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## **State officials' dual role as clergy to suppress freedom of religion or belief**

By Felix Corley

Forum 18 (14.10.2009) / HRWF (15.10.2009) - Website: <http://www.hrwf.org> - Email: [info@hrwf.net](mailto:info@hrwf.net) - Some state officials in the state agency which restricts freedom of religion or belief for all have a dual role, as clergy within Muslim and Christian religious communities. This was most recently demonstrated in late September, Forum 18 News Service notes, when most if not all the senior Muslim clergy given new appointments then were also officials in the Gengeshi (Council) for Religious Affairs. The new Chief Mufti, Gurban Haitliev, ostensibly appointed to the post by the leadership of Turkmenistan's Muftiate (Sunni Muslim Spiritual Administration), simultaneously has a staff position at the government's central Gengeshi, as did his predecessors. Four of the officials appointed to head regional branches of the Gengeshi were also appointed as new regional Chief Imams, officials have told Forum 18. In their dual role as Gengeshi officials and religious community leaders they play a key part in suppressing freedom of religion or belief.

Muslims have complained to Forum 18, anonymously for fear of state reprisals, about state interference in Islamic religious life. These include restrictions on who can lead their communities, and the state appointment without consultation of imams who, they argue, do not have adequate experience or Muslim education.

Meanwhile, officials have denied to Forum 18 that the building of the [Islamic] Theology Department of Turkmen State University in the capital Ashgabat [Ashgabat] was demolished in July 2009, as city residents have told Forum 18. However, a University official confirmed that its students are instead studying in the University's main building.

### **The Gengeshi's role**

Gengeshi officials both nationally and locally – including imams – take part in raids on non-Muslim religious meetings and intimidation of those present often in conjunction with the Ministry of State Security (MSS) secret police. The use of beatings, torture and threats of torture during such raids appears to be common, but victims are normally reluctant to speak publicly of this for fear of state reprisals. Officials have claimed that such raids are their "duty". Among the Gengeshi's other activities are helping restrict the numbers of people allowed to travel out of and into the country including on the Muslim haj pilgrimage, and helping impose strict censorship of religious literature.

The Gengeshi's permission at national or local level is also required for any other activity, including state registration (the only means of gaining the legal right to exist) with the Justice (Adalat) Ministry, acquiring a place for religious meetings, acquiring religious literature or inviting foreign guests. Such requests are almost always denied and state officials often also impose illegal requirements, representatives of many religious communities have told Forum 18. These illegal requirements include collaboration with the MSS secret police.

The central Gengeshi for Religious Affairs reports to President Gurbanguly Berdymukhamedov, while local Gengeshis report both to local Hyakims (administration chiefs) and the central Gengeshi.

Nurmukhamed Gurbanov, Deputy Chair of the central Gengeshi, put the phone down on 12 October before Forum 18 was able to ask him: how clerics of one faith can also oversee the religious life of other faiths neutrally on behalf of the state; who had chosen the new Chief Mufti and made the other senior appointments on behalf of the Muslim community; and why the Gengeshi names all senior imams in the country. Subsequent calls were answered but immediately terminated.

### **How are Gengeshi decisions taken?**

At the national level, decisions at the Gengeshi are reportedly taken mainly by the one Deputy Chair who is not a cleric (currently Gurbanov). The Gengeshi Chair has usually been an imam, while the other two Deputy Chairs are the country's Chief Mufti and a Russian Orthodox priest, Fr Andrei Sapunov. While the Gengeshi as a whole makes Muslim appointments, Fr Sapunov deals with non-Muslim faiths, though without apparently appointing their leaders. He is distrusted by many in the Orthodox Church and other religious communities, and supported a 2002 Gengeshi decision to ban the import into Turkmenistan of the official Journal of the Moscow Patriarchate.

Pressure that appears to have come from the government via the Gengeshi may have been responsible for the Russian Orthodox Church placing its Deanery in Turkmenistan directly under the jurisdiction of the Moscow Patriarch.

Reinforcing the fusion of the Gengeshi and the Muslim leadership, in Ashgabad itself, the city Chief Imam and the office of the Muftiate are in one building, officials told Forum 18. In regional centres, Chief Imams tend to have an office both at the main mosque and at the city Hyakimlik.

Forum 18 notes that Turkmenistan is a highly centralised country, with all senior decisions and appointments being made by President Berdymukhamedov. Commentators in the country pointed out to Forum 18 that the dual appointment of senior Muslim clerics to a state position overseeing religious affairs, as well as to a religious role, indicates that the decision is taken by the state, not by the Muslim community. They find it hard to believe that the appointment of the Chief Mufti could be taken by anyone apart from the President.

### **The September 2009 Gengeshi and Muslim appointments**

Haitliev's appointment as Chief Mufti was announced on state television on 25 September, which attributed the appointment to the Muftiate leadership. It also announced that he would be Chief Imam of the mosque built by the late President Niyazov in the village of Kipchak near Ashgabad. The announcement did not reveal that Haitliev would also gain an official position with the government's Gengeshi for Religious Affairs, though this has been confirmed to Forum 18 by officials.

The television announcement said Haitliev had previously been both Chief Imam and head of the Gengeshi at the Hyakimlik in Lebap Region of eastern Turkmenistan. Several Hyakimlik officials confirmed to Forum 18 on 8 October his previous dual role, but refused to comment on how he could have acted simultaneously as both head of the Gengeshi and Chief Imam of the Region. They also refused to say exactly when and how the appointment as Turkmenistan's Chief Mufti was made.

State television also reported that the previous Deputy Chair of the Gengeshi and Chief Mufti, Allaberdiev, had been appointed as both Chief Imam and head of the Religious Affairs Department at the Hyakimlik (administration) in Dashoguz Region. Reached on 8 October in Dashoguz, Allaberdiev refused absolutely to discuss who had appointed him to his new post and how he could hold both a religious and a government job at the same time while acting neutrally towards other faiths. "We cannot answer any questions," he told Forum 18. "You should call the Foreign Ministry."

Among other new Muslim appointments made at the same time in late September was the transfer of Bazar Hojaev from Mary Region to Ashgabad city as Chief Imam, an official of the Mary Hyakimlik told Forum 18 on 12 October. He refused to identify Hojaev's replacement in both roles, but stated that he is still under 30 years old.

Hojaev's new colleague in Ashgabad City Hyakimlik, who would not give his name, refused to tell Forum 18 on 12 October who had named Hojaev to the post and how he could fulfil both roles while remaining neutral. He declined to say whether Hojaev's predecessor had been transferred to another job.

Asked what duties Hojaev and the Gengeshi have, the official was vague. "We deal with religious organisations when they come to us with questions," he told Forum 18. Asked whether they handle registration applications, he responded: "No. These go to the Justice Ministry. We handle only non-legal questions." He declined to answer any more questions, referring Forum 18 to the Foreign Ministry, and put the phone down.

Forum 18 was unable to find out whether the Chief Imams and Religious Affairs heads of Balkan Region of western Turkmenistan and Ahal Region around Ashgabad have also been replaced.

However, an official of the city Hyakimlik in Turkmenbashi confirmed to Forum 18 on 12 October that Momaliev – who has been in office for several years – remains the Chief Imam of the city. However, she said that although he "indirectly" works in the city's Gengeshi, he is not in charge of it. She said overseeing religious affairs is the Deputy Hyakim, Guzel Orazurbieva.

### **Gengeshi chooses Chief Muftis and regional Chief Imams**

The Sunni Muslim community, Turkmenistan's largest religious group, is the most tightly-controlled religious community in Turkmenistan. No leaders or imams can be appointed without government approval, granted through the Gengeshi. Muslims have expressed concern at the youth, inexperience and what they say is the poor knowledge of Islam among appointments in recent years. Non-Sunni Muslims, especially among the Shia Muslim minority which is mainly located in western Turkmenistan, complain that their rights are restricted and maintaining Shia mosques is difficult.

When Haitliev's predecessor, Rovshen Allaberdiev, was appointed Deputy Chair of the Gengeshi and Chief Mufti in August 2004, the state-run media insisted that the decision to remove from office the previous Chief Mufti, Kakageldi Vepaev, came from the Muftiate. Vepaev was sacked for "serious shortcomings in his work", according to the state-run media, as well as for deficiencies in his private life.

Allaberdiyev graduated in 1999 from the then [Islamic] Theology Faculty of Turkmen State University in Ashgabad. He was just 25 when appointed as head of the Lebap regional Gengeshi and Chief Imam of the Lebap Region. At the age of 27 he was appointed Turkmenistan's Chief Mufti. Some questioned his qualifications in Islam when he was appointed to these posts. Those who have met Allaberdiyev say his knowledge of at least spoken Arabic is poor.

Vepaev, appointed Deputy Chair of the Gengeshi and Chief Mufti by the then President Saparmurat Niyazov in January 2003, had been since 1998 both Chief Imam and head of the Gengeshi of Mary Region. He had earlier studied Arabic at Turkmen State University in Ashgabad.

Vepaev's predecessor, Nasrullah ibn Ibadullah, was sacked by Niyazov both as Chief Mufti and as a Deputy Chair of the Gengeshi in January 2003, and later imprisoned. After his release in August 2007 he was given a new post as a consultant at the Gengeshi in Ashgabad.

The 61-year-old Nasrullah – who was said by some Muslims to be the last Chief Mufti to have had a solid grounding in Islam – is an ethnic Uzbek who gained his Islamic education during the Soviet period in the Uzbek city of Bukhara, as well as in Syria and Egypt.

In 2003-4, the authorities removed all ethnic Uzbek imams in Dashoguz [Dashhowuz] Region of northern Turkmenistan, which has a large ethnic Uzbek population, and replaced them with ethnic Turkmen. Some local Uzbek objected not only to the ethnic bias but also that the new imams did not have what they regarded as a sufficiently deep knowledge of Islam.

### **Theology Department's role**

The Theology Department of Magtymguly Turkmen State University in Ashgabad, part of the History Faculty, is the only place where future imams can study. Its building was demolished, apparently without notice, in summer 2009 (see below). Non-Muslim communities are not allowed to conduct religious education within the country.

Not only is the University Department the only place in Turkmenistan where the government will allow imams to be trained, but receiving Islamic training abroad is also banned. Sources in Ashgabad say the Theology Department has some 50 students taking a four-year course. "The aim is to prepare imams under government control," one resident who asked not to be identified told Forum 18. "Young men are officially banned from travelling abroad for Islamic study, though many still do so unofficially." However, the Gengeshi for Religious Affairs will not appoint those who have gained their Islamic education abroad as imams.

Islamic education in the University has faced ever-tighter controls. In 2002 the late President Saparmurat Niyazov set limits on the number of students who could train at the then Theology Faculty. In 2005 he ordered all the Faculty's Turkish teachers to leave and downgraded the institution to a Department of the History Faculty.

In 2007, Gengeshi officials indicated to foreign visitors that plans were underway to upgrade the Department to a separate Faculty once again, though it appears this was never acted on.

The Russian Orthodox Church is permitted to send students to study at the Orthodox seminary in the Uzbek capital Tashkent. The Uzbek diocese told Forum 18 on 12 October that the two students from Turkmenistan – one man and one woman, both second-year students of theology – have faced no problem this year leaving their homeland. Since

summer 2009 the Turkmen authorities have prevented many students studying at various foreign universities from leaving the country.

### **Theology Department building demolished**

During summer 2009 the authorities demolished the building of the Theology Department, residents of the capital told Forum 18. They say the academic year finished with exams in May, then in mid-July demolition began. By the beginning of August, the building – and several other University buildings nearby - had been demolished. The building was only built in the 1990s. Forum 18 notes that even prominent, recently-built structures are often bulldozed at short notice with no consultation, often to build new roads or prestige buildings.

However, Himra Shamkuliev, the University's Vice Rector for educational issues, denied to Forum 18 on 9 October that any university buildings had been destroyed. He said all theology students are studying in the University's main building, where they used to study earlier.

Shamkuliev said theology students study all religions, though Islam in particular. He confirmed that all men appointed as imams in Turkmenistan must have a certificate from his University. He added that no separate Islamic University or Institute exists outside the University, which was also confirmed by Gurbanov of the Gengeshi.

Forum 18 was unable to reach Murad Hojaguliev, head of the History Faculty, on 12 October. The Faculty telephone went unanswered each time Forum 18 called.

### **"There are no problems in Turkmenistan"**

Deputy Chair Gurbanov of the Gengeshi for Religious Affairs refused to say whether the Theology Department had been demolished or not. "Religious education is going on – Islam is being studied in the University," he told Forum 18. "There are no problems in Turkmenistan. Thank you for your interest in our country." He then put the phone down. Subsequent calls were answered but immediately terminated.

Among violations of freedom of religion or belief currently happening in Turkmenistan is a crackdown on conscientious objection to the country's compulsory military service. Four Jehovah's Witness prisoners of conscience are currently incarcerated in a labour camp, which is described by a former Baptist prisoner of conscience as being "like something from the Middle Ages".

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## **Prison sentences indicate Turkmenistan is halting progress**

JW Public Information Office (09.07.2009) / HRWF (10.07.2009) - Website: <http://www.hrwf.org> - Email: [info@hrwf.net](mailto:info@hrwf.net) - An appeals court in Turkmenistan has decided to imprison two conscientious objectors who had received two-year conditional sentences in November 2008. The young men thus became the first conscientious objectors incarcerated for their convictions since the 2005 amnesty was granted to all imprisoned Jehovah's Witnesses during the Turkmenbashi regime.

For unknown reasons, six months into their conditional sentence, fleshly brothers Sahetmyrat and Muhammetmyrat Annamammedov were called to the draft office on May 21, 2009, and asked if they still maintained the conscientious objection to military service. Since they had not changed their position, they were immediately brought before a trial judge who changed the conditional sentence to a two-year prison term. Both were

denied legal representation and their father was not allowed into the courtroom. On appeal, Judge Ahmed Agoyliyev of the Nebit-Dag (Balkanabad Region) upheld the trial judge's decision. The judge had postponed the appeal trial for a week to allow their father to get an advocate to represent them in the case. The father could not find an advocate for his sons, and so on June 30, 2009, he represented them in the court himself.

In the past, disturbing reports surfaced about inhumane conditions in Turkmenistan prisons. It was hoped that the current government would not subject prisoners of conscience to prison sentences but instead would recognize them as conscientious objectors and protect their freedom. Turkmenistan does not provide alternative civilian service for conscientious objectors.

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## **Conscientious objectors jailed**

By Felix Corley

Forum 18 (02.06.2009) / HRWF (09.06.2009) - Website: <http://www.hrwf.org> - Email: [info@hrwf.net](mailto:info@hrwf.net) - Six months after imposing suspended sentences on two brothers who are both Jehovah's Witnesses for refusing compulsory military service, Judge Merdan Khangeldiyev has issued a new ruling sending the two to serve their sentences in prison, Jehovah's Witnesses told Forum 18 News Service on 1 June. No family members were allowed to attend the hearing on 21 May in the Town Court in Serdar (formerly Gyzylarbat) in south-western Turkmenistan, and the two brothers have been told that no written judgment will be issued. It remains unclear why the sentences – which were to run for two years – have been changed six months into their term. The two brothers – Sakhetmurad and Mukhammedmurad Annamamedov – have since been transferred to the prison in the Caspian Sea port of Turkmenbashi [Türkmenbashi, formerly Krasnovodsk].

The two prisoners of conscience – the first Jehovah's Witnesses since July 2007 to be jailed for refusing military service on grounds of religious conscience – are among five Jehovah's Witnesses known by Forum 18 to be currently serving sentences for refusing compulsory military service. Two others are serving suspended sentences, while another is serving a forced labour term. It is unknown whether the other three conscientious objectors will also now be jailed.

Jehovah's Witness young men insist they are ready to do alternative non-military service. However, Turkmenistan offers no non-combat alternative to those who cannot serve in the military on grounds of conscience.

Speaking at the United Nations Human Rights Council in Geneva on 19 March, Shirin Akhmedova, Director of the government's National Institute for Democracy and Human Rights, rejected the recommendations from numerous international organisations – including the UN Special Rapporteur on Freedom of Religion and Belief, Asma Jahangir – that Turkmenistan introduce a civilian alternative to compulsory military service. Akhmedova instead pointed to Article 37 of the Constitution, which describes defence as a "sacred duty" of everyone and then states that military service is compulsory for men.

In 2008, Forum 18 had learnt that the government was then considering introducing some form of alternative service. However, nothing appears to have come of this.

Forum 18 tried to find out why the authorities are continuing to sentence conscientious objectors. However, officials at the National Institute for Democracy and Human Rights in the capital Ashgabat [Ashgabat] told Forum 18 on 2 June that Akhmedova was not in her

office. No one else was available to speak either. The man who answered the phone on 2 June of Nurmukhamed Gurbanov, a deputy head of the government's Gengeshi (Committee) for Religious Affairs, told Forum 18 he was away for the next two days. No one else was available to speak.

### **The prosecution and punishment of the two conscientious objectors**

The 21-year-old Sakhetmurad Annamamedov and his 20-year-old brother Mukhammedmurad Annamamedov both told the Serdar Military Conscription Office that they were refusing military service on grounds of their faith. At the urging of Prosecutor Maral Durdieva, Judge Merdan Khangeldiyev imposed two-year suspended sentences on each of the two brothers, at a trial in Serdar Town Court in November 2008. Forum 18 has been unable to gain any comment from the court on the trial.

Forum 18 understands that the two conscientious objectors were sentenced under Article 219 Part 1 of the Criminal Code, which punishes refusal to serve in the armed forces with a maximum penalty of two years' imprisonment. However, officials have refused to release any details of the judgements to the family or Forum 18.

In mid-May 2009 they were both called to the Military Conscription Office, allegedly because of an amnesty that would be applied to them. On 21 May they were asked to come to the Office at 9.00 am. At about 11.00 am they contacted their father, Yazmammed Annamamedov, by mobile phone and said that everything had been prepared for a court hearing against them. Their father immediately came to the Serdar Town Court building, but was not allowed into the courtroom when they found out who he was. At about 12.00 noon the Court ordered that, because they would not agree to serve in the armed forces, they should now serve their two-year terms in prison.

The judge, Khangeldiyev, and the prosecutor, Durdieva, were the same as at their November 2008 trial. The two brothers and their father were not given any copy of the Court decision, and the family were told that it would not ever be given to them.

The two brothers were initially held at the detention centre in Serdar. However, on 24 May they were transferred to the prison in Turkmenbashi, where it is believed they are still being held.

Forum 18 has been unable to gain any comment from the authorities on these prisoners of conscience.

The two men's father decided to write a telegram to President Gurbanguly Berdymukhamedov, to complain about what he regards as the clear procedural violations in these trials and sentences.

### **The other sentenced Jehovah's Witnesses conscientious objectors**

Many Jehovah's Witness young men have been sentenced over the past fifteen years for refusing compulsory military service on grounds of religious faith. However, in the past few years most of the sentences have been suspended or have been sentences to forced labour, where individuals live at home and have 20 per cent of their wages taken by the state. The three other Jehovah's Witnesses serving sentences are:

Begench Shakhmuradov, who is from Ashgabad, was given a two-year suspended sentence in September 2007. Sources who preferred not to be identified told Forum 18 he is living at home and is able to work in a private business. His sentence is due to expire in September 2009.

Shakhmuradov insisted to Forum 18 in the wake of his sentence that he believes it is wrong to punish those who cannot serve in the armed forces because of their religious convictions. He particularly objected that some – like himself – have been sentenced twice for the same "offence".

Vladimir Golosenko, who is from the Caspian port city of Turkmenbashi, was called up when he reached the age of 18. He too was found guilty under Article 219 Part 1 and sentenced on 12 February 2008 to two years' forced labour. He is not in prison, but 20 percent of his wages go to the state.

The most recent Jehovah's Witness to be sentenced was Zafar Abdullaev, who is in his early twenties. He was given a two-year suspended sentence by a court in the northern town of Dashoguz [Dashhowuz] on 8 April 2009 for refusing compulsory military service. He is currently living at home.

Forum 18 has learned that Abdullaev has to report weekly to the Police Administration in Dashoguz but has no additional problems.

### **Will authorities seize former prisoner of conscience's property?**

Meanwhile, the authorities have not so far made any more moves against Baptist leader and former prisoner of conscience Shageldy Atakov. In April 2009, he was visited by an official of the local Hyakimlik (administration) at his family home in the village of Kaakhka near Ashgabad and was also summoned to the local court, where he was shown documents ordering the seizure of property from him to cover money the authorities claim he owes.

The authorities claim that Atakov owes another individual 12,000 US Dollars over a 1995 transaction, for which he was subsequently imprisoned. He and his fellow Baptists insist he was innocent of all charges. The authorities began making the claims three years after the alleged fraud, after Atakov became a Christian in 1998.

Atakov told Forum 18 from Kaakhka on 2 June that officials from the local administration again visited the family home in mid-May. "They looked at everything I have, wrote it all down and then left," he said, adding that nothing has happened since then. "Everything is quiet – for the moment, thank God."

Atakov, his wife, and at least six of their nine children are also on Turkmenistan's secret exit blacklist, meaning that they cannot leave the country to seek medical treatment or have contact with co-believers outside of the country. Atakov's health deteriorated while under torture when he was a prisoner of conscience.

The Turkmen authorities have long used enforcement of older punishments for alleged "offences" as a further means to punish religious believers.

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## **"I want to know if I can import religious books"**

By Felix Corley

Forum 18 (12.05.2009) / HRWF (14.05.2009) - Website: <http://www.hrwf.org> - Email: [info@hrwf.net](mailto:info@hrwf.net) - Turkmenistan continues to impose strict censorship on religious literature brought into the country, and copies data from personal computers, Forum 18 News Service has been told. "Which commission decides this?" a Protestant complained, commenting that "they don't have the right to interfere in my own private life." Officials always point to an unspecified "commission" which determines what literature is

acceptable. "But who checks the commission which examines the literature?" the Protestant asked. Ethnic Turkmen Christians appear to be more likely to have material confiscated than ethnic Russians. Frustration has also been expressed to Forum 18 about the impossibility of printing religious literature. No state official has been willing to explain why religious censorship exists, or who is responsible for it. Shirin Akhmedova, Head of the government's National Institute for Democracy and Human Rights, claimed to the UN Human Rights Council that freedom of expression exists because of the Constitution. This claim, however, is contradicted by the experience of Turkmenistan's citizens.

Customs officials at Turkmenistan's capital's Ashgabat [Ashgabat] airport continue to confiscate religious literature they find on people returning to the country, Baptist leader Shageldy Atakov complained to Forum 18 News Service on 8 May from his home in the village of Kaakhka. Other Protestants have expressed frustration over the impossibility of printing religious literature in Turkmenistan or importing it into the country. "I want to know if I can import religious books into the country," one Ashgabat-based Protestant, who wishes to remain anonymous for fear of state reprisals, told Forum 18. "I and my friends have even had Bible calendars and postcards with Bible verses confiscated. Which commission decides this?" No official has been prepared to explain to Forum 18 why such religious censorship exists.

The Ashgabat Protestant notes from experience that ethnic Turkmen Christians are more likely to have religious literature seized from them than ethnic Russian Christians or, if it is seized, are less likely to be able to get it back. "One ethnic Russian woman had a new, second copy of the Bible confiscated from her at the airport," the Protestant recalled. "She wrote an appeal and was able to get it back from the airport the following day."

Computers are seized at Ashgabat airport from religious believers returning to Turkmenistan, the Protestant complained, and data is copied. "They don't have the right to interfere in my own private life," the Protestant told Forum 18.

Officials always point to an unspecified "commission", the Protestant said, which determines which religious literature is acceptable and which not. "But who checks the commission which examines the literature?"

### **Continuing confiscations**

On 7 February, Natalya Dzyuba, a Baptist from the Caspian port city of Turkmenbashi [Türkmenbashi, formerly Krasnovodsk], had 33 Russian-language Christian books and copies of the Russian-language Council of Churches magazine "Herald of Truth" confiscated as she returned via Ashgabat airport on a flight from Moscow. "Customs officials drew up a list and confiscated all the books and journals," local Baptists told Forum 18 from Turkmenistan on 11 February. "They even tried to confiscate her personal Bible." The Baptists say all the books were for herself and her friends.

Baptists told Forum 18 that when she complained about the confiscations, officials told her that the books and magazines would be sent for a check-up to the Gengeshi for Religious Affairs and she should talk to them.

Other Protestants, who asked not to be identified for fear of reprisals, have told Forum 18 that some of their colleagues returning to Turkmenistan through Ashgabat airport in March have had all their Christian literature, personal notes and – in a couple of cases – laptop computers confiscated by the Customs. The Protestants told Forum 18 that the books were not returned. The computers were returned several weeks later, but Christian Bible programs on them in Turkmen and Russian had been deleted.

Religious literature is frequently confiscated from religious believers, especially members of unregistered religious communities, such as the Jehovah's Witnesses. Officials frequently interrogate them about whether they read such literature, whether they have it and, if so, where they acquire it.

### **Why is religious literature censored?**

Turkmenistan's religious censorship is theoretically in the hands of the government's (Committee) for Religious Affairs in Ashgabad, as set out in Article 20 of the Religion Law. However, it remains unclear who is on the Gengeshi commission which examines literature, and how it reaches decisions as to what literature is unacceptable and why. Most religious communities who ask for permission to import religious literature have their requests rejected, religious leaders have told Forum 18. It also remains unclear what role in confiscating religious literature is taken by the Ministry of State Security (MSS) secret police. Publishing religious literature in Turkmenistan is almost impossible.

Reached on 8 May, the man who answered the telephone of Nurmukhamed Gurbanov, Deputy Head of the government's Gengeshi for Religious Affairs, twice put the phone down as soon as Forum 18 began to ask questions. The phone went unanswered each time Forum 18 called on 12 May.

Forum 18 also tried to find out how local religious affairs officials handle assessments of religious literature received or requested by local religious believers or confiscated from them. Bazar (he would not give his family name), chief imam and local religious affairs official for Mary Velayat (Region) in south-eastern Turkmenistan, told Forum 18 on 12 May that "a person takes and reads it". He refused to say whether this is a local or an Ashgabad-based official or why this is necessary. He dismissed any concerns. "It's not a problem," he claimed. Many local religious affairs offices are headed by the government-appointed local chief imam.

The imam refused to discuss any further aspect of the censorship system and referred Forum 18 to another Mary-based religious affairs official named Serdar (he refused to give his family name). When Forum 18 called Serdar the same day and presented its questions the connection was cut. Further calls went unanswered.

Across the country in Turkmenbashi, Forum 18 reached the office on 12 May of city religious affairs official Guzel Orazurbieva. Her colleague asked Forum 18 to call back in ten minutes. When Forum 18 called back, the colleague said she had just left the office. Later calls also failed to reach her.

Turkmenistan's censorship of religious literature was criticised by the United Nations' Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, who visited Turkmenistan in September 2008. In her 12 January 2009 report of the visit (A/HRC/10/8/Add.4), she urged an end to such "undue limitations" on religious material, which she said violate freedom of religion and freedom of expression.

Jahangir pointed out that when the Gengeshi allows a religious community to import religious literature, it limits the numbers of copies of an item to the number of members of a registered religious community. Forum 18 has heard similar complaints. Jahangir also pointed out that apart from copies of the Koran, "it seems to be difficult to find religious literature in bookshops and libraries". She cited the case of a local person who went to the international post office to collect a parcel of religious books from Russia, only to be told that as the parcel contained Bibles the Gengeshi would need to determine whether the individual was "authorised" to receive it or not.

Forum 18 was unable to find out from Shirin Akhmedova, Head of the government's National Institute for Democracy and Human Rights, why Turkmenistan confiscates

religious publications and imposes censorship on religious literature. Her phone went unanswered each time Forum 18 called on 7, 8 and 12 May.

Speaking at the United Nations Human Rights Council in Geneva on 19 March 2009 in response to recommendations to Turkmenistan as part of the Universal Periodic Review of the country by the Council, Akhmedova claimed, wrongly, that because Turkmenistan's Constitution guarantees the right to freedom of expression, people in Turkmenistan can freely express their beliefs and convictions, and seek and receive information and ideas in any form, including in the press and in the media.

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## **Old "offences" still used to punish current religious activity**

By Felix Corley

Forum 18 (11.05.2009) / HRWF (21.05.2009) - Website: <http://www.hrwf.org> - Email: [info@hrwf.net](mailto:info@hrwf.net) - Former prisoner of conscience Shageldy Atakov, is the latest victim of Turkmenistan's use of old "offences" to punish current activity, Forum 18 News Service has learnt. Officials under orders from the central authorities are now threatening to confiscate Atakov's property, if he does not pay an enormous sum he is alleged by the authorities to have swindled an individual out of in 1995. "It is all being done because I am a Christian - I don't owe anyone anything," Atakov insisted to Forum 18. His fellow Baptists have repeatedly backed his statements that he is completely innocent of all the alleged offences. Atakov was shown documents in court showing that the latest moves were ordered from the capital Ashgabad. He pledged not to allow the authorities to seize his family's property. "They'll completely empty the house. They don't have the right to do this." Atakov, his wife Artygul Atakova and their children are also on an exit blacklist, which the authorities use against people they dislike. No official has been willing to discuss the case with Forum 18.

More than seven years after he was freed in early January 2002 from a four-year prison term, prosecutors in Turkmenistan are renewing the same charges against Baptist leader and former prisoner of conscience Shageldy Atakov, Forum 18 News Service has learnt. Atakov was imprisoned in 1999, allegedly for swindling another individual out of 12,000 US Dollars (this is the exact sum quoted in official documents). The latest moves come fourteen years after the alleged offence in 1995.

"It is all being done because I am a Christian - I don't owe anyone anything," Atakov insisted to Forum 18 on 8 May from his home in the village of Kaakhka near the capital Ashgabad [Ashgabat]. "What they claimed I did back in 1995 was all fabricated later to punish me for becoming a Christian. In any case, any alleged debt would be cleared after my prison term." Atakov's fellow church members repeatedly insisted during his trial and imprisonment that he was completely innocent of all the alleged offences.

### **Property assessment prior to confiscation?**

Atakov told Forum 18 that officials have long targeted him because of his continuing Christian activity. "They've always tried, but now it's become extreme." He said an official from the local Hyakimlik (administration) visited the family home in Kaakhka on 29 April, where he lives with his wife Artygul and their nine children. The official came to assess the value of their property, including their fridge and other household items. The official examined property ownership documents, Atakov added. The house is owned by his wife, Artygul Atakova, while the family car is in his name.

The same day, Atakov was summoned to the Kaakhka court, where he says he was shown documents it had received from Ashgabad. He said it was not clear which agency in Ashgabad had issued the order to seize property from him. However, he said officials at Kaakhka court were unenthusiastic about moving against him. "They know it's not right," he told Forum 18. "I told them all the accusations are not true and I would say this everywhere."

Atakov said he does not know what action the authorities will now take against him. He said that since Forum 18's initial contact on 1 May "there is complete silence". "Maybe things have stopped as a result of your action," he told Forum 18. "They listen in to all phone calls."

However, Atakov pledged not to allow the authorities to seize his family's property. "They'll completely empty the house. They don't have the right to do this."

Forum 18 has been unable to find out which prosecutor has ordered the seizure of funds or property from Atakov, why the authorities still believe he owes money and why, if so, the money was not taken in 1999. No official at the General Prosecutor's Office would talk to Forum 18 on 7 and 8 May. Reached on 8 May, the man who answered the telephone of Nurmukhamed Gurbanov, Deputy Head of the government's Gengeshi (Committee) for Religious Affairs, twice put the phone down as soon as Forum 18 tried to ask about Atakov's case. The telephone of Shirin Akhmedova, Head of the government's National Institute for Democracy and Human Rights, went unanswered each time Forum 18 called on 7 and 8 May.

### **Repeated punishments for the same "offences"**

The Turkmen authorities have long used enforcement of older punishments for alleged "offences" as a further means to punish religious believers. In 2007, Jehovah's Witnesses complained of being summoned to police stations in connection with incidents that took place several years earlier. "Some fines were issued as long as three years ago but are only now being enforced," Jehovah's Witnesses told Forum 18 in 2007. Similarly, in 2007 the authorities used older "offences" to deport Baptist Pastor Yevgeni Potolov and imprison another, Vyacheslav Kalataevsky, for three years. Kalataevsky too was subsequently deported.

Former prisoner of conscience Atakov also complained to Forum 18 of recent confiscations of religious literature from individual religious believers returning to Turkmenistan from abroad, a problem that has affected many religious communities. He and his family are also on the unpublished exit blacklist, as are many other active religious believers of a variety of faiths.

### **Atakov's 1999 prosecution**

Atakov, a driver and car trader, became a Christian in April 1998 when he and his family were living in the Caspian port city of Turkmenbashi [Türkmenbashi, formerly Krasnovodsk]. He encountered pressure from state officials soon after joining the local congregation of the Council of Churches Baptists, who reject state registration on principle.

In November 1998 an official of the then National Security Committee secret police visited him and threatened to charge him "on an old case" if he did not cease his participation in the church. When Atakov ignored this threat, he received further warnings from officials and the local imam before being arrested in December 1998. Prosecutors claimed he swindled a man named Andrei Yusupov in a 1995 car deal.

In March 1999, Kopetdag district court in Ashgabad found him guilty of swindling and

forging documents under Article 228 and Article 218 of the Turkmen Criminal Code. He was sentenced to two years in a general regime labour camp and fined the equivalent of 12,000 US Dollars (the exact sum Atakov was alleged to have gained). This is a huge sum in Turkmen terms as the average monthly wage has been estimated to be the equivalent of 30 US Dollars. However, prosecutors complained that the punishment was too lenient and at a new trial in Ashgabad in August 1999 he was given a four-year labour camp sentence.

During his time in Seydi Labour Camp, Atakov's health deteriorated rapidly, due to repeated beatings, medical neglect, poor diet and torture with psychotropic (mind altering) drugs, for refusing to abandon his faith.

While Atakov was in prison his wife Artygul Atakova and their children were internally deported – without any court order - to the village of Kaakhka, where they still live.

In May 2001, Atakov rejected a deal between the Turkmen government and the United States government for him to be freed and to emigrate. He was returned to his prison. After a worldwide campaign for his release, Atakov was freed in January 2002, despite refusing pressure from Turkmenistan's secret police chief to promise not to preach his Christian faith, but remained under close surveillance and intermittent harassment.

### **Travel ban a prelude to renewed punishment for alleged "offence"**

That the authorities were moving to seize money or property from Atakov is clear from a 5 September 2008 letter from Turkmenistan's General Prosecutor's Office, in response to an appeal by a group of Baptists in Russia for the Turkmen authorities to end the travel exit ban on Atakov.

In May 2006, Atakov discovered he was on the secret exit blacklist after Ministry of State Security (MSS) secret police officers took him off the aeroplane as it awaited takeoff from Ashgabad airport. A Migration Service officer at the airport confirmed to Forum 18 that Atakov was barred from travelling but declined absolutely to explain why.

In June 2008, Artygul Atakova and six of their children were barred from boarding a flight to Russia, where she was due to have medical treatment, despite having tickets. After Atakov complained officials responded: "The MSS secret police have given us an order not to allow you and your family out of the country".

In its response to the Baptists in Russia, seen by Forum 18, the General Prosecutor's Office insisted that because of the 1999 prosecution Atakov cannot travel abroad. "As has been established during the course of the investigation, up to the present time Sh. M. Atakov has not compensated the losses to A. A. Yusupov," B. Bairamov, head of the General Prosecutor's Office's International Relations Department, wrote. He therefore rejected the Russian Baptists' appeal that Atakov be freely allowed to travel.

Forum 18 has been unable to reach Bairamov at the General Prosecutor's Office.

Atakov complained to Forum 18 that the travel ban on him and his family prevents them from being able to meet their fellow believers abroad. "This is the most important reason to want to travel, though both I and my wife also want to be able to get medical treatment abroad." (Atakov's health deteriorated while under torture when he was a prisoner of conscience.) Asked whether they had received back any of the money they had spent on tickets in 2006 and 2008 on trips they were not allowed to make, he snorted in derision. "They never give anything back."

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## **Conscientious objector convicted as criminal**

By Felix Corley

Forum 18 (20.04.2009) / HRWF (23.04.2009) - Website: <http://www.hrwf.org> - Email: [info@hrwf.net](mailto:info@hrwf.net) - A Jehovah's Witness conscientious objector in Turkmenistan, Zafar Abdullaev, has been given a two-year suspended sentence for refusing to do compulsory military service because of his religious beliefs, Forum 18 News Service has learnt. Abdullaev's criminal conviction comes despite calls from the UN Special Rapporteur on Freedom of Religion or Belief for the state to stop treating conscientious objection as a criminal offence and introduce a genuinely civilian alternative service. However, Turkmenistan's most senior human rights official, Shirin Akhmedova, has totally rejected these appeals. Instead, she pointed to the country's Constitution, which describes compulsory military service as a "sacred duty". In addition to his criminal record, it is unknown if Abdullaev faces other restrictions during his sentence, such as on his freedom of movement. There are two other known conscientious objectors currently serving sentences in Turkmenistan. Both, Begench Shakhmuradov and Vladimir Golosenko, are Jehovah's Witnesses.

A Jehovah's Witness in his early twenties, Zafar Abdullaev, has been given a two-year suspended sentence in the northern town of Dashoguz [Dashhowuz] for refusing compulsory military service on grounds of religious conscience, Jehovah's Witnesses have told Forum 18 News Service. This brings to three the number of Jehovah's Witness conscientious objectors currently serving sentences. One of the others is also serving a suspended sentence, while the third is serving a forced labour term. The sentence handed down to Abdullaev comes as Turkmenistan's senior human rights official rejects any end to the criminalisation of conscientious objection to compulsory military service.

### **Calls for state to allow conscientious objection**

International bodies have repeatedly recommended that Turkmenistan introduce an alternative civilian service for those who cannot serve in the armed forces for reasons of conscience.

"I am concerned that conscientious objection is a criminal offence and that no alternative civilian service is offered," United Nations Special Rapporteur on Freedom of Religion and Belief, Asma Jahangir, declared in the capital Ashgabat [Ashgabat] on 10 September 2008 at the conclusion of her visit to the country. She stressed that the right to perform an alternative, non-military service is part of the right to freedom of thought, conscience and religion guaranteed in Article 18 of the International Covenant on Civil and Political Rights.

In General Comment 22 on Article 18 of the International Covenant on Civil and Political Rights, the United Nations (UN) Human Rights Committee has stated that conscientious objection to military service is a legitimate part of everyone's right to freedom of thought, conscience and religion.

The introduction of an alternative, civilian service was also one of the recommendations to Turkmenistan as part of the Universal Periodic Review of the country by the UN Human Rights Council in December 2008.

### **State insists it will not allow conscientious objection**

However, responding to these recommendations at the UN Human Rights Council in Geneva on 19 March 2009, Shirin Akhmedova, Director of the government's National Institute for Democracy and Human Rights, rejected the recommendation. She pointed to Article 41 of Turkmenistan's Constitution, as revised by President Gurbanguly

Berdymukhamedov in September 2008, which states: "The defence of Turkmenistan is the sacred duty of every citizen. For male citizens of Turkmenistan a universal military obligation has been established."

Akhmedova claimed that those who have religious reasons for objecting can serve in medical or construction units within the army. She failed to explain how this would meet the objections of those who, for religious or other conscientious reasons, cannot serve at all in any structure linked to the military. She also failed to explain whether those who object to bearing arms on non-religious conscientious grounds are also eligible to perform non-military duties within the armed forces.

Forum 18 was unable to reach Akhmedova at her Institute on 17 April. The telephones of Charygeldy Seryaev, head of the government's Gengeshi (Committee) for Religious Affairs, and of Nurmukhamed Gurbanov, a deputy head, went unanswered each time Forum 18 called on 17 April. Forum 18 was also unable to reach Aygozel Hezretova, head of the Legal Information Centre at the Ministry of Justice.

One human rights defender from Ashgabad, who preferred not to be named, told Forum 18 on 17 April that the issue of an alternative service has not been publicly raised within the country. "The army takes everyone, whether or not they are even medically fit to serve," the human rights defender pointed out. "The army is a source of income for higher officials. I don't believe they'll introduce an alternative service."

Forum 18 had learnt in 2008 that the government was considering introducing some form of alternative service. However, it was unclear then whether any definite proposals were being considered, or how genuine this alternative service apparently being considered would be.

However, Akhmedova's comments to the UN Human Rights Council appear to indicate that the Turkmen authorities are proposing no change to the criminalisation of conscientious objection to compulsory military service.

### **The sentencing of Abdullaev**

Abdullaev, who was born in 1987, was called up into the armed forces when he reached the age of 18, but refused to serve because of his religious convictions. Although he initially faced pressure, eventually his case was forgotten. However, on 1 March this year, investigator A. Khamraev began summoning him to the town Prosecutor's Office for questioning, Jehovah's Witnesses told Forum 18.

Abdullaev was accused of violating Article 219 Part 1 of the Criminal Code, which punishes refusal to serve in the armed forces with a maximum penalty of two years' imprisonment. He was tried by a Dashoguz court on 8 April and given the suspended sentence. He is currently living at home.

It remains unclear what conditions have been attached to Abdullaev's suspended sentence. Other conscientious objectors serving suspended sentences have had restrictions placed on their movement, have to be back at home each evening at 8 pm and cannot leave their home town or city without specific permission. The sentence also means that Abdullaev will have a criminal record which will be notified to any future employer.

Jehovah's Witness young men have repeatedly insisted to Forum 18 that they are ready to do alternative non-military service, but Turkmenistan offers no civilian alternative to those who cannot serve in the military on grounds of conscience. The lack of any genuine

alternative service means that any Jehovah's Witness young men could be arrested at any time.

### **Other known conscientious objectors**

Still serving sentences for refusing military service are fellow Jehovah's Witness conscientious objectors Begench Shakhmuradov and Vladimir Golosenko.

Shakhmuradov, who is from the capital Ashgabad, was given a two-year suspended sentence in September 2007. Sources who preferred not to be identified told Forum 18 he is living at home and is able to work in a private business. His sentence is due to expire in September 2009.

Shakhmuradov insisted to Forum 18 in the wake of his sentence that he believes it is wrong to punish those who cannot serve in the armed forces because of their religious convictions. He particularly objected that some – like himself – have been sentenced twice for the same "offence".

Golosenko, who is from the Caspian port city of Turkmenbashi [Türkmenbashi, formerly Krasnovodsk], was called up when he reached the age of 18. He too was found guilty under Article 219 Part 1 and sentenced on 12 February 2008 to two years' forced labour. He is not in prison, but 20 percent of his wages go to the state.