members of unregistered religious communities – including Baha'is, Baptists, Hare Krishnas, Jehovah's Witnesses, Muslims operating independently of the Sunni Muslim Board, Pentecostals, and Seventh-day Adventists – have reportedly been arrested, detained (with allegations of torture and other ill-treatment), imprisoned, deported, harassed, fined, and have had their services disrupted, congregations dispersed, religious literature confiscated, and places of worship destroyed.²² One Baptist pastor, Shageldy Atakov, was sentenced to four years in prison on unsubstantiated charges relating to earlier business dealings; it is widely believed that his religious activities were the sole reason for his imprisonment.²³ Atakov was released from prison in January 2002, but was warned not to associate with other Baptists and is being kept under close surveillance by the Turkmen security police.²⁴ A number of Jehovah's Witnesses have been imprisoned for failure to perform military service.²⁵ Security officials routinely break up religious meetings in private homes, search homes without warrants, confiscate religious literature, and detain and threaten congregants with criminal prosecution and deportation.²⁶ Family members of detained religious leaders have been subjected to harassment and "internal exile." One Adventist pastor was arrested by internal security services and accused of holding an illegal meeting. He was released, following intervention by foreign diplomats, but his home was subsequently demolished by the authorities.²⁷

The Keston Institute reports that Baptist leaders who do not have Turkmen citizenship, regardless of their legal status in Turkmenistan, are routinely deported to Russia or Ukraine, together with their families and frequently their congregants. The State Department's 2000 *International Religious Freedom Report* notes that even those who hold dual Turkmen-Russian citizenship are forcibly deported, sometimes after periods of imprisonment.

According to the International Helsinki Federation for Human Rights, "in 1999, Turkmenistan became the only country in the former Soviet Union to destroy a place of worship when bulldozers demolished a newly built Seventh-Day Adventist Church under the pretext of the need to build a new road," a road which has never been built.²⁸ In August 1999, security forces also destroyed a Hare Krishna temple. In February 2001, authorities in a district of Ashgabat sealed the country's last functioning Baptist church. The church was owned by the congregation and in existence for 20 years, but had lost registration in 1997 under the new

religion law. In March 2001, the Turkmen authorities reportedly broke the seals on the church and removed all of its contents.²⁹

C. Commission Recommendations

According to John Beyrle, then-Deputy Special Advisor to the Secretary of State for the New Independent States, the United States under the Clinton Administration established a number of priority goals with regard to Turkmenistan. These included: “strengthening Turkmenistan’s commitment to democracy, human rights, and the rule of law;” broadening cooperation “to counter global threats” such as drug trafficking and terrorism; and supporting Turkmenistan’s “transition to a market-based economy open to foreign investment.” The U.S. bilateral assistance program in Turkmenistan included funds for advice and training in support of market transition, security assistance programs, democracy and health care programs, and “limited military assistance programs to encourage Turkmenistan to participate more fully in the NATO Euro-Atlantic Partnership and other regional security initiatives.”³⁰ (Turkmenistan is a member of NATO’s Partnership for Peace program.) There has been no indication that these goals have changed under the new Bush administration.

However, at a March 2000 hearing before the Helsinki Commission, Beyrle admitted that “we have had only minimal success in promoting this agenda,” not least because “the government of Turkmenistan has shown scant interest in engaging constructively on core issues of democracy, human rights, and economic reform.”³¹ This negative assessment seems to be shared by the current administration. In June 2001, Clifford Bond, the Acting Principal Deputy in the Office of the Special Advisor to the Secretary of State for the New Independent States, noted at a congressional hearing that the government of Turkmenistan “remains one of the most repressive regimes in the world with a Stalinist-era command economy and a cult of personality that rivals North Korea’s.”³²

1. The U.S. government should designate Turkmenistan as a country of particular concern (CPC) for particularly severe violations of religious freedom pursuant to the International Religious Freedom Act of 1998 (IRFA).

Through its systematic and comprehensive control of all religious activity, the government of Turkmenistan has egregiously suppressed religious freedom. The highly-restrictive religion law passed in 1997 effectively allows only the Sunni Muslim Board and the Russian Orthodox Church to remain registered and hence able to function. Yet, even in the case of those two religions, religious worship, instruction, or other education outside of the officially-approved structures is not allowed. Moreover, the practice of prolonged detention without charges of persons because of their religious beliefs is clearly evident in Turkmenistan, as is the presence of torture or degrading treatment of religious prisoners and lengthy periods of imprisonment. According to the State Department’s 2001 *International Religious Freedom Report*, “the government’s respect for freedom of religion deteriorated during the period covered by the report. Harassment of unregistered religious groups intensified and included torture, arrest, and seizure or destruction of property.”³³

In both 2000 and 2001, the Commission recommended to the Department of State that Turkmenistan be named a country of particular concern (CPC). In a statement issued in August 2001, the Commission noted that “the government of Turkmenistan severely restricts religious activity other than that engaged in by the official Sunni Muslim Board and the Russian Orthodox Church. Members of unrecognized religious communities – including Baha’is, Baptists, Hare Krishnas, Jehovah’s Witnesses, Muslims operating independently of the Sunni Muslim Board, Pentecostals, and Seventh-day Adventists – have reportedly been arrested, detained (with allegations of torture and other ill-treatment), imprisoned, deported, harassed, fined, and have had their services disrupted, congregations dispersed, religious literature confiscated, and places of worship destroyed.” In addition, the 1997 law on religious associations, as noted by the State Department, “has been interpreted to control religious life tightly and to restrict severely the activities of all religions.” Clearly, the abysmal conditions for religious freedom in Turkmenistan warrant that country’s designation as a CPC.

2. The U.S. government should immediately suspend all non-humanitarian assistance to the government of Turkmenistan, with the exception of programs that serve specifically identifiable U.S. national security interests in connection with the current campaign against terrorism. This recommendation does not apply to U.S. assistance to appropriate non-governmental organizations, private persons, or cultural or educational exchanges.

CPC designation requires the President to take action against the government of Turkmenistan (unless the President waives this requirement). In view of the egregious religious freedom and other human rights violations committed by the government of Turkmenistan, the United States should invoke sections 405(a)(9) and (a)(11) of IRFA and should suspend all security assistance (except those programs that serve specifically identifiable U.S. national security interests related to the campaign against terrorism) and all other non-humanitarian assistance to the government of Turkmenistan.

The Office of the Coordinator of U.S. Assistance to the New Independent States reports that in FY 2000, the U.S. government provided an estimated \$16.5 million in assistance to Turkmenistan, including \$6.19 million in Freedom Support Act assistance, \$4.7 million in other U.S. government assistance, and \$5.66 million in U.S. Defense Department excess and privately donated humanitarian commodities.³⁴ Because of its human rights record, Turkmenistan has already been de-certified for military assistance under the Cooperative Threat Reduction (CTR) Treaty. In March 2000, Special Advisor for New Independent States John Beyrle stated at a congressional hearing that “it would be difficult for us to certify Turkmenistan for the CTR Program considering its human rights situation.”³⁵ Yet, other security assistance remains in place. According to the Assistance Coordinator’s report, “in FY 2000, Turkmenistan’s Ministry of Defense continued to maintain a consistent but low-profile relationship with the U.S. Department of Defense (DOD).” The country received \$313,000 in assistance under the International Military Education and Training (IMET) program and \$600,000 in Foreign Military Financing. Under the Excess Defense Articles program, the Turkmen government received a U.S. Coast Guard patrol boat that will enable the country’s maritime border guard to improve its non-proliferation and export control capabilities. In addition, the United States continues to provide counter-narcotics training to Turkmenistan’s border guards.³⁶ In FY 2000, the State

Department allocated \$485,000 under the Export Control and Related Border Security (EXBS) program to help Turkmenistan develop its nonproliferation capabilities, focusing on developing the Turkmen government's abilities to interdict illicit trafficking in weapons of mass destruction, dual-use weapons, and weapons-related materials.³⁷

Although Turkmenistan receives very little aid for economic and political reform in comparison to the other former Soviet states, it ranks as one of the highest recipients of U.S.-backed commercial financing assistance. Congress allocated \$102.9 million in U.S. Export-Import Bank guarantees for Turkmenistan in 1998, though no new such loan guarantees have been provided since then.³⁸ In fiscal year 1999, the U.S. government provided \$23.2 million in aid for economic restructuring (focusing on the oil and gas, energy and water sectors), health care reform, training activities, democratic reform, and security programs concerning counter-proliferation of weapons of mass destruction (primarily border and customs controls). Fiscal year 2000 aid targeted budget reform, private-sector reform, and developing Turkmenistan's oil and gas sector.

However, the U.S. Agency for International Development (AID) and the Department of State consider that Turkmenistan has made very little progress on the transition to a sustainable, market-oriented democracy. Turkmen government policies, including its repressive human rights policies, have thus resulted in the suspension of numerous U.S. development assistance programs there. In the past, AID programs have included technical assistance aimed at creating sound fiscal, trade, and investment policies, good management practices, and better commercial and business laws. However, according to the Agency's Web site, "due to the paucity of results from this investment, USAID has closed out its programs for trade and investment and privatization." USAID has requested \$5.5 million for its FY2002 programs in Turkmenistan, down from \$10.5 million spent in FY1999.

The exception recommended by the Commission ("programs that serve specifically identifiable U.S. national security interests in connection with the current campaign against terrorism") should be very narrowly construed. Indeed, this exception should be understood to be far narrower than that available in section 407 of IRFA, which allows the President to waive the application of any action that would otherwise be required as a result of CPC designation if the President determines that "the important national interest of the United States requires the exercise of such waiver authority."

Without genuine political reform in Turkmenistan that includes the protection of religious freedom, U.S. assistance will serve little purpose but to buttress a highly dictatorial government and its repressive security apparatus. The government of Turkmenistan has regularly made statements about intended improvements, but the situation continues to decline, as the State Department's religious freedom report indicates. As the Commission noted in August 2001, "specific promises made by President Niyazov to senior U.S. officials in 1999 have not been carried out; in fact, the situation continues to deteriorate, eliminating expectations for improvement."

The U.S. government should immediately suspend all remaining non-humanitarian assistance to the government of Turkmenistan. The United States should only consider restoring security and non-humanitarian development assistance after the government of Turkmenistan

takes concrete steps to improve conditions for religious freedom for all individuals and religious groups in that country (see Recommendation 5). When it is apparent that conditions for religious freedom have substantially improved, the suspension of assistance on the basis of religious freedom violations should be lifted.

3. The U.S. government should scrutinize all aspects of any remaining assistance programs in Turkmenistan to ensure that these programs do not facilitate Turkmen government policies or practices that result in religious freedom violations. The United States should also examine its programs in Turkmenistan to determine if opportunities exist within those programs to promote the development of genuine respect for human rights, including religious freedom, in that country.

All remaining U.S. foreign assistance to Turkmenistan should be scrutinized carefully to ascertain whether it in any way contributes to government policies or practices that violate religious freedom. Particular attention should be paid to assistance earmarked for training customs and drug enforcement officials. In a country marked by the complete absence of the rule of law, opportunities for abuse and corruption, particularly in the security and law enforcement arena, are great. Thus, U.S. assistance must be carefully monitored to ensure that it does not contribute to or facilitate human rights abuses.

According to the U.S. Assistance Coordinator's report, the United States still funds several democracy-building programs in Turkmenistan. Because of the Turkmen government's refusal to permit genuine economic or political reform, such assistance programs have increasingly been directed towards training and exchange programs, including such things as public diplomacy exchanges and a university partnership program. For example, in 2000 the U.S. Embassy in Ashgabat launched a "Democracy Commission," which supports projects involving "civic education, the free flow of information, women's issues, community self-help," and other aspects of democratic institution-building.³⁹ In addition, AID funds go to several American NGOs that attempt, in Turkmenistan's highly restrictive environment, to promote civil society, including through the development of indigenous NGOs there (focusing on the small number of politically innocuous groups that are tolerated by the Turkmen government). All such programs and assistance, as well as the exchange and education programs mentioned above, should be examined to determine if possibilities exist to promote religious freedom in Turkmenistan. Clearly, the largest obstacle to genuine reform in that country is the policies of the government itself, which will not likely be affected by programs that work amongst the Turkmen people. However, if opportunities exist to generate improvement in religious freedom conditions or support the development of potential advocates or leaders, they should be pursued. Moreover, because societies inevitably outlast any individual government, U.S. investment in appropriate persons and organizations in Turkmenistan may yield future dividends for the protection of human rights should political conditions change in the future.

4. The U.S. government should support efforts to facilitate Turkmenistan's sale of natural gas on world markets, including support for the Trans-Caspian Gas Pipeline (TCGP), only if the Turkmen government takes definitive steps to improve substantially conditions for religious freedom in Turkmenistan.

Despite its relatively small population and the repressive nature of the regime, Turkmenistan has captured significant international attention not least because it has the world's fourth largest natural gas reserves as well as substantial oil deposits.⁴⁰ However, export of these resources has not moved much beyond the countries of the former Soviet Union, as Turkmenistan's land-locked status continues to present an enormous problem. Currently, Turkmenistan is heavily dependent on existing Russian pipelines to reach markets in Europe, compelling the country to find new gas export corridors through Iran or Turkey.⁴¹ According to observers, Turkmenistan is counting for its financial survival on expected windfall revenues from an as-of-now unrealized Trans-Caspian Gas Pipeline (TCGP), though the plan is running into considerable difficulties. In the late 1990s, Turkmenistan began exporting gas through Iran, via its first pipeline not crossing Russian territory.⁴²

A key element of U.S. policy toward Turkmenistan is support for the TCGP, which would transport natural gas from Turkmenistan through Azerbaijan and Georgia to Turkey. In 1998, the U.S. Trade and Development Agency gave Turkmenistan a \$750,000 grant to conduct a feasibility study on the pipeline. The consortium leading the pipeline project, PSG International, includes U.S.-based Bechtel and GE Capital Corporation, with Royal Dutch/Shell to co-lead the pipeline's development. However, according to a report by the U.S. Department of Energy, the TCGP has run into problems and its future is uncertain, as negotiations between the Turkmen government and the consortium of companies involved have stalled over payment and price issues.⁴³ The State Department's Web site states that "the government of Turkmenistan essentially removed itself from the negotiations [over the TCGP] in 2000 by refusing all offers by its commercial partners and making unrealistic demands for multimillion dollar 'pre-financing.'"⁴⁴

Human rights groups have charged that U.S. interests in the pipeline's development have made the U.S. government reluctant to voice its concerns about religious freedom and human rights in Turkmenistan. Though U.S. officials have been critical of Turkmenistan's human rights record, regular denunciations of President Niyazov's repressive policies have not been linked to economic development assistance, and therefore have been less effective than they might have been in modifying the regime's behavior. The U.S. government should evaluate its involvement in the facilitation of the pipeline's progress and other potentially lucrative energy developments to determine whether significant amounts of money from American companies are being used to fund the Turkmen government's extremely repressive institutions. Support for the TCGP and other such projects should be conditioned upon evidence of substantial improvement in Turkmenistan's protection of religious freedom. Without a doubt, the future value and stability of any pipeline project will be made more secure by the implementation in Turkmenistan of the rule of law, which includes respect for religious freedom and other human rights, as well as the cessation of corrupt business and accounting practices such as "pre-financing."

5. The U.S. government should identify specific steps that the government of Turkmenistan could take in order to have its currently suspended assistance reinstated and to avoid triggering further restrictions on assistance programs. These steps should reflect a substantial improvement in the protection of religious freedom and should include, but not be limited to, the lifting of oppressive legal requirements on religious groups and allowing all such groups to organize and operate freely, the end to harassment and

deportation of religious leaders, and the halting of unjust arrest, detention, imprisonment, torture, and residential and workplace intimidation of religious leaders and their adherents (including releasing those currently in detention or imprisoned).

Rather than accept rhetoric of the Turkmen government that is not followed by action, the U.S. government should clearly outline specific steps that the Turkmen government must take to improve substantially conditions for religious freedom in that country. If such positive steps are taken, the U.S. government should no longer withhold assistance on religious freedom and other human rights grounds and consider increasing economic and other assistance to Turkmenistan.

6. The U.S. government should press forcefully its concern about religious freedom violations in Turkmenistan, consistent with the Turkmen government's obligations to promote respect for and observance of all human rights. The U.S. government should vigorously press the government of Turkmenistan: (a) to release immediately and unconditionally any persons who have been detained solely because of their religious beliefs, practices, or choice of religious association; (b) to ensure that all people in Turkmenistan are able to exercise their right to religious freedom without threat of harassment, detention, imprisonment, or torture; and (c) to permit all religious groups to organize and worship freely.

Over the past decade, the United States has frequently raised the issue of human rights with the government of Turkmenistan. In certain cases, the U.S. Embassy in Ashgabat has monitored the cases of particular religious prisoners and registered protests about their treatment. Moreover, the U.S. government has been willing to invoke certain elements of American law with regard to human rights and U.S. assistance to that country. (For example, Turkmenistan has been decertified for military assistance under the Cooperative Threat Reduction (CTR) program because of its poor human rights record.) The U.S. government should maintain this level of active concern about Turkmenistan's human rights record. Given that the religious freedom violations in Turkmenistan are of such an egregious nature, the United States should raise its concerns to the Turkmen government at every opportunity.

Promises alone by Turkmen government officials to facilitate the registration of religious groups should not be accepted. There has been more than one occasion on which Turkmen authorities have made promises to American officials that have not been fulfilled. For example, the State Department's *International Religious Freedom Report* for 1999 states that "in May 1999, the Special Advisor to the Secretary for the New Independent States and the [U.S.] Ambassador jointly raised the issue of religious freedom with President Niyazov. The President promised to permit registration of almost all religious groups, but to date no action has been taken by the government." In February 1999, USCIRF Commissioner Firuz Kazemzadeh traveled to Turkmenistan, where he was told by Turkmen officials that the situation for religious freedom would improve and that the numerical requirement, as well as other overly burdensome requirements, for the registration of religious groups would be eased. As of this writing, no actions have been taken to improve the situation.

The Constitution of Turkmenistan provides for freedom of religion. However, the 1997 version of the religion law pointedly made registration so burdensome as to ensure that virtually no minority religious groups would be able to operate legally. Even when the law's conditions are met, these groups are still denied registration, often for some capricious reason not cited in the law.

According to the State Department report as well as the reports of international human rights groups, there are numerous religious detainees and prisoners in Turkmenistan, persons arrested and imprisoned only for attempting to exercise their religious freedom. Most are accused of participating in "illegal" religious activities, yet the burdensome registration requirements in the 1997 law on religion virtually ensure that all minority religious practice and worship, as well as the religious practice of independent Muslims, will be deemed illegal because religious groups cannot become registered. In addition, persons accused of such "illegal" religious activity are commonly arrested on spurious drug or other charges. The U.S. government should press the Turkmen government to review each of these cases through a transparent process and, to the extent warranted, release these prisoners.

The U.S. government should press the government of Turkmenistan to put its own constitutional guarantees of religious freedom into practice. All people in Turkmenistan should be able to exercise, without fear of harassment, detention, or imprisonment, the religious freedom guarantees outlined in that country's Constitution and in international human rights instruments that Turkmenistan has accepted. In addition, the Turkmen government should not be permitted to use its repressive law on religion as a shield behind which it makes the claim that it is upholding the rule of law. Instead, the government should take whatever legislative or regulatory steps necessary to ensure that all religious groups in Turkmenistan are able to organize and operate freely.

7. State visits between the United States and Turkmenistan should be suspended until such time as religious freedom conditions in the country have improved significantly.

In April 1998, President Niyazov visited Washington, where, despite his deplorable human rights record, he was received by U.S. officials at the highest level. During his visit, the Turkmen president met with President Clinton and Vice President Gore, as well as other very senior U.S. officials. However, in acknowledgment of the country's abysmal human rights record, there was no joint press conference with the two presidents, a usual practice accorded visiting heads of states. Also during the visit, Niyazov signed "a bilateral energy dialogue with the Department of Energy, a scientific and technical Memorandum of Understanding with the Department of Agriculture, a joint statement on security relations with the Department of Defense, a financing framework agreement with the Export-Import Bank, a joint technical exploration study with Exxon, a production and sharing agreement with Mobil and Monument Oil, and a cooperative agreement on oil field services with Halliburton."⁴⁵

The International Religious Freedom Act states that among actions the U.S. president may take in the face of severe religious freedom violations is "denial of one or more working, official, or state visits."⁴⁶ In the case of Turkmenistan, where religious freedom and other human rights are so deliberately and egregiously violated by a government completely controlled by a

virtual dictator, state visits in particular would send the signal that the United States is satisfied with the situation as it stands. Thus, there should be no state visits between the two countries until the situation for human rights, including religious freedom, has substantially improved (as measured by the steps outlined in recommendation 5 above).

8. The U.S. government should also encourage scrutiny of religious freedom violations in Turkmenistan in appropriate international fora such as the Organization on Security and Cooperation in Europe (OSCE) and other multilateral venues. The U.S. government should also raise the issue of religious freedom violations in Turkmenistan at those United Nations bodies that consider human rights questions, including the Commission on Human Rights. The United States should sponsor a resolution at the United Nations condemning religious freedom and other related human rights violations in Turkmenistan, and creating a UN special rapporteur to investigate the situation in Turkmenistan.

Turkmenistan joined the then-CSCE in 1992 and in so doing, committed itself to upholding the principles outlined in the Helsinki Final Act and other OSCE documents. The United States, through the OSCE, should continue to press Turkmenistan to abide by those commitments. During the April 1998 visit of President Niyazov, the United States pledged to push for the creation of an OSCE office in Ashgabat to monitor the human rights situation in Turkmenistan. According to the OSCE's Web site, "the OSCE Centre in Ashgabat, Turkmenistan, was established by the OSCE Permanent Council on 23 July 1998 and opened in January 1999." The United States should continue such active engagement in the OSCE with regard to Turkmenistan, and should actively raise specific religious freedom concerns in appropriate OSCE settings, explicitly naming the government of Turkmenistan. The U.S. delegation to the OSCE should continue to encourage the OSCE office in Ashgabat to monitor closely the situation in Turkmenistan and regularly report back to OSCE members.

The U.S. government should become more active in raising concerns about religious freedom and related human rights violations in Turkmenistan at the United Nations, including at all UN bodies concerned with human rights. Such actions should include the sponsorship of a resolution condemning the religious freedom and other human rights violations in that country. In addition, conditions in Turkmenistan warrant the appointment of a special rapporteur to investigate the government's appalling human rights record, including particularly severe religious freedom violations. The UN resolution should create such a post.

¹ See the Turkmenistan page of the Web site of the U.S. Agency for International Development, where it notes that in Turkmenistan, "the degree of state control in political and social spheres continues to grow. No political opposition is allowed and the political processes that do occur are tightly controlled, aimed at consolidating the power of the ruling elite. There is no freedom of the press. Civic or community organizations, which form the base of a dynamic civil society, are

discouraged and often harassed.” (<http://www.usaid.gov/country/ee/tm/>, accessed December 4, 2001).

² U.S. Department of State, *International Religious Freedom Report 2001*, “Turkmenistan,” (<http://www.state.gov/g/drl/rls/irf/2001/5699.htm>, accessed October 29, 2001).

³ See Cassandra Cavanaugh, Human Rights Watch, Commission on Security and Cooperation in Europe, *Hearing on Democratization and Human Rights in Turkmenistan*, March 21, 2000 (<http://www.hrw.org/press/2000/03/turkmen0321.htm>, accessed June 4, 2001).

⁴ Ahmed Rashid, “Central Asia Summary: Recent Developments in Kazakhstan, Kyrgyzstan, and Turkmenistan,” *Eurasia Insight*, January 18, 2001 (<http://www.eurasianet.org/departments/insight/articles/eav011801.shtml>, accessed June 26, 2001).

⁵ David Hunsicker, “Niyazov Moves to Expand Personality Cult,” *Eurasia Insight*, April 30, 2001 (<http://www.eurasianet.org/departments/insight/articles/eav043001.shtml>, accessed June 25, 2001).

⁶ 2001 *Report on International Religious Freedom* (Internet).

⁷ Hunsicker, “Niyazov Moves to Expand Personality Cult” (Internet).

⁸ According to the Library of Congress’ Country Study on Turkmenistan, “In the Soviet era, all religious beliefs were attacked by the communist authorities...Most religious schooling and religious observance were banned and the vast majority of mosques were closed. For the most part, the Muslim Spiritual Board functioned as an instrument of propaganda...Most religious belief, knowledge, and customs were preserved only in rural areas in ‘folk form’ as a kind of unofficial Islam not sanctioned by the state-run Spiritual Directorate.” See Library of Congress, “Turkmenistan: History and Structure,” *Turkmenistan: a Country Study* (<http://memory.loc.gov/frd/cs/tmtoc.html>, accessed June 27, 2001).

⁹ International Helsinki Federation for Human Rights, *Religious Intolerance in Selected OSCE Countries in 2000*, Report to the Seminar on Freedom of Religion or Belief in the OSCE Region, The Hague, June 26, 2001, 28.

¹⁰ The Muslim cleric reportedly criticized Niyazov for inviting children to celebrate the new year at the end of 1999 by dancing around a Christmas tree chanting a prayer to the president. See Amnesty International, *Report 2001: Turkmenistan* (<http://web.amnesty.org/web/ar2001.nsf/webeurcountries/Turkmenistan?OpenDocument>, accessed, June 27, 2001).

¹¹ Jean-Christophe Peuch, “Turkmenistan: Leader Tightens His Grip on Unofficial Islam,” *Radio Liberty/Radio Free Europe Report*, June 28, 2001.

¹² Human Rights Watch, *World Report 2001: Turkmenistan*,

(<http://www.hrw.org/wr2kl/Europe/Turkmenistan/html>, accessed June 27, 2001), 4.

¹³ 2001 *Report on International Religious Freedom* (Internet).

¹⁴ *Agence France-Presse*, “Turkmenistan’s President Orders Closure of Islamic School,” June 26, 2001.

¹⁵ Rotar, Igor, “Turkmenistan: Chief Mufti Refuses to Discuss Presidential Madrassah Closures,” *Keston News Service*, January 21, 2002.

¹⁶ “Turkmen Official Admits that Government Controls All Clergy Appointments,” *RFE/RL*, July 13, 2000.

¹⁷ Amnesty International, *Turkmenistan: Harassment and Imprisonment of Religious Believers*, March 2000 (<http://www.amnesty.org/ailib/aipub/2000/EUR/46100700.htm>, accessed June 25, 2001).

¹⁸ Commission on Security and Cooperation in Europe, *Human Rights and Democratization in Uzbekistan and Turkmenistan*, March 2000, 14.

¹⁹ *Religious Intolerance in Selected OSCE Countries in 2000*, 29.

²⁰ A group of Hare Krishnas reportedly collected the necessary signatures and sought registration, but the application was rejected because some of the signatories did not live close enough to the town where they went to register. See Amnesty International, *Turkmenistan: Harassment and Imprisonment of Religious Believers* (Internet).

²¹ U.S. Department of State, *Report on International Religious Freedom 1999*, “Turkmenistan,” (http://www.state.gov/www/global/human_rights/irf/irf_rpt/1999/irf_turkmeni99.html, accessed November 15, 2001).

²² Many reports detail these events, including Amnesty International, *Turkmenistan: Harassment and Imprisonment of Religious Believers* (Internet); Commission on Security and Cooperation in Europe, *Human Rights and Democratization in Uzbekistan and Turkmenistan*; and International Helsinki Federation for Human Rights, *Religious Intolerance in Selected OSCE Countries in 2000*.

²³ Atakov was reportedly being held in solitary confinement in the punishment cell of the labor camp where he was serving his sentence, having been sent to the punishment cell for refusing to swear the prisoners’ obligatory oath of loyalty to the president. See Commission on Security and Cooperation in Europe, *Hearing on Democratization and Human Rights in Turkmenistan* (Cavanaugh Testimony); and *Turkmenistan: Harassment and Imprisonment of Religious Believers* (Internet). International outcry about Atakov’s case was so great that the Turkmen government, uncharacteristically, reportedly offered to allow him to seek asylum abroad. Atakov said that he and his family (who have been forced into internal exile) have no interest in

leaving their country. See Barbara Baker, "Turkmenistan Offers Christian Prisoner Freedom Abroad," *Compass Direct*, June 1, 2001.

²⁴ Corley, Felix, "Turkmenistan: Freed Baptist 'Under Surveillance,'" *Keston News Service*, January 27, 2002.

²⁵ At least four members of the Jehovah's Witnesses sentenced for refusing to serve are now listed by Amnesty International as prisoners of conscience. See Amnesty International, *Turkmenistan: Harassment and Imprisonment of Religious Believers* (Internet).

²⁶ Amnesty International, *Turkmenistan: Harassment and Imprisonment of Religious Believers* (Internet).

²⁷ International Helsinki Federation for Human Rights, *Religious Intolerance in Selected OSCE Countries in 2000*, 28.

²⁸ *Ibid.*

²⁹ 2001 *Report on International Religious Freedom* (Internet).

³⁰ John Beyrle, Commission on Security and Cooperation in Europe, *Hearing on Democratization and Human Rights in Turkmenistan*, March 21, 2000.

³¹ *Ibid.*

³² Clifford Bond, Subcommittee on the Middle East and South Asia, House International Relations Committee, *Hearing on U.S. Policy Toward Central Asia*, June 6, 2001.

³³ 2001 *Report on International Religious Freedom* (Internet).

³⁴ Office of the Coordinator of U.S. Assistance to the NIS, *U.S. Government Assistance to and Cooperative Activities with the New Independent States of the Former Soviet Union: FY2000 Annual Report*, January 2001, 100.

³⁵ "Helsinki Commission Documents Deplorable State of Human Rights in Turkmenistan," *Helsinki Commission News*, March 22, 2000.

³⁶ Office of the Coordinator of U.S. Assistance to the NIS, *FY2000 Annual Report*, 103.

³⁷ *Ibid.*

³⁸ See Commission on Security and Cooperation in Europe, *Hearing on Democratization and Human Rights in Turkmenistan* (Cavanaugh Testimony). In April 2000, the European Bank for Reconstruction and Development suspended \$200 million in public sector loans to Turkmenistan to protest the government's repressive policies, and the International Monetary Fund also withheld loans due to a lack of economic reforms. See Rashid, "Central Asia Summary" (Internet).

³⁹ Office of the Coordinator of U.S. Assistance to the NIS, *FY2000 Annual Report*, 102.

⁴⁰ Reports and articles variously state that Turkmenistan has the world's 3rd, 4th, or 5th largest natural gas reserves.

⁴¹ U.S. Department of State, *Background Notes: Turkmenistan*, January 2001 (<http://www.state.gov/r/pa/bgn/index.cfm?docid=2866>, accessed June 25, 2001).

⁴² See U.S. Department of State, *Background Notes* (Internet), and Rashid, "Central Asia Summary" (Internet).

⁴³ "Turkmenistan," Energy Information Administration, Department of Energy, June 2001, 6 (<http://www.eia.doe.gov/emeu/cabs/Turkmen.html>, accessed June 27, 2001).

⁴⁴ U.S. Department of State, *Background Notes* (Internet).

⁴⁵ Jared Feinberg, "Turkmenistan President's Visit Leaves Sour Taste," *Weekly Defense Monitor*, vol. 2, no. 17, April 30, 1998.

⁴⁶ IRFA § 405(a)(7).