

TURKMENISTAN

TIER 1 | USCIRF-RECOMMENDED COUNTRIES OF PARTICULAR CONCERN (CPC)

KEY FINDINGS

In a climate of pervasive government control of information, particularly severe violations of freedom of religion or belief persisted in Turkmenistan in 2016. The government requires religious groups to register under intrusive criteria, strictly controls registered groups' activities, and bans and punishes religious activities by unregistered groups. A new 2016 religion law further tightened registration requirements. Police raids and harassment of registered and unregistered religious groups continued. At least 20 Sunni Muslims who engaged in private religious study remain jailed; their leader, Bahram Saparov, is serving a 15-year term and reportedly has been

severely tortured. Two Jehovah's Witnesses, Mansur Masharipov and Bahram Hemdemov, are known to be in prison for religious activity and reportedly have suffered torture. Turkmen law does not allow a civilian alternative to military service, and six Jehovah's Witness conscientious objectors are known to be detained. In light of these severe violations, USCIRF again finds in 2017 that Turkmenistan merits designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA). The State Department has designated Turkmenistan as a CPC since 2014, most recently in October 2016.

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Continue to designate Turkmenistan as a CPC under IRFA;
- Lift the waiver on taking an action as a consequence of the CPC designation and negotiate a binding agreement with the government of Turkmenistan, under section 405(c) of IRFA, to achieve specific and meaningful reforms, with benchmarks that include major legal reform, an end to police raids, prisoner releases, and greater access to foreign coreligionists; should an agreement not be reached, impose sanctions, as stipulated in IRFA;
- Use targeted tools against specific officials and agencies identified as having participated in or responsible for human rights abuses, including particularly severe violations of religious freedom, such as the "specially designated nationals" list maintained by the Treasury Department's Office of Foreign Asset Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act, and asset freezes under the Global Magnitsky Act;
- Press for at the highest levels and work to secure the immediate release of individuals imprisoned for their peaceful religious activities or religious affiliations and press the Turkmen government to treat prisoners humanely and allow them access to family, human rights monitors, adequate medical care, and lawyers and the ability to practice their faith;
- Ensure that the U.S. Embassy, including at the ambassadorial level, continues to maintain appropriate contacts with human rights activists and religious leaders;
- Encourage the establishment of a regular regional forum for U.S. and Central Asian civil society groups on human rights issues, including freedom of religion or belief;
- Raise concerns about Turkmenistan's record on religious freedom and related human rights in bilateral meetings, such as the Annual Bilateral Consultations, as well as appropriate international fora, including the United Nations and Organization for Security and Cooperation in Europe;
- Encourage the UN Regional Centre for Preventive Diplomacy for Central Asia (UNRCCA) and the OSCE Presence, both based in Ashgabat, to enhance the human rights, including freedom of religion or belief, aspect of their activities;
- Urge the Turkmen government to agree to another visit by the UN Special Rapporteur on freedom of religion or belief, as well as visits from the Special Rapporteurs on independence of the judiciary and on torture, set specific visit dates, and provide the full and necessary conditions for their visits;
- Ensure continued U.S. funding for Radio Azatlyk; and
- Continue to press the Turkmen government to resume the U.S. Peace Corps program.



BACKGROUND

Turkmenistan has an estimated total population of 5.1 million. The Turkmen government does not track religious affiliation; the U.S. government estimates that the country is about 85 percent Sunni Muslim and 9 percent Russian Orthodox. Other smaller religious groups include Shi'a Muslims, Jehovah's Witnesses, Jews, and Evangelical Christians.

Turkmenistan is the most closed country in the former Soviet Union. The country's first president, Saparmurat Niyazov, who died in late 2006, established a quasi-religious personality cult that dominated Turkmenistan's public life. After assuming the presidency in early 2007, President Gurbanguly Berdimuhamedov ordered the release of 11 political prisoners, including the former chief mufti; he also placed certain limits on Niyazov's personality cult, set up two new official human rights commissions, registered 13 minority religious groups, eased police controls on internal travel, and allowed Turkmenistan to become slightly more open to the outside world.

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However, President Berdimuhamedov has not reformed oppressive Turkmen laws, maintains a state structure of repressive control, and has reinstated a pervasive presidential personality cult that as of 2016 includes the required reading of one of his texts in state

schools. A new constitution, signed into law in September 2016, increased presidential terms from five to seven years and dropped the 70-year presidential age limit; in effect, Berdimuhamedov has the legal basis to be president-for-life. The Turkmen government continues its information isolation campaign, including by strictly controlling the Internet and communications; it also harasses and imprisons journalists, including from the U.S.-funded Radio Free Europe/Radio Liberty (RFE/RL). In February 2017, Berdimuhamedov was re-elected with 97 percent of the vote in an election that was widely regarded as unfair by international observers.

The country is adjacent to northern Afghanistan, which is home to around 250,000 Turkmen, some of whom the Turkmen government alleges sympathize with Islamist extremist groups. As a result, the government is concerned about religious extremism spreading into Turkmenistan. In 2016, the Afghan Taliban continued to attack and have reportedly killed at least 27 guards at the Turkmen border.

RELIGIOUS FREEDOM CONDITIONS 2016–2017

Government Control over Religious Activities

Like its predecessor, the new constitution purports to guarantee religious freedom, the separation of religion and state, and equality regardless of religion or belief, but Turkmen law and government practice contradict these guarantees. A new religion law went into effect in April 2016, replacing the 2013 religion law. The new law raised the minimum requirement for groups to register from five to 50 adult citizen founders. It continues the previous law's intrusive registration criteria, prohibition on any activity by unregistered groups, requirement

that the government be informed of all foreign financial support, bans on worship in private homes and private religious education, and prohibition on the wearing of religious garb in public except by clerics. It is illegal for unregistered groups to rent, purchase, or build places of worship, and even registered groups must obtain scarce government permits. Justice Ministry officials can attend any religious event of a registered religious community and ask its members about religious activities. Religious activity is not permitted in prisons or in the military.

The Commission for Work with Religious Organizations (CWRO) and Expert Analysis of Resources with Religious Information, Published and Printed Production, which reports to the Cabinet of Ministers and is headed by Turkmenistan's former chief imam Mekan Akyev, must approve registration applications before they are sent to the Justice Ministry. Other required registration approval entities include the First Deputies of the Foreign Minister, the General Prosecutor, the secret police, the Interior Minister, and the Deputy Head of the State Service for Registering Foreign Citizens. Registration is rarely granted, especially for communities the government dislikes, such as non-Muslim communities led by ethnic Turkmens. Registration denials often have been arbitrary.

According to the Turkmen government, 130 religious communities were registered with the state as of November 2016: 106 Muslim (101 Sunni, five Shi'a), 13 Russian Orthodox, and 11 of other faiths. Some communities have decided not to register due to the onerous and opaque process, while certain Shi'a Muslim groups, the Armenian Apostolic Church, some Protestant groups, and registration applications from Jehovah's Witnesses have faced numerous rejections.

The 2016 religion law requires registered religious communities to modify their governing statutes if state officials deem that necessary. All registered religious communities have been told they must re-register based on a new model statute, but as of early December 2016, the Justice Ministry had not produced a model statute.

In addition to the foregoing, the Turkmen state imposes unwritten conditions for the exercise of freedom of religion or belief, for example by requiring that religious leaders and believers cooperate closely with the secret police.

Punishment for Religious Activities

Unregistered and registered religious groups face frequent raids by secret police, ordinary police (especially from antiterrorism and organized crime units), local officials, and local CWRO officials. The government continues to impose harsh penalties, such as imprisonment, involuntary drug treatment, and torture, for religious activities and human rights advocacy, including for religious freedom. In recent years, Muslims, Protestants, and Jehovah's Witnesses have been detained, fined, imprisoned, or internally exiled

for their religious beliefs or activities. Politically sensitive trials often take place in a "closed regimen" without even the length of the sentence being made public.

Turkmenistan denies the International Com-

mittee of the Red Cross access to the country's prisons, where the United Nations (UN) Committee Against Torture has found that torture and other ill treatment occur. Many religious prisoners are held at Seydi Labor Camp in the Lebap Region desert or at the isolated top-security prison at Ovadan-Depe in the Karakum Desert, north of Ashgabat. A news drought applies to 80 political and religious prisoners, according to the nongovernmental organization coalition known as "Prove They Are Alive." An unknown number of Muslim prisoners of conscience remain jailed. According to the independent Alternative News of Turkmenistan (ANT), about 120 so-called "Wahhabis" were held in a closed section in Ovadan-Depe as of 2014, and cannot receive parcels or visits from relatives. The term "Wahhabi" typically refers to a follower of the strict Saudi interpretation of Sunni Islam, but Central Asian governments apply it to a broader range of Muslims, including political opponents and those who practice Islam independently of government strictures.

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Muslim leader Bahram Saparov is serving a 15-year term in Ovadan-Depe Prison. Saparov, age 34, was sentenced three times, most recently in June 2016, and has been held incommunicado and reportedly severely beaten; he had led a Hanafi Sunni Muslim group in Turkmenabad that held home meetings to study Islam. In a closed mass trial in May 2013, Saparov and about 20 others in his group were convicted of various criminal charges and sentenced to long prison terms, Forum 18 reported. In January 2017, ANT reported that two members of the Saparov group, Lukman Yailanov and Narkuly Baltaev, had died in Ovadan-Depe Prison in the second half of 2016; Baltaev is said to have weighed only 25 kilograms (55 pounds) at the time of his death.

Separately, ANT reported on the cases of Annamurad Atdaev and Yoldash Khodzhamuradov. After Atdaev returned from studying in Egypt, he was repeatedly interrogated by the Ministry of State Security (MNB), apparently under suspicion of being an Islamic radical, before being arrested in September 2016 and convicted in December on a variety of charges, including “inspiring religious, national, and social hatred” and plotting a coup d’état. At the end of the reporting period, he was being held incommunicado in Ovadan-Depe Prison. Apparently fearing a similar fate, Khodzhamuradov hanged himself in December 2016 after being accused of Wahhabism and pressured to inform on fellow Muslims by the MNB.

In February 2017, Radio Azatlyk, the Turkmen service of RFE/RL, reported that approximately 30 of more than 150 persons arrested in late 2016 for connections to the Hizmet movement of exiled Turkish preacher Fethullah Gülen, possibly at the urging of the Turkish government, had been sentenced to prison. Two businessmen, Resul Atageldyev and Dovlet Ataev, received terms of 25 years. In December 2016, many of the Hizmet detainees reportedly had been tortured brutally during interrogations.

In July 2014, police raided Jehovah’s Witness Mansur Masharipov’s home in Dashoguz. They confiscated and later destroyed religious texts, and held

Masharipov in a drug rehabilitation center where he was tortured and injected with unknown drugs and from which he later escaped; after his June 2016 re-arrest, Masharipov was sentenced to one year in prison for allegedly assaulting a police officer, a charge he denies. After hosting a religious meeting, Jehovah’s Witness Bahram Hemdemov received a four-year prison term in May 2015 in Turkmenabad on false charges of inciting religious enmity; reportedly he has been tortured in prison. Jehovah’s Witnesses also have been detained and fined, especially for insisting on their legal rights or for appealing to the UN.

In February 2016, members of Greater Grace Protestant Church were fined for going to the town of Tejen to discuss their faith with others. School officials also reportedly have fired Protestant teachers and publicly bullied Protestant families and pressured them to deny their faith. Secret police warned the pastor of a registered Baptist church in the city of Mary that he should not hold a 2016 children’s summer camp, Forum 18 reported.

Government Interference in Internal Religious Affairs

The Turkmen government interferes in the internal leadership and organizational arrangements of religious communities. Sunni Islam is the only permitted type of Islam, and the Sunni Muftiate (Muslim Spiritual Administration) is under tight government control. The Justice Ministry names the chief mufti and senior muftiate officials, who also function as CWRO officials and thereby oversee the activities of other religious

communities. The muftiate appoints imams, including at the district level, and district imams appoint local mullahs, with all appointments subject to secret police

vetting. Sermons by imams at Friday prayers convey state messages; the Justice Ministry forbids imams from discussing certain topics, and prayers end with a short prayer for the president.

The country’s largest religious minority, the Moscow Patriarchate Russian Orthodox Church (MPROC), has unsuccessfully tried to establish an official diocese in Turkmenistan, Forum 18 reported. In November 2016,

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two foreign-based MPROC hierarchs visited Turkmenistan to discuss this issue. In June 2016, the Turkmen government ordered Father Grigory Bochurov to leave the country; he is a Russian citizen who served four years as the patriarchal deanery secretary and senior priest of Ashgabat's St. Nikolai Church.

Aside from basic education in some mosques and MPROC churches, formal religious education is almost totally banned. Religious groups cannot arrange lectures, courses, or training programs. The sole exception is a small Muslim theological section in the history faculty of Ashgabat's Turkmen State University; this section is authorized to train imams, but the number of students is restricted, foreign staff is banned, and all students need government and secret police approval.

Restrictions on Houses of Worship

The new religion law allows registered religious communities to own property and requires CWRO and local administration approval to build places of worship. In practice, however, religious communities face major difficulties in building or acquiring places of worship.

In April 2016, the Sunni Muslim Aksa Mosque in Ashgabat became the eighth of 14 of that city's mosques destroyed by the Turkmen authorities in recent years. That mosque, built in the early 1990s through local donations, accommodated 100 worshippers; city officials claimed it was demolished because it had been built without permission, according to RFE/RL's Turkmen Service. Most of the recently destroyed mosques have been Sunni Muslim mosques.

The Pentecostal Light of the East Church in Dashoguz, registered in 2005, has not been able to meet for worship since early 2015; it does not own a building, and owners of possible rental sites are not willing to rent space to the community in the face of official threats.

Although the religion law gives religious organizations priority in regaining former places of worship, the Armenian Apostolic Church so far has been unable to regain its former church in Turkmenbashi, confiscated

in the Soviet era and later partially destroyed, despite President Berdimuhamedov's 2012 promise to return and reopen it for worship. In 2015, MPROC Patriarch Kirill complained that his church's requests to recover places of worship confiscated during the Soviet period in Turkmenistan went unanswered.

State Control of Religious Literature

Searches for and confiscations of "illegal" religious literature remain a constant threat. Religious texts cannot be published inside Turkmenistan, and only registered groups can legally import religious literature under tight state censorship. The CWRO must review and stamp approve all religious texts and literature; documents without such a stamp may be confiscated and individuals punished. Although the MPROC publicly can sell religious texts, the CWRO must approve them. Protestant churches have been unable to register a Bible Society to promote and sell Christian scriptures.

State Restrictions on Foreign Religious Travel

The government continues to deny international travel for many citizens, especially those travelling to religious events. Some 110,000 who have dual Russian-Turkmen citizenship, mainly Russian Orthodox, usually can meet coreligionists abroad and also undertake clerical training. Muslims, however, are not allowed to travel

abroad for religious education. In 2014, the last year for which statistics were available, the government allowed 650 Turkmen Muslims to make the pilgrimage to Mecca; this was an increase over the usual 188, but is still less than a seventh of the country's quota. According to Forum 18, Muslims often must wait up to 11 years to reach the top of the hajj waiting list.

Conscientious Objectors

Turkmenistan ignored calls from the Organization for Security and Cooperation in Europe (OSCE) for the new constitution to recognize international human rights guarantees such as conscientious objection. Turkmen law has no civilian alternative to military

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service for conscientious objectors. Reportedly, such a bill was drafted in 2013 but not enacted. Those who refuse to serve in the military can face up to two years of jail. Until 2009, Turkmen citizens received suspended sentences, but now conscientious objectors are imprisoned. In 2016, six conscientious objectors—all Jehovah’s Witnesses—are known to have been sentenced in Turkmenistan: five received two-year suspended prison sentences; the sixth must live at home under restrictions and a fifth of his wages are confiscated. In 2016, the UN Human Rights Committee again issued findings against Turkmenistan on conscientious objection cases.

U.S. POLICY

For over a decade, U.S. policy in Central Asia has been dominated by the Afghan war, with human rights and religious freedom low on the list of regional priorities. The United States has key security and economic interests in Turkmenistan due to its proximity to and shared populations with Afghanistan and Iran, and its huge natural gas supplies. Despite its officially neutral status, Turkmenistan has allowed the Northern Distribution Network to deliver supplies to U.S. and international troops in Afghanistan, as well as the refueling of U.S. flights with nonlethal supplies at the Ashgabat International Airport. During counterterrorism operations, U.S. Special Operations Forces reportedly have been allowed to enter Turkmenistan on a “case-by-case” basis with the Turkmen government’s permission.

In 2016, the State Department hosted the second C5+1 meeting, intended to bring together the foreign ministers of the five Central Asian states and the United States to discuss a wide range of multilateral issues, including respect for basic freedoms. Previously, the C5+1 had issued a pledge to “protect human rights, develop democratic institutions and practices, and strengthen civil society through respect for recognized norms and principles of international law.” Although the C5+1 mechanism provides a regional business forum, it does not include a forum for civil society groups.

Initiated in 2009 by the State Department, the Annual Bilateral Consultations (ABCs) are a regular mechanism for the United States and Turkmenistan to discuss a wide range of bilateral issues, including regional security, economic and trade relations, social and cultural ties, and human rights. The fourth ABC

session was held in Washington, DC, in October 2015, and some concerns about Turkmenistan’s religious freedom record were discussed. No ABC session was held in 2016 due to scheduling conflicts, thereby depriving the United States of a major opportunity to raise human rights issues, including religious freedom concerns.

The United States funds programs in Turkmenistan for cultural exchange, education, and historical preservation, including three American Corners that provide free educational materials and English language opportunities in Dashoguz, Mary, and Turkmenabat. In recent years, the Turkmen government has barred many students from participating in U.S.-funded exchange programs, and in 2013 it ordered the Peace Corps to stop end its 20-year-long history of operations in the country.

In October 2016, the State Department renewed its designation of Turkmenistan as a CPC under IRFA, a designation it first made in 2014. Previously, it had cited the arbitrary detentions of religious minority members, restrictions on the importation of religious literature, the difficulty of registering religious groups, and the lack of alternatives for conscientious objectors to military service as justifying the designation. A waiver of presidential action in “the important national interest of the United States” was again tied to the latest CPC designation.