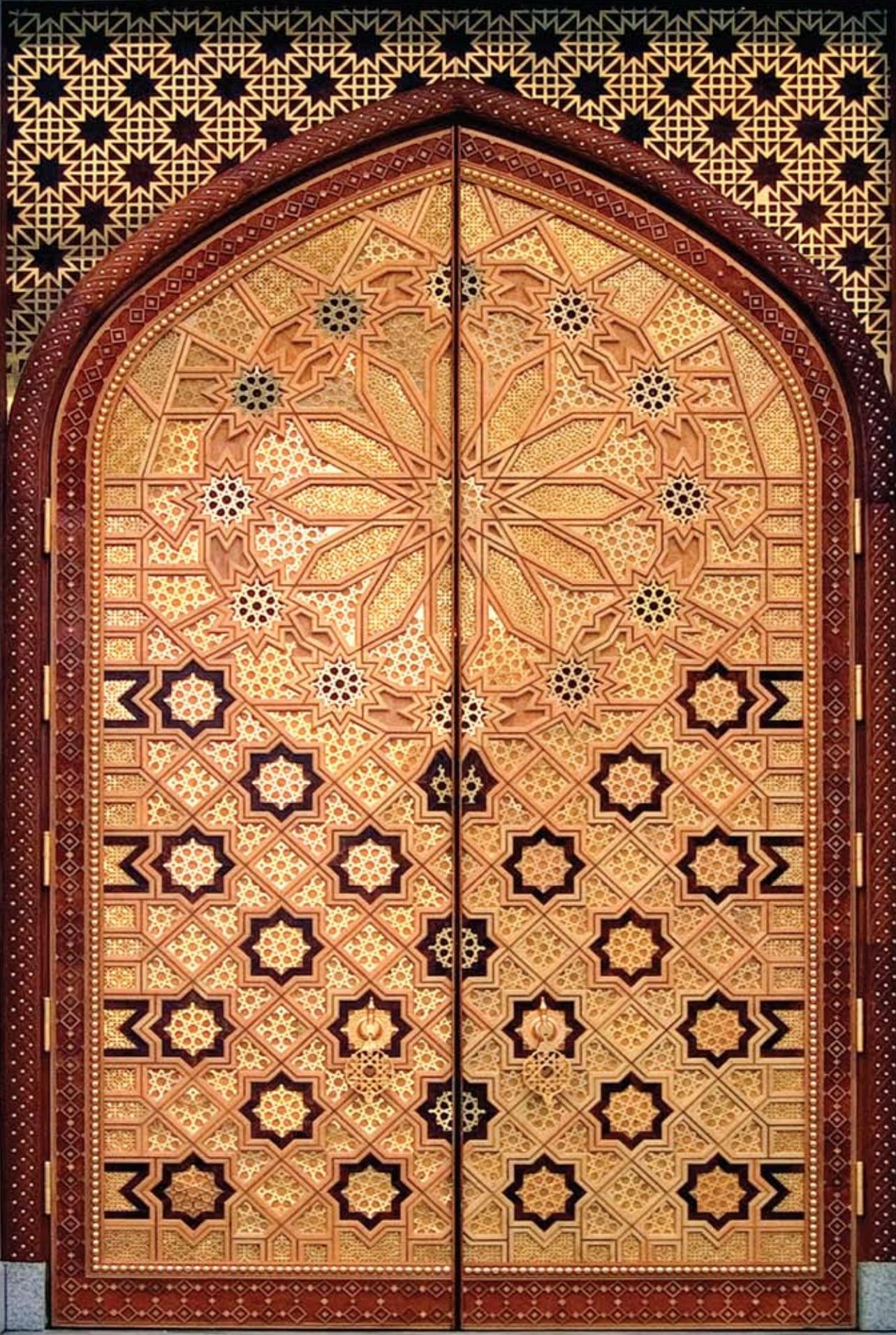




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UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM





Since 2000, the U.S. Commission on International Religious Freedom has raised serious concerns about conditions for freedom of religion or belief in Turkmenistan and has recommended that the country be designated by the Secretary of State as a “country of particular concern,” or CPC, for engaging in systematic, ongoing, and egregious violations of religious freedom and related human rights. Despite the Commission’s repeated recommendation, throughout some of the darkest years of repression in Turkmenistan, the U.S. government has never designated it as a CPC under the International Religious Freedom Act of 1998.

Under the late President Saparmurat Niyazov, who died in December 2006, Turkmenistan was among the most repressive and isolated states in the world. Virtually no independent public activity was allowed and severe government restrictions meant that most religious activity was under strict and often arbitrary state control. The 2003 law on religion further codified the country’s highly repressive policies, in effect banning most religious activity, despite legal amendments promulgated in 2004 to relax registration requirements. Registration for many religious groups remained difficult, and any activities by unregistered groups were deemed “illegal.” Moreover, the law set severe penalties for those found guilty of participating in so-called “illegal” religious activity.

In addition, Turkmenistan’s public life was dominated by President Niyazov’s quasi-religious personality cult, including, most notoriously, the president’s two-volume work of “spiritual thoughts” known as the *Ruhnama*. The *Ruhnama* was employed by the government to play a preeminent role at various levels of the country’s educational system, displacing some—and in some areas, most—academic subjects. What is more, the government under President Niyazov required that the *Ruhnama* be given equal prominence to the Koran and the Bible in mosques and churches.

President Niyazov was succeeded by Gurbanguly Berdimuhamedov, who moved to implement educational reforms and also promised reforms in a variety of other sectors. Despite the flaws accompanying his orchestrated

presidential election, and while no changes have been made to the country’s oppressive laws, he nonetheless has initiated some limited positive steps relevant to religious freedom and other human rights. These include the release in August 2007 of 11 political prisoners, some decline in President Niyazov’s oppressive personality cult, the formation of two new official commissions relevant to human rights concerns, and an expressed willingness to consider reform of the country’s religion law. Despite these achievements, however, the system of oppressive laws and practices that have led to severe violations of human rights, including freedom of religion or belief,

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remain in place. In addition, the overall repressive atmosphere that characterized public life in Turkmenistan under President Niyazov remains largely unchanged. As Human Rights Watch noted in February 2008, “although the Turkmen government of President Berdimuhamedov has begun to reverse some of the most ruinous social policies and the cult of personality that characterized Niazov’s rule, it remains one of the most repressive and authoritarian in the world.”

In order to examine religious freedom and related human rights concerns in Turkmenistan and in light of the new government's statements and actions, the Commission traveled to Turkmenistan in August 2007. The Commission delegation visited Turkmenistan in part to ascertain the measures taken to address religious freedom problems, including whether the new Turkmen government will in fact adopt reforms leading to major improvements in protections for human rights, including freedom of religion or belief, and whether further democratizing reforms will be undertaken in the near future. The late President Niyazov had severely isolated Turkmenistan, limiting both foreign visitors to the country and the number of Turkmen citizens allowed to travel abroad. The new government, in contrast, has re-opened the country to many official visitors from other countries, including high-ranking representatives from the UN and the Organization for Security and Cooperation in Europe (OSCE) responsible for human rights.

The Commission delegation met with President Berdimuhamedov and the Ministers of Foreign Affairs, Justice, Education, Culture, and Internal Affairs, as well as representatives of the Council on Religious Affairs (CRA), the Institute on Democracy and Human Rights, and the head of the parliamentary human rights committee. The delegation also held meetings with the representatives of a variety of religious communities and several civil society organizations, and took part in a public meeting with the country's former chief mufti, Nasrullah ibn Ibadullah, who had been released from prison in August, shortly before the Commission visit. In addition, the delegation met with OSCE representatives, the Papal Nuncio, and ambassadors from several western countries.

The Commission raised a number of key concerns with Turkmen government officials. Among these issues were the 2003 law on religion, particularly those articles that violate international norms pertaining to freedom of religion or belief; the state-imposed ideology, particularly that of the personality cult, that infringes upon or severely diminishes the practice of freedom of religion or belief and related freedoms of association, movement, expression, and the press; intrusive and onerous registration procedures that hinder the registration of peaceful religious communities; administrative fines on and imprisonment of leaders or members of peaceful unregistered religious communities whose activities are deemed "illegal"; obstacles to the purchase or rental of land or buildings



Commission Chair Cromartie with former Chief Mufti Nasrullah ibn Ibadullah.

to be used as houses of worship or for meeting purposes; onerous impediments to the use of private homes and public halls in residential areas for worship services; and a legal ban on the importation and printing of religious and other material.

Findings

It is still too early to determine whether any of the government's statements or actions will have a substantial impact on the legal structure or actual enjoyment of freedom of religion or belief in Turkmenistan. However, in light of persistent, serious problems, the Commission concludes that its recommendation that Turkmenistan be designated a CPC should not be rescinded at the present time. The Commission acknowledges the positive steps undertaken by the government of President Berdimuhamedov, and encourages the new government to implement reforms to bring Turkmenistan's laws, policies, and practices into accordance with international human rights norms. At the very least, these steps should include reform of the religion law and the removal of any state-imposed ideology from the religious practice of Turkmenistan's citizens.

General Conditions for Freedom of Religion or Belief

- Most Turkmen government officials, including President Berdimuhamedov, were willing to discuss the various issues raised by the Commission, including the possibility of amending laws relevant to freedom of religion or belief. In addition, President Berdimuhamedov has taken some steps to diminish the oppressive personality cult of the former president, and has formed two new

official commissions relevant to human rights concerns (discussed below).

- The 11 political prisoners released by President Berdimuhamedov following the recommendation of a new official commission to examine citizens' petitions on the work of law enforcement bodies, included the country's former chief mufti, Nasrullah ibn Ibadullah, who had been sentenced in a secret trial on unsubstantiated charges of involvement in an alleged coup attempt. The Commission delegation took part in a meeting with Ibadullah, whose imprisonment the Commission had long protested. With the exception of Ibadullah, it remains unclear whether other released prisoners have had their full civil and political rights restored.
- President Berdimuhamedov and other officials also told the Commission that the Turkmen government is considering the adoption of certain legal reforms relevant to human rights, including religious freedom. In August 2007, during the Commission's visit to Turkmenistan, President Berdimuhamedov announced the formation of a new commission to examine how Turkmenistan's legislation conforms to international human rights commitments and by early 2008, the Turkmen government reportedly had initiated this process.
- Significant religious freedom problems and official harassment continue and, at least in some regions, certain religious freedom conditions may be deteriorating:
 - Religious practice continues to be fully controlled by the state, including severe limitations on religious instruction even for the two largest religious communities, Sunni Muslims and Orthodox Christians.
 - The repressive 2003 religion law remains in force, giving rise to, among other problems, serious difficulties for the legal functioning of minority religious groups.
 - Despite an apparent decreased emphasis on the forcible state promotion of former President Niyazov's spiritual writings, or *Ruhnama*, the book continues to be present in mosques, all of which are tightly controlled by the state.
 - Police raids on and other forms of harassment of registered and unregistered religious groups increased, particularly on the local level, during the first six months of 2007, though they have declined somewhat since then.

- The absence of a law providing genuine alternatives to military service has resulted in prison sentences for the members of certain minority religious communities.
- The government prevents unregistered churches from buying or renting property, and there is official pressure on homeowners to prevent unsanctioned meetings for worship.

Legal Reforms and Registration

- During the Commission's visit, Turkmen government officials referred to a 2004 presidential decree lowering the requirement for the number of persons belonging to a religious community to qualify for its legal registration from 500 persons to five. The government told the Commission that there are only two religious communities with pending registration requests; since the Commission visit to Turkmenistan, two other religious groups were registered. With regard to other ongoing problems for members of registered religious minority communities, Turkmenistan officials told the Commission delegation that they were prepared to hold a second conference with members of registered religious communities to discuss outstanding issues.

The Commission acknowledges the positive steps undertaken by the government of President Berdimuhamedov, and encourages the new government to implement reforms to bring Turkmenistan's laws, policies, and practices into accordance with international human rights norms. At the very least, these steps should include reform of the religion law and the removal of any state-imposed ideology from the religious practice of Turkmenistan's citizens.

- Nevertheless, the 2003 religion law remains highly problematic and some of its provisions continue to violate international standards with regard to freedom of religion or belief, including the requirement that religious groups must be registered in order for their activities to be legal; the fact that the government must be informed of all financial support received from abroad; the strict government control of, and limitations on, people's ability to gather for worship; the ban on the public wearing of religious garb except by religious leaders; and the severe restrictions on religious education.
- There continue to be significant problems in gaining legal registration in Turkmenistan. Local and regional governments sometimes do not recognize a religious group or organization even if the group is registered at the national level. Because of the intrusive requirements and the ongoing harassment of registered communities, several religious groups are not currently seeking registration, thereby increasing the likelihood of official interference in the ability of those groups to function.
- Obtaining worship space is difficult for most, if not all, communities. For unregistered groups it is virtually impossible, as it is illegal for them to rent or buy worship space. Worship in private homes, even for members of registered groups, is strictly limited to nuclear families; security officials routinely break up religious meetings in private homes and search homes without warrants.
- Turkmenistan's legal code lacks a genuine civilian alternative to compulsory military service. Article 219, Part 1 of the Criminal Code punishes refusal to serve in the armed forces with a maximum penalty of two years' imprisonment. By early 2008, six members of the Jehovah's Witnesses had been sentenced to jail under this article, though all ultimately were given suspended sentences.
- There continue to be restrictions on freedom of movement on account of religion. For example, the Turkmen authorities continue to place severe limits on the number of Muslims permitted to perform the *hajj*. Moreover, despite official protestations to the contrary, the Turkmen government still appears to have a secret "black list" of individuals who are denied permission to leave the country, although one such case, involving family reunification of an unregistered Baptist from the city of Dashoguz (often spelled Tashauz) and a U.S. citizen, was resolved in July 2007. Representatives of various religious minority communities told the Commission delegation that they are not allowed to travel overseas, including for religious education not permitted inside the country, and their co-religionists are also often denied permission to enter Turkmenistan.

Other Religious Freedom Concerns

- Various minority religious communities, both registered and unregistered, continue to face official harassment, particularly outside the capital city of Ashgabat. These problems include police raids, detentions, and threats by police and other security services, as well as demands for payment of onerous fines, some of which were levied by courts years ago. Religious literature is also routinely confiscated.
- The printing and import of religious literature continues to be rigorously controlled and limited by the government, and customs agents still confiscate religious materials. Even the import of literature that is technically legal is reportedly extremely difficult in practice. Representatives of almost all registered religious minority communities reported a severe shortage of religious literature.
- There are some, though contradictory, indications that the new government has decreased official emphasis on President Niyazov's all-pervasive personality cult and the *Ruhnama*. For example, President Berdimuhamedov has made attempts to curtail the imposition of the sworn oath of loyalty to President Niyazov. Although the *Ruhnama* continues to be part of the school curriculum, government officials told the Commission that they have significantly decreased the time devoted to its study. Reportedly, new textbooks have been printed with greater focus on conventional subjects, although other reports indicate that not enough time has passed to implement significant changes to the actual texts and that in fact, only the presidential photographs have been updated.
- Nevertheless, the Turkmen government is still promoting the *Ruhnama* in religious affairs and as a mandatory aspect feature of public education. The *Ruhnama* remains a required subject of school exams, and in September 2007, the government sponsored an international conference devoted to the text. Moreover, also in

September, President Berdimuhamedov told a U.S. audience at Columbia University that “I want to emphasize this—the book [*Ruhnama*] will be mandatory teaching in all educational institutions, from kindergarten through college. Why? Because it contains a lot of wisdom related to our heritage.”

- The *Ruhnama* is still widely found in mosques; in the Niyazov Memorial Mosque, the country’s largest mosque located in the village of Gipchak just outside Ashgabat, virtually all of the inscriptions carved on the walls are from the *Ruhnama*.

General Conditions for Freedom of Religion or Belief

Turkmenistan under President Niyazov

President Niyazov’s pervasive authoritarian rule and escalating personality cult effectively prevented any opposition or independent religious activity within the country. While President Niyazov’s government had made small adjustments to the laws that closely regulate religious practice, these changes had over the years done little to alter in practice the country’s generally repressive policies.

A 2003 law on religion further codified the Turkmen government’s highly repressive policies, effectively banning most religious activity and setting criminal penalties for those found guilty of participating in “illegal” religious activity. The law also required religious groups to coordinate with the Turkmen government any contacts with co-religionists abroad. In response to international pressure, President Niyazov issued a decree in March 2004 stating that religious communities may register “in the prescribed manner,” and reduced the registration requirement from 500 members to five. In May 2004, President Niyazov issued several decrees decriminalizing unregistered religious activities and easing other requirements for registration, resulting in the registration of nine small groups, in addition to the majority Sunni Muslims and the Russian Orthodox Church. These amendments, however, did not substantially change the overall highly repressive environment in Turkmenistan; in fact, some reports indicate that the new, ostensibly eased registration requirements were used as a method of more effective state control over religious communities, not least because they afforded officials the legal right to know what occurs at every meeting of a religious group. In any case, religious groups that did

not meet the often arbitrary registration rules still faced administrative penalties, including imprisonment and large fines due to their unregistered status.

President Niyazov’s personality cult, bolstered by the forceful official promotion of the *Ruhnama*, was comparable to a state-imposed religion. Students were required to study the *Ruhnama* extensively at all public schools and institutes of higher learning, and Niyazov insisted that the *Ruhnama* supersede other religious and historical texts. Reports indicate that mullahs in Turkmenistan were told to stop reading the Koran in mosques and restrict themselves to the *Ruhnama*, which also was required in mosques and churches alongside the Koran and the Bible.

Changes under the New President

After his highly orchestrated electoral win in February 2007, President Berdimuhamedov moved to implement educational reforms and also promised reforms in the agricultural, health, and other social sectors. He has also expanded Internet access and promised to allow more international contacts; indeed, his first official action was to order the opening of 15 Internet cafes in various cities, although access fees are high, politically sensitive sites are blocked, and copies of the *Ruhnama* are reportedly displayed. In the president’s first decree, aimed at the educational system that President Niyazov had done much to destroy, secondary schooling was increased from nine to 10 years and higher education from two to five years; the new president also promised to facilitate access for Turkmen citizens to universities and institutes in other countries. In March 2007, the Turkmen president signed an educational reform decree that recognized foreign diplomas and initiated reform of the high school curriculum. Reportedly, 23,000 teachers have returned to work at increased wages, and the Commission delegation was informed that the country’s new leader has told U.S. diplomats that he wants more international exchange programs. Police and street controls on travel inside Turkmenistan have also been eased.

The new leadership has also begun to distance itself from President Niyazov’s personality cult. For example, President Berdimuhamedov has made some initial attempts to alter the imposition of the sworn oath of loyalty to President Niyazov, calling for assigning a specific time and place when the oath should be made and suggesting that it should be restricted to special occasions. In March 2007, Berdimuhamedov proposed a new law on



Commissioners at a celebratory (*sadaka*) lunch to mark the release of former Chief Mufti Nasrullah ibn Ibadullah from prison.

loyalty oath procedures and regulations, enabling people to swear an oath on a book other than the *Ruhnama*, and signed a decree ordering that President Niyazov's name be replaced by the words "Turkmen president" on the presidential banner. In January 2008, Berdimuhamedov issued an order that the national holiday on February 19, Niyazov's birthday, which previously had been celebrated in conjunction with Flag Day, would henceforth mark only Flag Day. On the other hand, while new primary, secondary, and university textbooks were printed in the past year, reports indicate that the only perceived change was in the pictures: the new president's photographs replaced those of President Niyazov.

President Berdimuhamedov acknowledged to the Commission that his country "may have some shortcomings on religion and other issues" but that he hoped that the Commission delegation could help to improve the situation. Shirin Akhmedova, director of the Presidential Institute on Democracy and Human Rights, told the Commission that "the government of Turkmenistan is looking forward to working more closely with the international community."

In August 2007, on the last day of the Commission's visit to Turkmenistan, President Berdimuhamedov announced the formation of a new commission to examine how Turkmenistan's laws conform to its international human rights commitments, thus indicating a possible willingness to consider reform of the country's repressive laws on human rights, including freedom of religion

or belief. The commission held its inaugural session in September, when it formally adopted a new draft national program on human rights and approved a human rights project in conjunction with the European Union and with UN refugee and development agencies. The commission also reportedly reviewed existing Turkmen human rights-related laws in an effort to ensure greater conformity with international human-rights standards and norms.

The Release of the Former Chief Mufti

In February 2007, President Berdimuhamedov ordered the establishment of a government commission, led by the Chairman of the Supreme Court, to examine citizens' petitions on the work of law enforcement bodies, though neither its membership nor procedures were specified. By establishing this commission, the new president continued a previous tradition of allowing citizens, however theoretically, to petition the president. With the new commission, however, the president indicated that government agencies, rather than the office of the president, should address the petitions. Reportedly, this governmental commission has received thousands of petitions from Turkmen citizens, including from the family of the former chief mufti, on such issues as police abuse, allegations of bribery, and unjustified arrests and prosecutions.

Some observers have suggested, however, that the actual role of the commission is to test the political loyalty and effectiveness of the various government agencies to which citizens' petitions are sent. For example, in July

2007, the president fired and later arrested the Chairman of the Supreme Court, allegedly in part due to his failure to ensure that cases originating from the commission had been properly reviewed. In October, the president dismissed the Minister of Internal Affairs, reportedly because of an alleged doubling of cases involving ministry corruption and abuse under review by the commission. By late 2007, the State Department reported, the commission had examined only three cases that led to further review by the Supreme Court and reductions in sentences.

In August 2007, the president acted on the new commission's significant first decision, which was to pardon and release from prison 11 prisoners of conscience, including the country's former chief mufti, Nasrullah ibn Ibadullah, who had been serving a 22-year prison term handed down during a closed trial in 2004. Ibadullah, who opposed President Niyazov's decree that the *Ruhnama* be displayed next to the Koran in the country's mosques, was officially charged with treason for an alleged role in a 2002 coup attempt against President Niyazov. However, the presidential pardon ordering the release of the 11 prisoners stated that the convicts had expressed "sincere repentance...for the acts committed by them," implying that the 11 former prisoners had committed actual crimes, although neither their supposed crimes nor the nature of their trials had been specified.

Ibadullah was allowed to resume work with the official Council of Religious Affairs, no longer as a deputy chairman but as a senior adviser. Other former political prisoners, however, including those imprisoned for alleged religious offenses, as well as three Jehovah's Witnesses who were given suspended sentences in July 2007 for their refusal to serve in the military, were not eligible for employment. Under Turkmenistan's laws, such cases require the restoration of a former prisoner's civil and political rights, or "rehabilitation," and not just pardon by the government.

Legal Structures, Registration, and the Fundamentals of Religious Practice

Religious affairs are technically governed by the Council on Religious Affairs (CRA), whose members are appointed by the government and report to the president. Membership includes representatives of the Sunni Muslim community and the Russian Orthodox Church, as well as government officials, but includes no representatives of

other minority religious groups. Although the CRA is supposed to act as an intermediary between the government bureaucracy and registered religious organizations, it acts essentially as an arm of the state. The CRA controls the hiring, promotion, and firing of Sunni Muslim and Russian Orthodox clergy, who are required to report regularly to the CRA. It also examines and controls all religious publications and activities.

Since Turkmenistan gained independence in 1991, religious groups have been required to register with the government in order to engage in any religious activities. The 1997 version of the country's religion law effectively banned all religious groups except the state-controlled Sunni Muslim Board and the Russian Orthodox Church, though religious instruction even for these two communities remained severely limited. Despite decrees issued in 2004 easing registration requirements, obtaining registration continued—and continues—to be a serious problem for many religious groups, a problem compounded by the penalties levied on unregistered groups that are accused of engaging in "illegal" religious activities. In May 2004, President Niyazov issued several decrees decriminalizing unregistered religious activities. However, representatives of various minority religious communities told the Commission that they faced continuing official harassment, particularly outside the capital Ashgabat, regardless of whether they are registered or unregistered. These problems included police raids and threats by police and other security services, as well as demands for payment of onerous fines, some of which were levied by courts years ago (see below).

The new version of the religion law, promulgated in 2003, remains highly problematic and some of its provisions continue to violate international standards with regard to freedom of religion or belief. These problems include: intrusive registration criteria; the requirement that the government be informed of all financial support received from abroad; a ban on worship in private homes for unregistered groups and the public wearing of religious garb except by religious leaders; and severe and discriminatory restrictions on religious education. The Turkmen government has also interfered in internal leadership issues and organizational arrangements of religious communities. Under President Niyazov, the Turkmen government had pressured the local Church to take Turkmenistan's parishes outside of the jurisdiction of the

Central Asian diocese in Uzbekistan and put them under the Patriarch of Moscow, which in July 2005 rejected this proposal, although the proposal was accepted two years later. President Berdimuhamedov told the Commission in August 2007 that he believed that the Russian Orthodox

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Church (ROC) in Turkmenistan should be under the jurisdiction of the Moscow Patriarchate. In October 2007, the ROC Holy Synod in Moscow placed Turkmenistan’s ROC parishes under the Moscow Patriarchate’s jurisdiction, removing it from the Central Asian diocese in Tashkent. According to the news agency Forum 18, the official reason for this decision was “to ease pastoral oversight” over the 12 isolated parishes and the ROC convent in Ashgabat.

President Berdimuhamedov’s establishment of a new commission to examine how Turkmenistan’s legislation conforms to international human rights commitments may be a sign that legal changes to improve religious freedom and other human rights protections are being considered. It remains, however, too early to determine whether this commission will result in any substantive changes in Turkmenistan. During the Commission’s meeting with Turkmen Foreign Minister Rashit Meredov, he indicated his hope that “cooperation could emerge from collaboration in other areas...to work together to improve existing legislation” in connection with U.S. assistance on exchange and training programs.

In February 2008, the news agency Forum 18 reported that Shirin Akhmedova, the director of the Presidential Institute on Democracy and Human Rights, pledged that

the process of amending the religion law would be “transparent” and would involve “international experts.” However, she did not provide a time table for the bill or clarify what sections of the law might be amended. Akhmedova also noted that Turkmen citizens could also present their suggestions for legal amendments to the religion law. Although the religious freedom experts at the Organization for Security and Cooperation in Europe (OSCE) have not yet been invited to take part in this process, after five years of requests the UN Special Rapporteur on Freedom of Religion or Belief finally received an official invitation to visit Turkmenistan in 2008.

Registration

For many years, as a result of the 1997 law on religion, only two religious communities were legally registered in Turkmenistan: Sunni Muslims and the Russian Orthodox Church. That law made it all but impossible for other religious groups to register and thus function legally. In March 2004, in response to international pressure, President Niyazov issued a decree stating that religious communities may register “in the prescribed manner,” reduced the registration requirement from 500 members to five, and eased other requirements for registration. The result was the registration of nine small groups, in addition to the Sunni Muslims and the Russian Orthodox Church.

Since the 2004 decree, however, registration has been used as a method of more effective state control over religious communities, as it affords officials the legal right to know what occurs at every meeting of a religious group. Participants in religious meetings who refuse to provide details about their gatherings risk having their communities charged with violating registration requirements. Moreover, religious groups that do not meet the often arbitrary registration rules still face administrative penalties that may include imprisonment and/or large fines due to their unregistered status.

In spite of the difficulties, other religious groups, including various religious minority communities have gained registration since the 2004 decree, including groups of Adventists, Baptists, Baha’is, and Hare Krishnas. Turkmenistan’s small community of Shi’a Muslims, most of whom are members of ethnic minorities, remains unregistered, but reportedly many of its congregations are allowed to function. The country’s small Roman Catholic community also remains unregistered, due to the legal re-

quirement that a religious community be headed by a citizen of Turkmenistan. The Catholics in Ashgabat, however, are permitted to meet for worship services in the chapel of the Vatican Nunciature. Turkmenistan's Jewish community, estimated by the State Department to number 1,000, are mostly ethnic Russians who came to Turkmenistan after World War II. Although the Jewish community is allowed to meet for religious observances, it has decided not to seek registration.

Akhmedova told the Commission that there were 120 religious organizations currently registered in Turkmenistan. Other government officials claimed that many steps had been taken to ease registration, referring to the 2004 presidential decree that lowered the numerical threshold to qualify for registration as a religious group. Foreign Minister Meredov said that some of these steps were in response to concerns raised by the U.S. government. Meredov also claimed that at present, all organizations wanting to register had done so. He denied that there were obstacles to gaining registration and claimed that those who wish to register need only apply. Turkmenistan's Ministry of Justice is currently reviewing four such applications, Meredov said, though some had been returned to applicants to "improve compliance with Turkmen law." After the Commission visit, two small minority Protestant communities outside Ashgabat were registered, one in the city of Turkmenabat and another in the city of Turkmenbashi.

Akhmedova explained to the delegation how the registration process should work. The CRA advises the government on registration, while the Justice Ministry manages the actual registration process. All applications are reviewed by an intergovernmental commission that includes representatives from the Ministries of Justice and Internal Affairs, as well as the Security Service. The review process typically takes one month, but can take up to three months. Groups denied registration will, Akhmedova claimed, receive a written notice and explanation for the decision. If the flaws in the application are corrected, the applicants may re-apply.

As for other issues affecting registered religious minority communities, Turkmen government officials told the Commission that they were willing to hold a follow-up to the October 2005 roundtable discussion between the government and members of various religious communities to address other problems.

Continuing Registration Problems

According to the representatives of a number of minority religious groups, there continue to be significant problems in obtaining registration in Turkmenistan. According to the State Department, some groups reported confusion over registration requirements because of conflicting statements by government officials from different ministries. The Commission was told that despite a surge in the registration of religious groups in 2004, that process has slowed. In addition, local and regional governments sometimes do not recognize a religious group or organization even if it is registered at the national level. Moreover,



Minarets of the Niyazov Memorial Mosque, inscribed with *Ruhnama* citations.

it is reportedly more difficult for ethnic Turkmen or Uzbeks than for Russians to register as members of a Christian denomination; Turkmen officials did not respond to the Commission delegation's requests for information about these reports.

In some instances, these groups said, the CRA may not find problems with a registration application, but the Justice Ministry may oppose that application on what were reported as questionable grounds. It was also reported that the Justice Ministry has taken upon itself to advise several smaller unregistered groups to combine with other, currently registered communities, without giving any consideration to possible doctrinal differences or some groups' need for organizational autonomy. One group was told by the CRA that all prior decisions denying their registration applications "were correct," without any further information. One church leader said that his group has been trying to register for two years, but that the government would not acknowledge the group's efforts.

The leader of another registered Protestant church described the difficult branch registration procedure his group experienced. The church was required to meet seven registration criteria, and despite providing that information and being assured that nothing further was needed, the government still had not given registration approval. In many cases, he noted, the government will not even acknowledge that religious communities have branches in other cities. The Hare Krishna Society was informed by the government in the past year that it is authorized to open a branch; however, the government had told members of that community previously that it would begin to register other branches, and thus far there had been no progress in that regard. The Baha'is also submitted the necessary documents, but had been told by the government that there is "no legislation on branch registration."

Yet when the Commission raised the issue of registration, particularly that of local branches, during a meeting at the Justice Ministry, Serdar Valiyev, Director of the Registration Department, said that a registered organization automatically receives legal status when it is entered in the main national register. Branch organizations are not subject to these requirements, as they are regulated by the main organization. To register a branch, he claimed, the main organization need only present information regarding the branch to the Ministry of Justice. However, this was clearly not the experience that various religious groups in Turkmenistan described to the Commission

delegation.

People from historically Muslim ethnic groups who want to register Christian churches are more often denied registration than communities comprised largely of individuals of Slavic origin. The Commission was informed that in some cases, local and national government officials have told such church members that they "cannot be Christians because they are ethnic Turkmen." Because officials refuse to issue registration denials in writing, the groups in question have not been able to identify the official or officials responsible for these refusals. In one case, the members of a church were told repeatedly that their church would never be registered because they are Turkmen and "Turkmen are supposed to be Muslim." Justice Ministry officials also suggested that they remove certain articles from the church charter documents in order to gain registration. In this case, in addition to trying to change the substance of the church's charter, officials also reportedly used spurious clerical errors as the basis for denying the registration application.

Finally, the Commission was told that the Turkmen government may try to convince prospective congregants that they should not join minority religious communities. Often officials claim that religious minority groups are "cults." The Turkmen government has also told several churches that it is not their role to assist the poor, drug addicts, and others.

Practical Effects of Registration

The Turkmen government reportedly actively solicited new religious groups to register in the period 2004 - 2005, and several groups were easily and rapidly registered at that time. Once those religious communities were registered, however, state officials began to subject the groups' charters to strict review. Thus, some representatives of Turkmenistan's religious minority community believe that the Turkmen government undertook registration mainly due to pressure from the United States and OSCE and that the Turkmen government still did not truly recognize them. Indeed, despite their registered status, a member of a religious minority group told the Commission that in many instances, the group still needed permission from the city of Ashgabat's CRA in order to undertake routine activities, such as seeking to increase its membership.

The situation for religious minorities is particularly difficult outside the capital, where some groups continue to face onerous administrative documentation burdens.

According to the leader of a registered religious minority community, “the fact that we are registered did not help in any way...there is no freedom, just pressure from the government. And there is certainly no freedom outside Ashgabat.” Some registered groups told the Commission delegation that they believed that registration has become a method to expose their members to possible official discrimination or harassment and actually worsened the situation. On the other hand, several leaders of registered religious minority communities told the delegation that in Ashgabat, they are free to meet for worship.

Members of various registered religious minority communities told the Commission what Turkmen officials had claimed would be the benefits of registration. For example, the Adventist church was informed that the government would not demolish its churches (one had been demolished by the authorities in 1999—see below) and the community would have access to worship space. The government kept its promise to the Hare Krishnas that once they were registered there would be no further arrests of their members. On the other hand, the CRA also promised that members of registered communities could meet for worship in private homes, but Turkmenistan’s religion law allows home worship only for members of nuclear families. Religious adherents who ignore these legal prohibitions on home worship may be subject to various penalties, ranging from official warnings to job loss, police raids, and/or detention.

Despite their illegal status under Turkmen law, several religious minority communities have decided that registration either violates their freedom of conscience or does not entail enough benefits to justify the intrusive government requirements and procedures. One leader of an unregistered community told the Commission delegation that Turkmenistan’s religion law is “only paper and has no operative meaning” and that “even registered churches enjoy only limited religious freedom.” Another unregistered religious leader said that he had asked state officials about the practical benefits of registration and they had refused to answer him. Faced with this lack of information, he had decided against applying for registration.

There are, however, numerous negative consequences for those groups that decide to forego registration. For example, the leader of one unregistered group told the Commission that his group’s illegal status “keeps potential congregants away.” He also observed that lack of registration limits his group’s ability to practice its religion fully,

as well as to organize charitable assistance programs.

Worship Space

In Turkmenistan, obtaining worship space is difficult for most religious communities. For unregistered groups, it is virtually impossible, as it is illegal for them to rent or buy worship space. Worship in private homes is limited to members of nuclear families who belong to registered religious communities, although Turkmen officials have told the State Department that worship in private homes is allowed as long as neighbors do not object. Nevertheless, security police reportedly break up religious meetings in private homes and search homes without warrants. The leader of one registered Christian community told the Commission that after his group was registered, he could no longer invite friends and family to worship, even in his own apartment, as his group was told by the government that private worship must be limited to husband and wife and children and could not include adult parents and siblings.

The government has forced some groups to write letters stating that they will not gather for worship until they are registered. Indeed, Turkmen officials have stated that the eased registration requirements that Niyazov promulgated in 2004 do not mean that religious adherents will no longer be required to request official permission before holding worship services. One leader of a registered Pentecostal church told the Commission that his home in Ashgabat had been confiscated by the government several years ago because he had allowed unsanctioned worship services to be held there. Despite years of efforts, the church leader has been unsuccessful in efforts to have the building—his personal property—returned to him. Nevertheless, five registered minority religious communities have managed to establish public places of worship, three of which were rented and two of which were in the private homes of community members.

President Niyazov had refused to allow the Russian Orthodox community to build a new cathedral in the capital of Ashgabat, though he had allocated land for that purpose 10 years ago. According to Forum 18, final construction work on the community-funded convent next to St. Nicholas’ Church in Ashgabat was halted in late 2005, after President Niyazov reportedly warned Orthodox clergy privately that if construction went ahead he would order demolition of all the country’s Orthodox churches. The Commission was told that construction of the Russian



Foreign Minister Rashit Meredov with Commissioners Argue and Eid.

Orthodox cathedral was now proceeding, albeit slowly, due to the need to design the building to withstand earthquakes. President Berdimuhamedov told the Commission that the Turkmen government recently had granted land to build a new church in Ashgabat.

Under President Niyazov, the Turkmen government had a history of closing, confiscating, or destroying houses of worship. Appropriate compensation has never been made to the various religious communities affected by this practice, nor is there any complaint process or new law providing compensation. For example, in 2000, two unregistered mosques were bulldozed by the authorities and in 2003 the Abu Bekir mosque in Ashgabat was closed. In March 2004, President Niyazov proclaimed that no new mosques should be built anywhere in the country; seven mosques are reported to have been destroyed in that year. In addition, according to the State Department, the government refuses to allow the final construction of three Shi'a mosques, two near Ashgabat and one in Turkmenbashi. In July 2005, a Sunni "family" mosque in Turkmenbashi was demolished, and in 2006, two Shi'a mosques were razed.

In 1999, two Hare Krishna shrines near the city of Mary were torn down by Turkmen authorities; the Seventh-Day Adventist Church in Ashgabat was bulldozed that same year. Baptist and Pentecostal churches were confiscated in 2001. In 2005, the historic Armenian Apostolic Church in the city of Turkmenbashi was partially demolished by local officials and sealed off; that community has neither received compensation for the partial destruction nor has the church been returned to it. A court ruling in 2006 denied compensation to the Seventh Day

Adventist community for the government's destruction of its church.

While under the new government, there have been no reports of the destruction of any houses of worship by the Turkmen authorities, no measures have been taken to redress the claims of those religious and other communities whose property was destroyed under the Niyazov government. Some new construction is underway, however. In March 2007, the parliament voted funds to finish construction of a mosque in the city of Mary and in October, and the governor of the Dashoguz region announced a tender for construction of a large new mosque.

Religious Literature

The publication of religious literature inside Turkmenistan is banned by decree, resulting in a severe shortage of such literature, which also is rarely available for purchase. An additional difficulty is the government's legal requirement that the CRA must approve the content of all religious literature and the fact that there are no representatives of religious minorities on the CRA.

By law, only registered religious communities are permitted to import religious literature, on a limited basis, depending on the number of people in a given house of worship. The local CRA frequently confiscates literature and even photocopies it. In some cases, the CRA allegedly has required that adherents make a written apology for the possession or import of such material. According to the members of the religious minority communities with whom the Commission met, despite limited legal provisions to the contrary, they are denied official permission to import religious literature. In any case, they said, the experts at the CRA who are required by law to examine such literature are, at best, informed only about Islam and Russian Orthodoxy. Moreover, religious literature is often confiscated before it can be submitted for official examination. On a positive note, however, one leader of a registered religious community told the Commission of some improvements under President Berdimuhamedov; for example, one may now receive some religious material, though it cannot be shared with others. In addition, the State Department reported that, unlike in previous years, ethnic Turkmen members of unregistered religious groups accused of disseminating religious material did not receive harsher treatment than members of other ethnic groups.

The head of one registered religious community told

the Commission delegation that until now, no pastor in his church had received official permission to bring the legal allotment of any religious text into the country, even though his church had translated some of its religious literature into Turkmen so that government officials could read it. The Russian Orthodox Church can receive and distribute Bibles easily, but according to the leaders of a number of other Christian communities, the Orthodox Church does not share the literature with Protestant churches because those churches allegedly may be seen as competitors. Nevertheless, the Russian Orthodox community was also affected by the government's past policies, which banned Turkmen residents from receiving Russian publications by mail, including the *Journal of the Moscow Patriarchate*. As far as is known, that ban remains in effect.

In one instance, a leader of a minority religious community was detained for receiving Christian materials in the mail. The authorities instructed him to write to the sender and ask him not to send any more religious material. Even registered churches need to consult with the CRA before they import religious literature. In another instance, the Ministries of National Security and Internal Affairs detained a pastor for questioning at the post office after receiving religious materials in the mail, with the justification that the material could promote extremism and violence. Religious communities reportedly need a government license in order to reproduce religious literature already in their possession. One leader of a registered Protestant community told the Commission delegation that the Justice Ministry had called and threatened his church for attempting to make copies of religious literature without a license.

When the Commission delegation raised the issue of religious literature with the CRA, Russian Orthodox representative Father Sapunov stated that in the view of his church, Turkmenistan had enough religious literature and perhaps it would be better to ask whether there was a need for such material. Father Sapunov also stated that the law sets out what kind of materials may be imported and in what quantity. The Council, he maintained, has always tried to help, but the Turkmen authorities have the right to inquire about the reason so many Bibles are needed. Sapunov claimed that he himself saw no problem with the import of religious materials, but the Council must follow the law. Deputy Chairman Nurmukhamet Gurbanov maintained that there is no evidence that the

rights of Turkmen citizens had been violated with regard to the import of religious literature.

Religious Education

Turkmenistan's religion law bans the private teaching of religion and those who engage in such instruction are liable for legal penalties. Only those who have graduated from institutions of higher religious education (domestic or foreign is not specified) and approved by the CRA may offer religious instruction. Citizens have the right to receive religious education alone or with others from these official institutions; some independent religious education takes place unofficially. Usually, home schooling is allowed only in cases of severe illness or disability and not for religious reasons.

Under Article 6 of the November 2004 amendments to the religion law, mosques are allowed to provide religious education to children after school for four hours per week, as long as parents have given their approval. Some Sunni mosques have regularly scheduled Koran instruction. The 2003 religion law prohibits the Russian Orthodox Church from conducting religious education programs without CRA and presidential approval and there were, according to the State Department, no reports that such programs had been approved.



Chief Mufti Rowshen Allaberdiyev meets with Commissioners Argue, Eid, and Cromartie at Niyazov Mosque in Gipchak.

In June 2001, President Niyazov's government closed the *madrassa* in the town of Dashoguz, leaving only the theological faculty at the Turkmen State University in Ashgabat to conduct Islamic education. That faculty was later dissolved and absorbed into another department, with the

result that only one institution of Islamic education is currently open. It was set up after 2001 and has a curriculum controlled by the government. The country's largest religious minority, the Russian Orthodox, has no institution for religious education in Turkmenistan, although even under President Niyazov, men were allowed to leave the country to train for the clergy. The Shi'a, who are mainly represented among the country's Iranian and Azeri ethnic minorities, also have no religious training institutions in Turkmenistan.

Religious minorities, even those that have gained registration, are in a particularly difficult situation. One religious minority leader told the Commission delegation that most religious training is conducted informally, in private homes. Some churches are able to train clergy based on formal programs, but others are not. Some clergy members are able to receive their religious education and ordination overseas.

Other Religious Freedom Concerns

Continuing Official Harassment of Religious Minorities

Under the late President Niyazov, police routinely interfered in the activities of both registered and unregistered religious communities. Security police frequently broke up religious meetings in private homes, searched homes without warrants, confiscated religious literature, and detained and threatened congregants with criminal prosecution and deportation. Family members of detained religious leaders were subjected to harassment, discrimination and internal exile. In addition, members of some religious minority groups, particularly Protestants, Hare Krishnas, and Jehovah's Witnesses, faced official pressure to renounce their religion publicly, and were sometimes forced to swear an oath on the *Ruhnama*. Though such raids and other forms of harassment were less frequent last year than in previous years, they have continued following President Niyazov's death.

According to the State Department, however, although the Turkmen government had increased harassment of some registered and many unregistered religious minority groups after the February inauguration of President Berdimuhamedov, reports of such incidents decreased by the end of 2007. Yet, despite official pledges to improve the situation, registered and unregistered

religious groups continue to experience serious discrimination and maltreatment from government officials, particularly outside Ashgabat. One leader of a registered religious minority community told the Commission that some actions against his community are carried out by the local city governments, while other operations involve the Ministry of Internal Affairs' Sixth Department, which deals with organized crime and terrorism. For example, in March 2007, authorities raided a meeting of an unregistered religious group in a private house in Abadan and the home owners were fined. In June 2007, police raided a meeting of the registered Light of the East Pentecostal community in the city of Dashoguz. In August 2007, a branch community of a nationally registered Protestant church in western Turkmenistan was raided by police; literature was confiscated and a member was arrested. There was a similar incident at another branch church. The leader of another registered Protestant church told the Commission that in one incident, local and regional officials brought a bus to detain and remove the church members who had assembled without government authorization. There were no arrests, but the religious gathering was broken up and the literature confiscated. Forum 18 reported that police raided a Baptist service in December 2007 in a private home in the town of Balkanabad in western Turkmenistan.

Members of several unregistered religious groups, including some Baptists and Jehovah's Witnesses, said that the Turkmen government sometimes deployed anti-terrorist and secret police raids against their groups, which were frequently followed by arrests. Forum 18 reported in November 2007 that in one town, local officials encouraged a Muslim community to apply for registration, but secret police later ordered them to drop their effort and not to publicize their situation. The group is reportedly allowed to function in a limited capacity. In some instances, unregistered church leaders were threatened with the loss of their retirement savings. According to the State Department, in the past year, police officers subjected ethnic Turkmen who converted to Christian denominations other than Russian Orthodoxy to harassment and mistreatment, including verbal abuse for denying their heritage by converting to a religion viewed by the government as "non-traditional" for Turkmen.

Several religious minority groups noted that the Turkmen authorities appeared to be using charges leveled against them in the past as a means to make current

President Berdimuhamedov's establishment of a new commission to examine how Turkmenistan's legislation conforms to international human rights commitments may be a sign that legal changes to improve religious freedom and other human rights protections are being considered. It remains, however, too early to determine whether this commission will result in any substantive changes in Turkmenistan.

religious activity extremely difficult. Since early 2007, there has been increased pressure on the Jehovah's Witnesses: meetings have been raided, literature confiscated, and fines imposed. Jehovah's Witnesses employed in state agencies reported being subject to harassment and public ridicule and pressured to leave their jobs, while many had already been dismissed or had their contracts discontinued. Several Jehovah's Witnesses were summoned to police stations in connection with incidents that allegedly had taken place several years ago, and fines, issued as long as three years ago, were only now being enforced.

Members of the Jehovah's Witnesses have experienced other serious problems in 2007, particularly in April 2007. For example, police confiscated internal passports during a raid in the city of Turkmenabad; three Jehovah's Witnesses were detained and one of them, a woman, claims to have been sexually molested by police. Although a prosecutor first ruled the passport seizure to be illegal, after he talked to police he threatened to fine the Jehovah's Witnesses. In two other incidents, as a result of police actions in Ashgabat, two Jehovah's Witnesses lost their jobs after police interrogated them about their beliefs. Three days later, in the city of Dashoguz, police confiscated some literature from a Jehovah's Witness who was later fined at a police station.

Absence of Alternatives to Military Service

Another unresolved issue affecting Turkmenistan's religious freedom record is the country's lack of a genuine civilian alternative to compulsory military service. In 2007, six members of the Jehovah's Witnesses were sentenced to prison—although they ultimately received suspended sentences. They were prosecuted under Article 219, Part 1 of the Criminal Code for refusal to serve in the armed

forces with a maximum penalty of two years' imprisonment. The five were still denied their full civil and political rights, including the free choice of employment. For example, Jehovah's Witness Suleiman Udaev, who was sentenced in August 2007 but freed from prison in September, must still pay 20 percent of his wages to the state. In addition, he will not be able to leave his home village without permission, and will be officially assigned to work in the local collective farm. According to the State Department, the government pardoned three other members of the Jehovah's Witnesses under an annual amnesty program. In December 2007, a sixth conscientious objector received an 18-month suspended sentence for refusing compulsory military service. Amnesty International reported that some of these men were informed that if they persisted in their conscientious objection, they could again face conscription and imprisonment.

Freedom of Movement Issues

Under President Niyazov, there was deliberate official interference in international freedom of movement of religious adherents in Turkmenistan. Many of these policies have continued under the new government. Entry visas are refused to religious workers who are, in many cases, critical to the functions of a particular religious community, and other individuals known to participate in religious activities have been pointedly prevented from leaving the country.

The Turkmen authorities continue to limit the number of Muslims permitted to perform the *hajj*. In November 2006, the government announced that only 188 of the country's official quota of 4,600 would be allowed to go to Mecca. Yet, even the country's official newspaper acknowledged in April 2007 that it was the duty of every

Muslim to undertake the *hajj*. The Commission delegation repeatedly raised the severe limitations on the number of Muslims allowed to perform the *hajj*. In response, President Berdimuhamedov claimed that while the government will pay for only one planeload (188 people) of Muslim *hajj* pilgrims, there is no legal limit on those who can afford to undertake the *hajj* at their own expense. While this was not, in fact, the situation under Niyazov, it remains to be seen whether this will be the policy of the new government. According to the State Department, there were anecdotal reports indicating that additional persons may have undertaken the pilgrimage at their own expense.

Baptist Vyacheslav Kalataevsky, who was born in Turkmenistan but holds Ukrainian citizenship, was deported from Turkmenistan to Kazakhstan in 2001, alleg-

People from historically Muslim ethnic groups who want to register Christian churches are more often denied registration than communities comprised largely of individuals of Slavic origin. The Commission was informed that in some cases, local and national government officials have told such church members that they “cannot be Christians because they are ethnic Turkmen.”

edly due to his membership in an unregistered Baptist congregation in the city of Turkmenbashi. In March 2007, as he attempted to regularize his residential status in that city, he was arrested by the security police. Kalataevsky's trial took place in May 2007, at the same time, that the then-UN High Commissioner for Human Rights, Louise Arbour, was visiting Turkmenistan. Kalataevsky was sentenced to three years' imprisonment for “illegally crossing the border” in 2001. One month later, in June 2007, he was transferred to a labor camp to serve his sentence. As

part of the traditional 2007 Ramadan prisoner release, Kalataevsky was released from camp. One month later, he was allowed to rejoin his family in Turkmenbashi. In November 2007, a few days after his return to Turkmenbashi, Kalataevsky reportedly received an official warning not to meet for worship with his fellow Baptists and in December, the State Department reported, Turkmen authorities denied Kalataevsky's request for residency even though his family lives in Turkmenbashi. He was deported to Ukraine one week later. In another case, Baptist pastor Yevgeny Potolov, head of an unregistered congregation belonging to the Baptist Council of Churches, was deported in July 2007, seven weeks after his arrest for religious activity. After Baptist leader Aleksandr Frolov was deported in June 2006, his family moved to Russia following a year of unsuccessful appeals that he be allowed to return to Turkmenistan. In the past, the Turkmen government has refused entry visas to several priests who are Russian citizens and were invited by the Russian Orthodox community to Turkmenistan. According to Forum 18, in 2007 the ROC did not encounter similar problems.

Despite official protestations to the contrary, the Turkmen government appears to maintain a secret “black list” of selected individuals who are denied permission to leave the country. Former Baptist prisoner of conscience, Shageldy Atakov, reportedly is banned from leaving Turkmenistan; he was most recently denied exit permission in June 2007. In 2006, a Migration Service official referred to an exit blacklist on which Atakov's name appeared, most likely because he had not had his full political and civil rights restored after serving a prison term. In August 2007, a court granted exit permission to Merdan Shirmedov, an ethnic Turkmen leader of an unregistered Baptist community in the city of Dashoguz, to travel to Turkey to rejoin his family in the West. Nevertheless, the court gave no explanation as to why Shirmedov had been denied permission to leave the country since January 2007.

The leader of one minority community told the Commission that some religious leaders and their families are still prohibited from leaving the country and their mail is searched and read by the security service. Two years ago, two men from this church tried to travel to Azerbaijan to attend a Bible school. In November 2007, a Turkmen Evangelical Church pastor was escorted off a plane bound for Ukraine. According to the State Department, when he wrote a complaint to the State Agency for the Registration of Foreign Citizens, he received a reply not-



Market (*tolkuchka*) scene, Ashgabat.

ing that his claim was not valid. A Baha'i activist said that there is a secret ban on invitations for relatives to come to Turkmenistan, although members of the Baha'i community can travel out of the country. The State Department reports that others, including some religious leaders, were allowed to travel outside the country in 2007.

When the Commission delegation raised the issue of Turkmen citizens being denied exit permission due to their religious affiliation, the country's officials denied that this had ever occurred. For example, Presidential Institute on Democracy and Human Rights Director Akhmedova claimed that Turkmenistan did have an "exit visa regime" left over from Soviet days, but those barriers had since been removed. The new Deputy Chairman of the CRA, Nurmukhammet Gurbanov, told the delegation, "I have never met a person who was not allowed to enter or leave Turkmenistan because of his religion."

Current Status of the Personality Cult and the *Ruhnama*

President Niyazov's personality cult was bolstered by the forceful official promotion of a book containing the late president's "spiritual thoughts," known as *Ruhnama*. Imams were also reportedly instructed by the government to repeat an oath of loyalty to the "fatherland" and to President Niyazov after each daily prayer. Under

President Niyazov, students were required to study the *Ruhnama* at all public schools and institutes of higher learning. Moreover, according to the State Department, President Niyazov used his teachings "in part to supersede other established religious codes, as well as historical and cultural texts, and thereby influence citizens' religious and cultural behavior." A law promulgated in 2002 enjoined parents and guardians "to bring [children] up in spirit of... the unshakeable spiritual values embodied in the holy *Ruhnama*." The study of the *Ruhnama* also replaced many subjects in the school curricula and was a required subject at institutes of higher learning.

After Turkmenistan's chief mufti, Ibn Ibadullah, lost his position in 2003 for opposing the elevation of the *Ruhnama*, he was replaced by Kakgeldi Wepayev, who was soon put under house arrest for alleged involvement in the purported coup attempt against Niyazov. In 2004, three ethnic Uzbek imams lost their positions for opposing the elevation of the *Ruhnama* as a sacred text. Indeed, the head of a mosque in Ashgabat, Imam Hoja Ahmed Orazgylyjov, died after being sentenced to internal exile in the remote town of Tejen for alleged "criminal activity." Some believe that Orazgylyjov was sent into internal exile due to his refusal to support the Niyazov regime based on his religious beliefs. Furthermore, credible reports indicate that mullahs in Turkmenistan were told in 2005

to stop reading the Koran in mosques and restrict themselves to the *Ruhnama*.

The religion-like quality of the personality cult became even more apparent in March 2006, when President Niyazov announced on Turkmen state television that anyone reading the *Ruhnama* three times “would be assured



Deputy Chairman of the Council of Religious Affairs Nurmukhammet Gurbanov with Commissioners Argue and Eid.

a place in heaven.” The president’s books were required to be displayed in mosques and churches alongside the Koran and the Bible. In at least one instance, a mosque was closed by the National Security Ministry after mosque leaders refused to place the *Ruhnama* on a par with the Koran. *Ruhnama* quotations also were carved alongside Koran citations in the country’s largest mosque. As noted above, Turkmenistan’s former chief mufti, Nazrullah ibn Ibadullah, who opposed this requirement, was sentenced to 22 years in prison; he remained in prison until August

2007, when he and 10 other political prisoners were released by President Berdimuhamedov. Since the autumn of 2006, a Sunni mullah has reportedly been forcibly held in a closed psychiatric hospital in the Lebap region of Turkmenistan due to his critical sermons in a village in the Kaakha district near Ashgabad, according to Forum 18. His name and current status are unknown.

As during the Soviet period, the government under President Niyazov retained tight control over Islamic practice and observance and remunerated and monitored all members of the Muslim clergy. Although Islam was always allowed as one of the country’s tolerated religions, only those Muslim religious teachers and believers who accepted and fully cooperated with state authority were tolerated. As his personality cult intensified, President Niyazov attempted to gain even tighter control over Islamic practice by ordering the publication of a list of religious rituals purportedly common to all Turkmen to which all Muslims in Turkmenistan were expected to adhere. Secret police were reportedly sent to attend mosques to identify Muslims who performed religious rites in a way that differed from the officially-prescribed Turkmen practice.

According to some reports, the new leadership intends to decrease emphasis on the *Ruhnama* and has already taken some steps to distance itself from President Niyazov’s personality cult. The imposition of the sworn oath of loyalty to President Niyazov has been curtailed and limited only to certain occasions. In March 2007, Berdimuhamedov proposed a new loyalty oath procedure enabling people to swear an oath on a book other than the *Ruhnama*. According to Forum 18, however, the 9,000 prisoners released in 2007 were required to swear a loyalty oath on the Koran and the *Ruhnama*. The Turkmen Academy of Sciences, closed by President Niyazov, has been re-opened. A series of articles by Turkmen scholars exploring the country’s history, including through the excavation of Islamic and archeological sites, have recently been published on official Web sites and in November 2007, the works of four classical Turkmen authors were published in small editions. This is a departure from the time of President Niyazov, who had insisted that historical and cultural topics be influenced primarily by his views of Turkmen history as published in the *Ruhnama*.

Nevertheless, the future of the formal personality cult in Turkmenistan remains unclear. During its visit to Turkmenistan, the Commission noticed that several of the portraits and golden statues of President Niyazov that he

himself had had built are still found throughout Ashgabat. However, a Turkmen government official reportedly told Radio Free Europe/Radio Liberty in February 2008 that Berdimuhamedov ordered the removal of all portraits of Niyazov and of *Ruhnama* citations from the outside of buildings throughout the country. Yet, the State Department reported that the government still requires ministry employees to pass tests demonstrating knowledge of the *Ruhnama*, as well as other subjects; employees who fail the exam are reportedly dismissed. In addition, though Niyazov's portraits are being removed, many large portraits of the country's new president are now visible in the capital. It is too early to determine whether these new portrait displays are an aspect of President Berdimuhamedov's consolidation of power or mark the beginnings of new authoritarian presidential rule, accompanied by a new personality cult. On his fiftieth birthday, President Berdimuhamedov ordered commemorative coins with his picture, but when Turkmenistan marked its independence day in October 2007, the commemorative coins did not bear any presidential image.

Ruhnama Still Given Prominence in Religious Life

At the large mosque in President Niyazov's native village of Gipchak, which was built on President Niyazov's orders and which the Commission visited, it was readily apparent that *Ruhnama* inscriptions dominated the exterior and interior walls. Inside the mosque, above the *mikhrab*, or the special bay in the main wall that is directed toward Mecca, was inscribed the word "Turkmenbashi," President Niyazov's self-designated title, a display that most Muslims would consider deeply offensive. Turkmenistan's chief mufti stated that "the *Ruhnama* citations do not violate Islamic law because there is no requirement that there be writings inside a mosque." At the Ministry of Culture, it was claimed that "the way Islam is practiced in Turkmenistan is different than in other places. Our mode of belief is different from Arabs. Our poetry is adapted from the Koran, and the *Ruhnama* is very similar." The Interior Ministry official also claimed that the matter was discussed with representatives from Arab countries prior to building the mosque and that no one had expressed a concern about the design "because all of the verses from the *Ruhnama* that appear within the mosque relate to Turkmenistan's relationship with God."

Clearly, the *Ruhnama* continues to be an imposing

Members of several unregistered religious groups, including some Baptists and Jehovah's Witnesses, said that the Turkmen government sometimes deployed anti-terrorist and secret police raids against their groups, which were frequently followed by arrests.

state presence in the religious life of the people of Turkmenistan. One interlocutor told the Commission that Muslim clerics can lose their jobs for refusing to teach the *Ruhnama* in the mosques. The *Ruhnama* apparently also continues to impinge on members of the minority communities. A member of a religious minority group told the Commission that "refusing to acknowledge the *Ruhnama* as a sacred text can have serious effects on a person's educational and professional opportunities." In the past, he said he had been punished for refusing to write about the *Ruhnama* at school.

The Role of the Ruhnama in Education

Official and unofficial sources report a decreased role for the *Ruhnama* in Turkmenistan's educational system. Turkmenistan's Minister of Education, Mukhammetgeldi Annaamanov, told the Commission that "the sacred *Ruhnama* was written by our former leader for the education and upbringing of Turkmen youth. It was used and will continue to be used, but there will now be only one hour of instruction each week." Under President Niyazov, one hour per day in institutions of higher learning was devoted to study of the text. Annaamanov also specified that the government currently mandates "only 362 hours of instruction in the *Ruhnama* over 10 years of formal education," and that Muslim and Russian Orthodox religious leaders, presumably CRA representatives, assist in curriculum development. While at the Ministry of Education, the Commission delegation was shown the official decree eliminating the teaching of the *Ruhnama* in primary schools and curtailing the teaching of the text in high

schools from one hour per day to one hour per week, except for the final year in which it will be taught two hours per week. On another occasion, the Commission was told that “recently the new president cut *Ruhnama* classes in high schools and totally removed the book from elementary schools. They also did away with the *Ruhnama* oath in schools.”

Another Education Ministry official, however, stated that the *Ruhnama* “tells the history of Turkmenistan” and that the text is part of the curriculum for students from the ages of seven to 17; indeed, he claimed, “many students read it of their own free will.” He also stated that the *Ruhnama* is a spiritual but not a religious book, and that reading it leads to “purity” and provides a moral and philosophical background. During a visit to one of several Ashgabat Turkmen-Turkish public high schools, the delegation was shown a special room that was still known as the *Ruhnama* room. In addition, in contrast to what the Commission was told by the Minister of Education, reports indicate that the Niyazov curriculum is still in use at universities in Turkmenistan, and that the *Ruhnama* is still one of the main textbooks for all university students. The State Department reported that President Berdimuhamedov continued with 2006 plans to construct a *Ruhnama* university, though the projected university’s focus began to change from “studying the deep roots of the nation’s great spirit” to include a more international outlook. In fact, all of Niyazov’s texts—the *Ruhnama*, *Ruhnama II*, poetry volumes, *The Spring of My Inspiration*, and *My Beloved*—remained part of the school curriculum, and passing tests on knowledge of the *Ruhnama* was still necessary for advancement or graduation, though less class time was spent on these works than in the past.

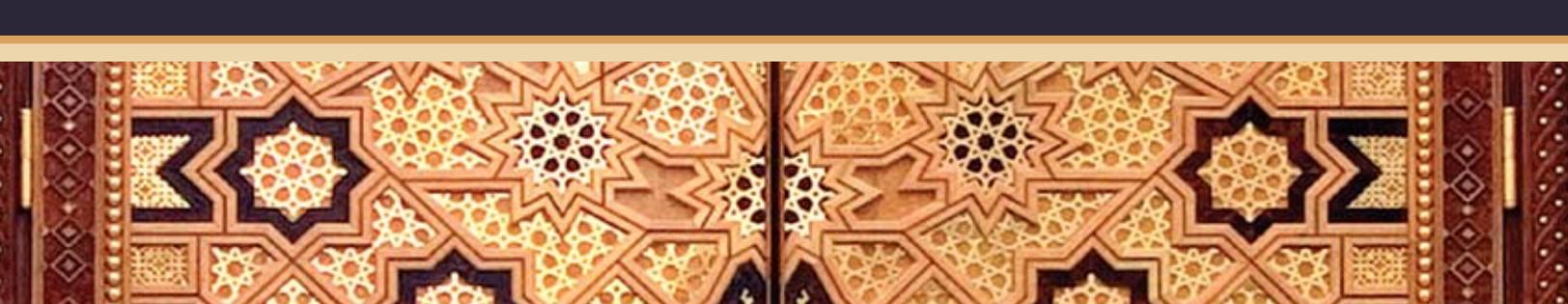
Commission Activities

The Commission continues to raise concern at a variety of venues about the status of religious freedom in Turkmenistan. In October 2006, Commission staff took part in a roundtable on Turkmenistan sponsored by RFE/RL at the OSCE Human Dimension Meeting in Warsaw. In January 2007, then-Commission Chair Felice D. Gaer met with Assistant Secretary of State Richard Boucher to discuss concerns over U.S. policy on Turkmenistan and the failure to name the country a CPC. In August 2007, Commission Chair Michael Cromartie and Commissioners Imam Talal Y. Eid and Donald H. Argue traveled to Turkmenistan,

where they met with President Berdimuhamedov and other government officials, as well as representatives of religious communities and civil society. In December 2007, the Commission released a policy brief about its visit to Turkmenistan and sponsored an event at Freedom House entitled “The State of Freedom in Turkmenistan” to launch its publication. In December 2007, Commission staff gave a talk on Uzbekistan and the CPC process in Berlin at the Forum on Freedom of Religion or Belief, a private organization comprised of international legal specialists. In January 2008, Commission staff made a presentation in Brussels on the status of freedom of religion or belief in Central Asia at events sponsored by the NGO European Platform on Religious Intolerance and Discrimination.

The Commission has met with the U.S. Ambassador to Turkmenistan to discuss bilateral relations, the status of religious freedom and other human rights, and steps the United States might take to ameliorate the situation. As recommended by the Commission, the UN Commission on Human Rights (UNCHR) passed resolutions condemning Turkmenistan for repression of religious and political rights in 2004. In March 2005, the Commission met with delegation heads from the United States and European Union (EU) countries at the 61st session of the UNCHR session and presented information about violations of religious freedom in Turkmenistan, questioning the decision of the United States and the EU not to introduce a resolution on Turkmenistan at the 2005 UNCHR.

The Commission also continues to make public statements and take part in meetings with U.S.-based experts and activists concerned with Turkmenistan. In January 2007, the Commission co-sponsored and spoke at an event entitled “Religious Freedom and State Policy in Central Asia,” together with the Center for Strategic and International Studies (CSIS). After Niyazov’s death, the Commission issued a press statement with an extensive set of new recommendations on ways to promote religious freedom and other human rights in Turkmenistan. In July 2005, the Commission held a public briefing with the CSIS, on “U.S. Strategic Dilemmas in Uzbekistan and Turkmenistan.” The briefing discussed the human rights situation in Uzbekistan and Turkmenistan, the nature of local extremist and terrorist threats, and U.S. and other strategic interests in the region.



COMMISSION RECOMMENDATIONS

1 The CPC Designation

The Commission has noted the initial steps undertaken by the government of President Berdimuhamedov to lessen some aspects of the repression mandated by President Niyazov, and encourages the new government to implement further specific steps to bring Turkmenistan's law, policies, and practices in line with international human rights norms, including for freedom of religion or belief. Nevertheless, in light of the persistent, severe problems, until tangible and systemic reforms have been implemented, the Commission continues to recommend that the U.S. government designate Turkmenistan as a "country of particular concern," or CPC.

The Commission recommends that the U.S. government encourage continued reforms, indicating to the government of Turkmenistan the specific measures that it must take to end particularly severe violations of freedom of religion or belief and other human rights, including:

- repeal immediately all laws, decrees or regulations, including major changes in the 2003 religion law, that violate international norms pertaining to freedom of religion or belief;
- repeal the state ideology, imposed through the *Ruhnama*, that infringes upon or severely diminishes the practice of freedom of religion or belief and related freedoms of association, movement, expression, and the media.
- eliminate intrusive and onerous registration procedures and abolish criminal or other penalties for engaging in religious or other peaceful activity solely because it is not approved by the state;
- halt unjust arrest, detention, harassment, deportation, fines and residential and workplace intimidation of religious leaders and their adherents on account of their religious or other beliefs;
- end fully the past practice of harassing and deporting religious leaders and imposing fines on leaders or members of peaceful unregistered religious communities whose activities are deemed "illegal";
- promulgate new regulations and adopt new policies to ease the importation of religious and other material and permit the domestic printing and dissemination of such material in accordance with international standards; and
- implement genuine legal alternatives to military service on grounds of religious or conscientious objection, possibly modeled on Organization on Security and Cooperation in Europe (OSCE) proposals and other international precedents.

2 Promoting Freedom of Religion or Belief and Other Human Rights

The Commission further recommends that the U.S. government urge the government of Turkmenistan to:

- end the personality cult of the late President Niyazov, particularly in the country's religious life and educational system, including by removing the *Ruhnama*—a book containing President Niyazov's "spiritual thoughts"—from mosques and other houses of worship and by further decreasing reliance on the *Ruhnama* in educational curricula;
- release and fully restore the civil and political rights of all former political prisoners, including those in internal exile;
- permit the inspection of places of imprisonment, including labor camps, prisons, and temporary places of detention, by independent impartial experts such as the International Committee of the Red Cross and/or Red Crescent;
- promote and expand the work of the government's Commission to Examine Turkmenistan's Legal Obligations under International Human Rights Law, established in August 2007, including by involving international legal experts, such as the Organization on Security and Cooperation in Europe's (OSCE) Panel of Experts on Religion or Belief and Panel on Freedom of Associa-

tion, and relevant UN agencies and by preparing and submitting all outstanding reports to human rights treaty bodies, special rapporteurs, and regional bodies;

- reform laws, decrees, and regulations to bring them into conformity with international legal obligations, such as dropping penalties on individuals under the administrative code for engaging in unregistered religious activities; instructing local and other officials to remove obstacles to the purchase or rental of land or buildings to be used as houses of worship or for meeting purposes; permit the use of private homes and public halls in residential areas for worship services; allow children to receive private religious education; allow the publication and distribution of religious literature inside Turkmenistan; and permit freedom of movement for members of all religious and other communities as well as increasing the numbers of Muslims allowed to undertake the *hajj*; and
- reform the government’s other policies toward religious practice, including ending state interference in the management of religious communities and the selection and training of religious leaders, including from Sunni and Shi’a Muslim and the Russian Orthodox communities, as well as from Protestant and other minority communities, reopening the country’s Sunni theological faculty, and permitting the members of the Shi’a Muslim community to practice their religion freely.

3 Expanding U.S. Programs and Other Activities to Promote Reform

The Commission also recommends that, in the longer term, the U.S. government make the following efforts to expand activities in Turkmenistan that would protect and promote human rights:

- increase and improve radio, Internet, and other broadcasts of objective news and information, including topics such as religious freedom and other human rights and religious tolerance, by:
 - expanding and improving broadcasts to Turkmenistan by the Turkmen Service of Radio Free Europe/Radio Liberty (RFE/RL), including by increasing coverage of issues relating to freedom of religion or belief and by adding broadcasts in the Russian language and providing additional programming for the estimated 12 million Turkmen in the diaspora, particularly in Iran, Iraq, and Afghanistan; and
 - restoring Voice of America’s Russian-language television and radio broadcasts to Central Asia, particularly relating to human rights, including freedom of religion or belief.
- use appropriate avenues of public diplomacy to explain why freedom of religion or belief is an important element of U.S. foreign policy, as well as specific concerns about violations of freedom of religion or belief in Turkmenistan;
- assist in improving Turkmenistan’s educational system, particularly

with regard to curricula on religious freedom and other human rights, by:

- expanding “American corner” reading rooms and Internet access in various regions;
- reprinting Russian and Turkmen-language materials on human rights, particularly on international norms on freedom of religion or belief, including civic education materials such as “The Law that Unifies Us,” a text on the importance of respect for the law that was first published and distributed through the OSCE Center in Ashgabat; and
- providing funds for libraries in Ashgabat and other cities, including materials on human rights, as well as information on freedom of religion or belief, tolerance, civic education, and international legal standards;
- develop assistance programs to encourage civil society groups that protect human rights and promote religious freedom, including by:
 - expanding “train-the-trainer” legal assistance programs for representatives of religious communities to act as legal advisers in the registration process; and
 - specifying freedom of religion as a grants category and area of activity in the Democracy and Conflict Mitigation program of the U.S. Agency for International Development (USAID) and the Democracy Commission Small Grants program administered by the U.S. Embassy; and

- expand international contacts and increase U.S. involvement in various types of communities in Turkmenistan by:
 - increasing the current Peace Corps budget of \$70 million and the current budget of USAID programs, projected to reach \$12 million in FY 2008, including by involving religious leaders on community projects in efforts to address social problems and to increase religious and ethnic tolerance;
 - expanding exchange programs, including with civil society leaders, students, and others concerned with human rights;
 - increasing funding for programs that help citizens understand and claim their legal rights;
 - cooperating with the OSCE Center in Ashgabat, in part by resuming joint activities with human rights activists from Turkmenistan to encourage civic education, including on international norms on freedom of religion or belief as well as other human rights, and also by encouraging the OSCE officially to respond to the Turkmen government's offer in May 2007 to host an OSCE experts' level meeting; and
 - organizing a travel grant category for non-governmental organizations and members of diverse religious communities to enable them to take part in various international conferences, including those of the OSCE.

4 Strengthening Efforts in the International Arena

With regard to international fora, the Commission recommends that the U.S. government urge the government of Turkmenistan to:

- implement the recommendations of the October 2006 Report of the UN Secretary General on the Situation of Human Rights in Turkmenistan;
- agree to the numerous requests for visits by the UN Special Rapporteurs on Torture, the Right to Education, Extra-judicial, summary or arbitrary executions, Freedom of Opinion and Expression, and the Independence of the Judiciary; and from the Representative of the UN Secretary General on the Human Rights of Displaced Persons; the Special Representative of the Secretary-General on the Situation of Human Rights Defenders; the Working Group on Arbitrary Detention, as well as representatives of the OSCE, including the Panel of Experts on Freedom of Religion or Belief, and provide the full and necessary conditions for such visits; and
- participate fully in the OSCE, by
 - participating in the annual Human Dimension meeting in Warsaw;
 - expanding the activities of the OSCE Center in Ashgabat, particularly on human rights, including programs with local schools, universities, and institutes; and
 - complying with relevant OSCE commitments on key human rights, including freedom of religion or belief, freedom of association, and freedom of expression.

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