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## **Continuing haj restrictions, increasing raids on Christians, religious freedom prisoners of conscience remain jailed**

Forum 18 News Service (31.10.2012) - Turkmenistan is continuing to allow only one government-sponsored aeroplane of government-approved pilgrims to take part in the annual Muslim haj pilgrimage to Mecca. President Gurbanguly Berdimukhamedov signed a decree authorising 188 pilgrims to travel in a state sponsored group, the government website noted on 5 October. Those chosen gathered at the Ertogrul Gazy mosque in the capital Ashgabat [Ashgabat] on 16 October, together with officials from various state agencies, for a final briefing. They flew to Saudi Arabia the following day on a Boeing 757 airliner of the government-run Turkmenistan Airlines.

The continued haj restrictions come at a time of increasing pressure and raids on Protestant Christians, and as the government did not include prisoners of conscience jailed for exercising freedom of religion or belief in the latest prisoner amnesty.

The haj pilgrimage is an obligation for all able-bodied Muslims who can afford it at least once in their lifetime. The seating in a Boeing 757 airliner is typically arranged to carry more than 188 passengers, so the government is not even allowing one full airliner of pilgrims to travel.

### ***Who is allowed on the haj?***

The imam of a large mosque in a location distant from Ashgabat, unnamed for fear of state reprisals, told Forum 18 News Service on 31 October that no-one from his mosque went on the haj this year. The imam had heard that some people from Ashgabat had gone on the state-controlled pilgrimage, but did not think it was possible to travel independently. He was not aware of any imams or other Muslims who thought it was possible to ask the government for an increase in the numbers allowed to make the haj.

The selection of pilgrims is tightly controlled, involving interlocking controls by the MSS secret police, the state Gengesh (Council) for Religious Affairs, the state-run Muftiate (Sunni Muslim Spiritual Administration), regional government administrations, and the central government. The government claims that independent travel on the haj is possible, "but in practice the Saudi Arabian Embassy won't give them a visa unless they are on the list approved by the Turkmen authorities. They refuse them on various pretexts", an Ashgabad resident told Forum 18 in 2010, commenting that the Saudi Arabian Embassy appears to follow the wishes of the Turkmen authorities.

Forum 18 has been repeatedly told that among the 188 pilgrims routinely sent are agents of the Ministry of State Security (MSS) secret police, to monitor and control those travelling. Turkmenistan is thought to have been allocated an annual haj quota by the Saudi Arabian authorities of around 5,000 pilgrims. However this has not been filled due to the authorities' attempts to isolate their citizens. Indeed, in 2009 no pilgrims at all were allowed to travel, allegedly owing to the H1N1 virus.

Forum 18 sent a written enquiry to the Consular Department of the Saudi Arabian Embassy in Ashgabad on 5 September, asking what Turkmenistan's haj quota is and whether the Embassy grants visas to any pilgrims apart from those in the state-sponsored group. However, as of 30 October it had received no response. Embassy officials refused to give this information by telephone.

Since the 1990s, the government has allowed only one state-sponsored aeroplane of pilgrims each year and banning pilgrims from travelling independently. Between 2005 and 2008, and again in 2010 and 2011, only 188 people – including MSS secret police agents – were allowed to travel.

Even for those who do manage to get a place on the haj, there are restrictions in addition to the presence of MSS secret police. No Shia Muslim rituals are permitted (ethnic Turkmen Muslims tend to be Sunni), and going on the haj appears to entail a subsequent obligation to publicly support the state.

### ***Unable to say how many pilgrims***

The telephone of Gurbanberdy Nursakhatov, Deputy Chair of the government's Gengesh for Religious Affairs, went unanswered each time Forum 18 called on 30 October.

The official who answered the phone at the Gengesh for Mary Region in the west of the country told Forum 18 the same day that he was unable to say how many pilgrims from that Region had travelled on this year's haj. He also cannot say in what year they had first applied. "The regional mufti Bazar Hojaev is not here and we can't answer any questions," the official told Forum 18.

An official of the Gengesh for Mary Region told Forum 18 in August that his office was then processing haj applications lodged by would-be pilgrims in 2004 and 2005. "Well, there's a queue," he explained.

Telephones of other Regional offices of the Gengesh went unanswered when Forum 18 called on 30 October.

### ***Letter of recommendation from imam now required***

Local journalist Atajan Akyev, writing on the website news-asia.ru on 19 October, noted the many would-be pilgrims who are denied the opportunity to join the haj because of

the state restrictions. There are also "the compulsory instruction on observing the general rules of conduct during the haj", he noted.

One middle-aged Muslim, who asked that their real name not be given, told Akyev that would-be pilgrims tried to use any influential contacts they have to secure a place. The Muslim lodged an application in 2003 and has not yet gone.

Akyev notes that in previous years it was possible for individuals who do not regularly attend mosque to get on the list. However, this has changed. "If a person does not go to mosque and does not pray the namaz, consideration of any application will be put off to an indeterminate point in the future."

In a new development this year, Akyev quoted relatives of those on this year's haj as saying that the Gengesh demanded a letter of recommendation from the local imam for each applicant.

### ***Teacher questioned, threatened***

In mid-October, a school teacher in a village in northern Turkmenistan was visited by three officers of the MSS secret police. The teacher was summoned from the classroom to be interrogated, Protestants in Turkmenistan told Forum 18, asking that the teacher and the location not be identified.

Officers shouted and swore at the teacher, Protestants complained. They asked whether the teacher believes in Jesus, as well as which Christians the teacher knows. They also asked about whether the teacher attends weddings. Protestants say this was to find out if the teacher is a Jehovah's Witness, as Jehovah's Witnesses are known for refusing wedding invitations.

### ***Mounting pressure***

The interrogation of and threats to the teacher come at a time of heightened pressure, particularly on Protestants. Communities in various parts of Turkmenistan have been raided since the summer and more than 20 Protestants are known to have been fined for their religious activity.

Among them were eleven members of a Baptist church in the northern city of Dashoguz, fined on 1 October for participating in an unregistered religious community. They were each fined 750 Manats (1,500 Norwegian Kroner, 200 Euros or 260 US Dollars). This represents about two months' average wage in Dashoguz for those with work,

Those fined in Dashoguz have been paying the fines in instalments, Protestants who asked not to be identified for fear of state reprisals told Forum 18. The final instalments are due to be handed over by 2 November.

### ***Amnesty – but not for religious freedom prisoners of conscience***

President Berdimukhamedov signed a decree amnestying prisoners "in connection with the principles of mercy and humanism" to mark Turkmenistan's Independence Day, the government website noted on 23 October. Officials say more than 2,000 prisoners were to be freed, including 11 foreigners.

However, the amnesty does not include any prisoners of conscience jailed for exercising freedom of religion or belief, including conscientious objection to military service.

The four current imprisoned conscientious objectors – all Jehovah's Witnesses - are: Mahmud Hidaybergenov, 2 years, Dashoguz Court, August 2011; Zafar Abdullaev, 2 years, Dashoguz Court, March 2012; Navruz Nasyrtaev, 2 years, Dashoguz Court, May 2012; and Juma Nazarov, 18 months, Ashgabad Court, July 2012.

Hidaybergenov and Abdullaev are being held in the general regime section of Seydi Labour Camp, while Nasyrtaev is being held in the Camp's strict regime section. It is not known if Nazarov has also been transferred to the Seydi Labour Camp.

Also imprisoned is Jehovah's Witness Aibek Salayev, convicted in Dashoguz on 12 April of "distributing pornography" and sentenced to four years' imprisonment. He is also being held in Seydi Labour Camp.

In addition, other Jehovah's Witness conscientious objectors are serving suspended sentences.

There are also an unknown number of Muslim prisoners of conscience also jailed for exercising their freedom of religion or belief. Musa (last name unknown), a Muslim from Ashgabad who seems to have been imprisoned for teaching the Koran to children, was being held in Seydi Labour Camp at the beginning of 2012.

Jehovah's Witnesses told Forum 18 on 30 October that none of their prisoners are known to have been included in the Independence Day amnesty, just as none had been included in the previous prisoner amnesty in August.

### ***Attempt to clear name fails***

Meanwhile, Jehovah's Witness former prisoner of conscience Vladimir Nuryllayev has failed in his attempt to clear his name. He has appealed to the Supreme Court repeatedly since his release from Ovadan-Depe Prison on 17 May under amnesty and his return to Ashgabad.

Arrested in November 2011, Nuryllayev was sentenced on 18 January 2012 to four years' imprisonment on charges of "spreading pornography". He has consistently maintained his innocence.

On 10 October, Begench Hojamguliev, deputy chair of Turkmenistan's Supreme Court, wrote to Nuryllayev to tell him that it had rejected his supervisory appeal. Nearly two weeks later the "damaged and opened" letter reached Nuryllayev, Jehovah's Witnesses told Forum 18. "No hearing even took place," they lamented.

On 22 October, M. Saryyeva, head of the Department for Supervising the Legality of Court decisions, wrote to Nuryllayev insisting that the court case and sentencing had all been conducted legally. Unlike the Supreme Court letter, this one arrived three days later.

### ***No further appeals possible***

The man who answered Hojamguliev's phone at the Supreme Court on 30 October initially said he was Hojamguliev. However, when Forum 18 asked about Nuryllayev's case he said he was not Hojamguliev, adding that he had no information on the case. "Who gave you my number?" the man asked Forum 18. "We're not allowed to say anything to anyone."

"We believe Vladimir now has no other possibilities for further appeals," Jehovah's Witnesses lamented to Forum 18.

Under the terms of Nuryllayev's amnesty, he has to report to his local police station each Sunday, as well as weekly to the local police officer. The authorities may have chosen Sunday to obstruct Nuryllayev meeting for worship with his fellow Jehovah's Witnesses.

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## **Raids, fines, exit denial, bloodied hands**

Forum 18 (27.09.2012) - A Turkmen-born Protestant Oleg Piyashev has been denied exit from Turkmenistan to return to his home in Russia, where he lives with his wife and family, Forum 18 News Service has learnt. He was barred exit at Ashgabad [Ashgabat] airport on 23 September, a week after he was among three Protestants fined for holding a religious meeting in the northern city of Dashoguz. In an apparently related incident, police and local officials raided a Baptist home in the city, detaining and questioning 77-year-old Baptist leader Begjan Shirmedov, beating the hands of his wife until they bled and threatening church members with prosecution.

One Protestant who knows the Shirmedov family complained of the "crude" behaviour of the officials "who violated all ethical norms" during the 23 September raid. "I am very sad that this lawless behaviour took place without regard for the individual," the Protestant, who asked not to be identified for fear of state reprisals, told Forum 18. "They treated an elderly man like a tramp in front of his wife, his children, church members and neighbours without fear of having to answer for their actions."

The raids and fines in Dashoguz followed similar raids and fines on a number of Protestants across Turkmenistan in recent months.

Forum 18 was unable to find any official at the national level in the capital Ashgabad prepared to comment on the raids, threats and fines. The man who answered the telephone of Gurbanberdy Nursakhatov, Deputy Chair of the government's Gengesh (Council) for Religious Affairs, put the phone down on 27 September as soon as Forum 18 called. Subsequent calls went unanswered.

Similarly, no-one at the Dashoguz Regional Hyakimlik [administration] was available to comment. The telephone of the Hyakimlik's religious affairs department went unanswered each time Forum 18 called on 27 September.

### **Raid, fines**

Piyashev – who left Turkmenistan for Russia in 2003 and now lives in Tomsk – was on a short visit back to his homeland when he was caught in a police raid on a religious meeting in a private flat in Dashoguz on 5 September, Protestants told Forum 18. Police found an interview Piyashev had filmed with Shirmedov about Christian poetry he had written and confiscation of copies in February after the poet had sought to have a small book of them printed locally.

During the raid, police took a copy of Piyashev's interview. They also brought an administrative case against Piyashev and two other local Protestants.

All three were tried at Dashoguz City Court on 14 September, where they were found guilty of violating Article 205 of the Code of Administrative Offences ("violation of the law on religious organisations"), which carries a punishment of fines of between five and ten times the minimum monthly wage for refusing to register a religious community or participating in an unregistered religious community. They were each fined 750 Manats

(1,500 Norwegian Kroner, 200 Euros or 260 US Dollars). Despite insisting that their meeting was not illegal, the three have all paid the fines.

### **No exit**

Piyashev – who has both Turkmen and Russian citizenship – was due to leave Turkmenistan to return home on 23 September. Despite having a valid ticket, Migration Service officials prevented him at Ashgabad Airport from boarding his flight. They refused to give him a reason, telling him that he should seek an explanation from the Migration Service in Dashoguz, Protestants told Forum 18.

On 24 September, once back in Dashoguz, Piyashev visited the local head of the Migration Service, who told him they had no complaints against him and that all his documents are in order. However, he told Piyashev he is "temporarily" banned from travelling. When Piyashev said that he has a Russian passport, the official responded: "A Russian passport means nothing to us."

An official of the Border Service at Ashgabad Airport told Forum 18 on 27 September that he could find no record of Piyashev among those denied the right to leave the country on 23 September. However, he said the Border Service would have no record if an individual had been denied the right to leave by the Migration Service, which operates the control before the final Border Service control.

The telephone of the Migration Service at the airport went unanswered on 27 September.

Piyashev has sought the help of the Consular Department of Russia's Embassy in Ashgabad to return home to his family in Russia, Protestants told Forum 18.

Aleksei Mosin, spokesperson for the Russian Embassy in Ashgabad, told Forum 18 that it had received an appeal for assistance in Piyashev's case. Its Consular Department had investigated and established that Piyashev has joint Turkmen and Russian citizenship.

"According to the Agreement on Settlement of Dual Citizenship Issues between Russia and Turkmenistan, while he is in Turkmenistan he is under the jurisdiction of the Turkmen authorities," Mosin told Forum 18 from Ashgabad on 27 September. Since Piyashev is a Russian citizen, the Embassy requested Turkmenistan's Foreign Ministry to clarify why Piyashev was denied the possibility to board the flight to Russia. "At this stage we are waiting for the response from the Turkmen side."

### **Violent raid**

A group of about six officials – two of them in police uniforms – raided Shirmedov's Dashoguz home on Sunday 23 September. They arrived during a home meeting of his Baptist congregation, Path of Faith Church, attended by about 15 church members. Almost all those present – men, women and children – were taken in a bus to the Hyakimlik. "Begjan was dragged out of the house by his collar," one Protestant complained to Forum 18, pointing out that he is an elderly man who should be treated with more respect. They say his son Shohrat tried to protect him.

At the Hyakimlik, church members were questioned about their religious activity by Hudainazar (last name unknown), the deputy to Dashoguz Regional imam and state religious affairs official Rovshen Allaberdiev. Officials took fingerprints from Begjan Shirmedov and his son Shohrat "as if they were terrorists", Protestants complained to Forum 18. Later that day the church members were released.

While the group of church members were being questioned at the Hyakimlik, another group of officials searched every room in the family home. They seized Christian books, booklets and CDs.

### ***Swearing, beating***

Officials raiding the house also swore at and beat Begjan Shirmedov's 68-year-old wife Klara on the hands after she complained that it was illegal to seize their literature, that they should not treat a senior citizen like her husband with such disrespect and that they were walking in her home wearing their shoes. When she complained and showed her bloodied hands to another official, he responded: "I saw nothing."

When officials asked where the literature had come from, family members insisted they had collected the books over many years as they have been Christians since the mid-1990s.

When officials told them that religious activity without state registration is illegal, church members responded that they have been seeking such registration in vain since 2004, when the registration of non-Muslim and non-Russian Orthodox communities once again became possible.

Path of Faith Church lodged registration documents in 2005, but these were rejected because of "mistakes". The Church again lodged its application in 2008, but these were returned by the Justice Ministry two years' later. It has since tried a further time to register.

The official who answered the telephone of the Justice Ministry department in Ashgabad which is supposed to register religious organisations told Forum 18 on 27 September that the line was bad and asked to call back. All subsequent calls went unanswered.

### ***Another city, another fine***

Among other Protestants to be fined in recent months was one in the capital Ashgabad, fellow Protestants told Forum 18. On 14 September, Judge S. Taylyyew of Kopetdag District Court in Ashgabad found a local Protestant guilty of violating Article 205, Part 1 of the Code of Administrative Offences.

The Protestant was accused of creating groups affiliated with an unregistered Protestant community and reading "illegal" religious literature obtained from Russia. The Judge fined the Protestant 375 Manats (750 Norwegian Kroner, 100 Euros or 130 US Dollars). This is about the average monthly wage of a government employee such as a teacher in the capital.

### ***Exit denials***

A number of religious believers – including former prisoners of conscience - are known to be among those to have been placed on the exit black list. Among them is Pastor Ilmurad Nurliev, leader of a Protestant church in Mary who was imprisoned from August 2010 to February 2012. He discovered he was barred from leaving in 2007, when he was taken off an aeroplane at Ashgabad Airport.

Also on the exit black list is Baptist leader Shagildy Atakov, as well as his wife, all their nine children (who range in age from 22 to 5) and his brother. Atakov was imprisoned from 1998 to 2002 to punish him for his faith. He learnt he was on the black list in 2006, while his wife and children discovered this in 2008 when they were barred from leaving at Ashgabad Airport.

"We have a great need to be allowed to travel," Atakov told Forum 18 from his home in the village of Kaakhka near Ashgabad on 28 August. "We need not only to travel for medical treatment but to have fellowship with other believers."

Atakov added that he has again tried to get an explanation for the exit ban from the Migration Service. "They replied most recently in the summer to say we are still banned from travelling, but again gave no reasons," he complained.

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## **Another conscientious objector prisoner of conscience**

Forum 18 News Service (17.08.2012) - Five conscientious objectors to Turkmenistan's compulsory military service - all Jehovah's Witnesses - are known to have been sentenced since late May. Four received suspended sentences but the fifth, Juma Nazarov, received an 18-month prison term in July, Jehovah's Witnesses told Forum 18 News Service. This makes a total of five currently known prisoners of conscience jailed for exercising freedom of religion or belief. Also, a religious affairs official in Mary Region has admitted that "thousands" of people are in the queue in his Region alone for a place on the haj pilgrimage to Mecca, whose numbers are severely restricted by the government. Those who may be selected from Mary Region are among those who lodged applications in 2004 or 2005. "We check first to make sure they are still alive," the official told Forum 18.

Pirnazar Hudainazarov, Chair of the Mejlis (Parliament) Committee on the Protection of Human Rights and Freedoms, refused absolutely to discuss the continued sentencing of conscientious objectors - or any other issue. "Why do you keep phoning me?" he asked Forum 18 from the capital Ashgabad [Ashgabat] on 16 August. Told that his position in the Mejlis - which he confirmed - gave him a share in responsibility for the government's failure to end human rights violations, Hudainazarov kept repeating "You must talk to the Foreign Ministry." He then put the phone down.

Gurbanberdy Nursakhatov, Deputy Chair of the government's Gengesh (Council) for Religious Affairs in Ashgabad, put the phone down on 17 August as soon as Forum 18 told him it had questions on the haj pilgrimage. There was no opportunity to ask about the continued sentencing of conscientious objectors.

### ***New sentences***

All five conscientious objectors were sentenced under Criminal Code Article 219, Part 1. This punishes refusal to serve in the armed forces in peacetime with a maximum penalty of two years' imprisonment.

Nazarov, a 19-year-old Jehovah's Witness from Ashgabad, was tried on 23 July under Judge Ovez Byashimov at the city's Azatlyk District Court. Nazarov was found guilty of refusing to do military service because of his faith and sentenced to 18 months' imprisonment, Jehovah's Witnesses told Forum 18.

After Nazarov lodged his refusal to do military service on 25 April, and was from 10 May held in pre-trial detention at Yashlyk, 40 kms (25 miles) south-east of Ashgabad. It is not known if Nazarov has now been transferred to a labour camp.

Four other conscientious objectors are known to have been sentenced since May under Article 219, Part 1 to suspended terms of imprisonment.

Merdan Tachmuradov, a 20-year-old Jehovah's Witness from Dashoguz in northern Turkmenistan, was sentenced on 23 May to a two-year suspended prison sentence, Jehovah's Witnesses told Forum 18. In addition, the judge ordered that twenty percent of his income be deducted from his wages and transferred to the state budget.



In a similar case in Dashoguz, Jamshid Kurbanov, an 18-year-old Jehovah's Witness, was sentenced by Judge Almaz Vayhamov on 10 July to a two-year suspended prison sentence. The judge also ordered that 20 per cent of his income be deducted from his wages, and transferred to the state budget.

Nazargeldy Chariyev, an 18-year-old Jehovah's Witness from Bereket (formerly Gazanjyk) in Balkan Region of western Turkmenistan, was sentenced on 23 June to a two-year suspended prison sentence.

Begench Nabatov, an 18-year-old Jehovah's Witness from Ashgabad, was sentenced at the city's Azatlyk District Court on 6 August to a two-year suspended prison sentence.  
Existing prisoners of conscience

The five new sentences bring to eight the number of conscientious objectors - all Jehovah's Witnesses - known to have been sentenced so far in 2012. Akmurad Nurjanov, was given a one-year suspended sentence in Ashgabad in February.

Zafar Abdullaev was given a two year prison term in Dashoguz in March. Navruz Nasyrlaev was given a two-year strict regime labour camp sentence in May. It is thought the strict-regime sentence was imposed rather than a general-regime sentence because this is the second time Nasyrlaev had been sentenced on the same charge.

Two Jehovah's Witness conscientious objector prisoners sentenced in December 2010 completed their 18-month sentences in June. Matkarim Aminov was freed on 27 June and Dovran Matyakubov the following day. Both had been held at the labour camp in the desert near Seydi in Lebap Region in eastern Turkmenistan, where almost all religious prisoners of conscience are held.

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

The four current imprisoned conscientious objectors are: Mahmud Hidaybergenov, 2 years, Dashoguz Court, August 2011; Zafar Abdullaev, 2 years, Dashoguz Court, March 2012; Navruz Nasyrlaev, 2 years, Dashoguz Court, May 2012; and Juma Nazarov, 18 months, Ashgabad Court, July 2012.

Hidaybergenov and Abdullaev are being held in the general regime section of Seydi Labour Camp, while Nasyrlaev is being held in the Camp's strict regime section. It is not known if Nazarov has also been transferred to the Seydi Labour Camp.

Jehovah's Witnesses lament that none of their prisoners was freed in the prisoner amnesty declared by President Gurbanguly Berdymukhamedov on 12 August. The government website put the number of freed prisoners at 1,327, of who 44 are foreign citizens. Human rights defenders told Forum 18 from Ashgabad that the list of pardoned prisoners was not published in the government media.

Turkmenistan's refusal to recognise the right to refuse military service, which is part of the right to freedom of religion or belief, breaks the country's international human rights commitments, and was criticised in March by the UN Human Rights Committee.

### ***Fifth prisoner of conscience's Supreme Court appeal fails***

The fifth currently known prisoner of conscience jailed for exercising his religious freedom, 33-year-old Aibek Salayev, was convicted in Dashoguz on 12 April of "distributing pornography" and sentenced to four years' imprisonment. Jehovah's Witnesses insist this charge was fabricated. His lawyer appealed against his sentence to

the Supreme Court in Ashgabad. However, it rejected his appeal on 24 May, Jehovah's Witnesses told Forum 18.

Salayev was transferred from Dashoguz to the Seydi labour camp, where he is not currently facing "special pressure". However, his fellow-believers fear for his well-being, as officials in Dashoguz's pre-trial detention centre warned that he would be raped once he arrived in Seydi Labour Camp.

Serious beatings "in the stomach, on the kidneys and on the head" were inflicted on Salayev, after his 7 March arrest, by police and Ministry of State Security (MSS) officers. Jehovah's Witnesses added that "four or five fellow prisoners who collaborate with the prison administration" also beat Salayev severely in Dashoguz Pre-trial Detention Centre. The prisoners "were acting on the orders of an officer of the 6th Department, Serdar Saparov".

The police's 6th Department is notionally responsible for counter-terrorism and organised crime work, is often very active against people exercising their right to freedom of religion or belief.

The duty officer at Dashoguz Pre-trial Detention Centre on 17 August refused to give Forum 18 a contact number for officer Saparov. He refused to answer any questions about Salayev's treatment while he was held at the Detention Centre.

### ***Eight-year wait for haj applications processing***

An official of the government's Gengesh for Religious Affairs for Mary Region said that his office is now processing applications to go on the haj pilgrimage to Mecca lodged by would-be pilgrims in 2004 and 2005. "Well, there's a queue," the official - who did not give his name - told Forum 18 from Mary on 16 August. This year's haj takes place in late October. Asked how many people were in the queue in his Region, the official admitted "thousands", but said he was unable to give an exact figure.

The government normally allows only one airliner of people (normally 188 people) a year to go on the haj, out of a possible Saudi Arabian-allocated quota of 5,000. The 188 people include MSS secret police officers. In 2009, the government allowed no haj pilgrims to travel at all. The total for the November 2011 haj - just 186 - was the lowest figure (apart from 2009) since 2002.

Government officials in recent years have claimed that some pilgrims are allowed to travel independently outside the framework of the government-sponsored aeroplane. But an Ashgabad resident familiar with the haj - who asked not to be identified - told Forum 18 in mid-August that Turkmen citizens cannot go on the haj, other than in the government-sponsored group.

### ***"We check first to make sure they are still alive"***

The Mary Region Gengesh official told Forum 18 that documents for about 100 would-be pilgrims from Mary Region, who had applied in 2004 and 2005, had recently been sent to the Muftiate (Muslim Spiritual Administration) in Ashgabad. (The Muftiate runs under government control the only form of the majority religion Islam permitted.) Asked by Forum 18 whether officials checked whether those who had lodged the applications up to eight years ago were still willing and able to afford to go, the official said those whose documents were presented to Ashgabad were checked in June 2012. "We check first to make sure they are still alive," he insisted.

Forum 18 then asked how many of these approximately 100 would-be pilgrim applicants are likely to be successful, given that the total number of pilgrims the Turkmen

government will allow to travel is likely to be about 190 for the whole country, of which Mary Region is one of five regions plus the capital. The Gengesh official responded that he did not know, adding that the Muftiate in Ashgabad decides on which of the applicants is successful.

Officials in Ashgabad have not yet told regional Gengesh offices how many pilgrims will be allowed to travel on the haj. "We will be told on 1 October which pilgrims from our Region will be travelling," the Mary Region official told Forum 18.

Turkmenistan's government does not appear to have made public how many pilgrims from the country it will allow to travel on the haj. The haj is an obligation for all able-bodied Muslims who can afford it at least once in their lifetime.

Officials at the offices of the Gengesh in Dashoguz and Lebap Regions and in the city of Turkmenbashi (formerly Krasnovodsk) refused to discuss anything with Forum 18 on 16 August and put the phone down.

Forum 18 was unable to reach any Turkmen official able to say how many pilgrims it would allow to travel on this year's haj in October. Telephones at the Saudi Arabian Embassy in Ashgabad went unanswered on 16 and 17 August. The Embassy of Turkmenistan to Saudi Arabia in Riyadh was closed on 16 and 17 August as Thursdays and Fridays are non-working days in Saudi Arabia. Forum 18 asked the Haj Department of the Saudi Arabian Foreign Ministry in Riyadh in writing on 16 August what the quota it had allocated for this year's haj was. No response had been received by the middle of the day in Saudi Arabia on 17 August.

### ***Raid - but officials return literature***

Meanwhile, police in the town of Magdanly (formerly Govurdak) in Lebap Region of eastern Turkmenistan raided a meeting on 8 April of the small local Baptist congregation, Protestants told Forum 18 from Turkmenistan. All adult church members at the meeting were questioned about their faith and all their Christian literature was confiscated.

Church members chose not to publicise the raid at the time or lodge official complaints. Instead they decided to pray. They told Forum 18 that on 10 May "the authorities returned all the literature they had confiscated, without our intervention". "They found no violations in the church members' activity. It's a great bonus that they themselves came to this decision."

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## **Prisoner of conscience freed, but remains under restrictions**

By Felix Corley

"Forum 18 News Service," (28.05.2012) - Six months after his arrest in Turkmenistan, Jehovah's Witness Vladimir Nuryllayev was freed from Ovadan-Depe Prison on 17 May under amnesty and returned to his home in the capital Ashgabad [Ashgabat], Jehovah's Witnesses have told Forum 18 News Service. However, he remains under restrictions, having to report to police up to three times a week. Another Jehovah's Witness prisoner Sunet Japbarov - a conscientious objector to compulsory military service - has been freed from labour camp at the end of his 18-month sentence. Their release leaves six confirmed prisoners of conscience jailed for exercising their freedom of religion or belief. Five of them are Jehovah's Witness conscientious objectors and one - Aibek Salayev -

was sentenced like Nuryllayev on charges of "spreading pornography" for being a Jehovah's Witness.

There are also an unknown number of Muslim prisoners of conscience also jailed for exercising their freedom of religion or belief.

### ***"He remains very weak"***

Nuryllayev's release came as part of the presidentially-decreed prisoner amnesty to mark the 18 May Constitution Day. More than 1,000 prisoners are said to have been freed. Nuryllayev appears to have been the only Jehovah's Witness prisoner of conscience among those released. Nuryllayev was not required to swear any oath before being freed.

Nuryllayev was being held in the manual labour section of the isolated top-security prison of Ovadan-Depe in the Karakum Desert 70 kms (45 miles) north of Ashgabad. "Volodya got thinner in prison, and remains very weak, and his state of health is still being checked," Jehovah's Witnesses told Forum 18. "But he's gradually getting back to normal and has returned to work." Nuryllaev works as a building worker.

Each Sunday Nuryllayev has to report to Ashgabad's Azatlyk District Police Station, Jehovah's Witnesses told Forum 18. At least once, and often twice a week, he also has to report to the neighbourhood police officer Nazar Tashov. "All this is designed to prevent him from travelling anywhere," Jehovah's Witnesses complained to Forum 18.

### ***Six months in prison***

Nuryllayev was arrested on 15 November 2011. On 18 January 2012 he was sentenced to four years' imprisonment on charges of "spreading pornography". His fellow Jehovah's Witnesses told Forum 18 that "all this has been done because he is a Jehovah's Witness", insisting that he "is a highly moral and deeply devout person and has nothing to do with pornography". There has also been an unverified report that a Muslim may have been sentenced in 2011 on similar charges, for distributing religious discs.

Prisoners of conscience, imprisoned like Nuryllayev in a labour camp, have spoken of beatings and punishments of solitary confinement. "A member of the Special Police Force (OMON) entered my cell on two occasions and beat me on the head and neck with his baton," one recalled.

On 12 April Jehovah's Witness Salayev was sentenced on the same charges as Nuryllaev to the same four year term of imprisonment. As with Nuryllayev, Jehovah's Witnesses insist that Salayev is also innocent and has also been jailed for his beliefs. He has been brutally beaten by the ordinary police and MSS secret police "in the stomach, on the kidneys and on the head. As a result his face swelled up and he could not eat", local Jehovah's Witnesses who wished to remain unnamed for fear of state reprisals told Forum 18. Salayev was sentenced by the same Judge at Dashoguz City Court, Akmurad Akmuradov, who on 1 May sentenced Jehovah's Witness conscientious objector Navruz Nasyrlyev to the maximum two-year strict regime labour camp sentence for this "offence". Nasyrlyev was the second conscientious objector jailed in 2012.

It remains unknown if Salayev and Nasyrlyev have already been sent to labour camps to serve their sentences. Inspector Dovlet (last name unknown) of Dashoguz Pre-Trial Detention Centre, where both were being held, claimed to Forum 18 on 28 May he had not heard of either prisoner of conscience. He then put the phone down.

Turkmenistan's refusal to recognise the right to refuse military service, which is part of the internationally recognised right to freedom of religion or belief, breaks the country's international human rights commitments. The first conscientious objector sentenced in 2012 was Jehovah's Witness Zafar Abdullaev, who was given the maximum two-year prison term on 6 March.

### ***Five imprisoned conscientious objectors, another to follow?***

Japbarov – who had been held together with other imprisoned conscientious objectors at the Seydi general regime labour camp in eastern Turkmenistan – was freed on 14 May at the end of his sentence, Jehovah's Witnesses told Forum 18.

With Japbarov's release, the five imprisoned conscientious objectors are: Matkarim Aminov, 18 months, Dashoguz Court, December 2010; Dovran Matyakubov, 18 months, Dashoguz Court, December 2010; Mahmud Hudaybergenov, 2 years, Dashoguz Court, August 2011; Zafar Abdullaev, 2 years, Dashoguz Court, March 2012; and Navruz Nasyrlaev, 2 years, Dashoguz Court, May 2012. Japbarov, Aminov, and Matyakubov are expected to complete their sentences in June 2012.

### ***The address of Seydi Labour Camp is:***

Turkmenistan,

746222 Lebap vilayet,

Seydi,

uchr. LB-K/12

Another conscientious objector, Ashgabad-based Juma Nazarov, was arrested on 10 May. He too faces criminal trial.

One other Jehovah's Witness conscientious objector, Akmurad Nurjanov, is serving a one-year suspended sentence imposed in February.

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## **Maximum prison sentence for latest conscientious objector**

By Felix Corley

Forum 18 News Service (18.04.2012) - In the second known trial so far in 2012, a court has convicted a conscientious objector for refusing to undergo Turkmenistan's compulsory military service for young men. Unlike the previous conviction, which led to a one-year suspended sentence, the latest Jehovah's Witness conscientious objector Zafar Abdullaev received the maximum prison sentence of two years, Forum 18 News Service has learnt. It is Abdullaev's second sentence on the same charges. Four other Jehovah's Witness prisoners of conscience are currently serving jail terms for refusing compulsory military service. All five say they would be willing to perform a civilian alternative service, but none exists.

A sixth Jehovah's Witness prisoner of conscience is imprisoned on charges not related to conscientious objection, which his community insists were fabricated. Meanwhile, two

Protestant former prisoners of conscience imprisoned for their faith have made no progress in overturning their bans from leaving Turkmenistan.

### ***No alternative service***

Turkmenistan's January 2010 report to the United Nations (UN) Human Rights Committee under the International Covenant on Civil and Political Rights (ICCPR) contains just one sentence on alternative service, only to dismiss it. "Turkmen law does not provide for unarmed service," the sentence in Paragraph 337 declares bluntly (CCPR/C/TKM1). It gives no explanation or amplification.

Military service is compulsory for men between the ages of 18 and 27 and generally lasts two years. Conscientious objectors face trial under Article 219, Part 1 of the Criminal Code, which punishes refusal to serve in the armed forces with a maximum penalty of two years' imprisonment.

Young Jehovah's Witnesses insist they would be willing to do any form of alternative, non-military service, were it to be introduced. The current lack of any alternative service means that male Jehovah's Witnesses of draft age who have not served in the military can be arrested at any time.

Government officials' private statements to foreign counterparts that some form of alternative service might be introduced have not, to date, resulted in any verifiable specific action. Indeed, speaking at the UN Human Rights Council in Geneva in March 2009, Shirin Akhmedova, Director of the government's National Institute for Democracy and Human Rights in the capital Ashgabat [Ashgabat], rejected the recommendations from numerous international organisations – including the then UN Special Rapporteur on Freedom of Religion and Belief, Asma Jahangir – that Turkmenistan introduce a civilian alternative 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.

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

### ***UN call for prisoners' release and alternative service***

The UN Human Rights Committee reviewed Turkmenistan's record under the ICCPR on 15 and 16 March, including its failure to introduce an alternative civilian service.

"The Committee is concerned that the Conscription and Military Service Act, as amended on 25 September 2010, does not recognize a person's right to exercise conscientious objection to military service and does not provide for any alternative military service," the Human Rights Committee declared in its Concluding Observations (CCPR/C/TKM/CO/1), adopted on 28 March.

The Committee also expressed "regrets" that Jehovah's Witness conscientious objectors "have been repeatedly prosecuted and imprisoned for refusing to perform compulsory military service", in violation of ICCPR Article 18, which guarantees freedom of religion or belief.

"The State party should take all necessary measures to review its legislation with a view to providing for alternative military service," the Committee urged Turkmenistan. "The State party should also ensure that the law clearly stipulates that individuals have the right to conscientious objection to military service. Furthermore, the State party should

halt all prosecutions of individuals who refuse to perform military service on grounds of conscience and release those individuals who are currently serving prison sentences."

Turkmen delegation leader Deputy Foreign Minister Vepa Hadjiyev had been asked during the 16 March session about the Jehovah's Witness prisoners. However, he had merely responded that they were not being kept in isolation and promised to look into their situation and report back to the Committee.

### ***UN also calls for end to religious restrictions***

The 28 March UN Human Rights Committee Concluding Observations also expressed concern about the Religion Law's requirement that religious organisations be registered in order to function and about the administrative punishments for unregistered religious activity. Similarly, the Committee expressed concern that the Religion Law "prohibits private religious education at all levels, and that the State party strictly regulates the number of copies of religious texts that religious organizations may import".

"The State party should ensure that its laws and practices relating to the registration of religious organizations respect the rights of persons to freely practise and manifest their religious beliefs as provided for under the Covenant," the Human Rights Committee insists. "The State party should amend its law to ensure that individuals can freely provide religious education in private at all levels and can import religious texts in quantities they consider appropriate."

Members of a wide range of religious communities in Turkmenistan have long complained to Forum 18 about these and other restrictions.

### ***No response to Abdullaev's imprisonment or UN calls***

No official was prepared to discuss why conscientious objectors - and Abdullaev in particular - cannot undertake an alternative civilian service, as various UN agencies have repeatedly stressed.

Pirnazar Hudainazarov, the Chair of the Mejlis (Parliament) Committee on the Protection of Human Rights and Freedoms, refused to answer any questions about Abdullaev's imprisonment or the UN Human Rights Committee's call for Turkmenistan's conscientious objectors to be freed and alternative civilian service to be introduced. "I've told you before, you have to speak to our Foreign Ministry," he told Forum 18 on 18 April. He then put the phone down.

Forum 18 was unable to reach anyone the same day at the Foreign Ministry in the capital Ashgabad.

The man who on 18 April answered the phone of Gurbanberdy Nursakhatov, Deputy Chair of the government's Gengesh (Council) for Religious Affairs in Ashgabad, refused to identify himself. As soon as Forum 18 introduced itself he put down the phone.

Forum 18 was unable to reach Ambassador Aksoltan Atayeva, Turkmenistan's Permanent Representative to the United Nations in New York, who had been part of its delegation during the Human Rights Committee review. Turkmenistan's Mission to the UN told Forum 18 on 18 April she would be out in meetings all day and suggested Forum 18 should submit questions in writing.

Forum 18 asked Ambassador Atayeva in writing mid-morning in New York on 18 April when Turkmenistan would implement the Human Rights Committee calls to free conscientious objectors from prison, introduce an alternative civilian service and end restrictions on religious practice. No immediate response was received.

### ***Two-year prison sentence***

The 24-year-old Abdullaev, who is from the northern city of Dashoguz [Dashhowuz], was again called up for military service soon after his previous suspended sentence was completed in April 2011. He once again refused military service, and was brought to trial at Dashoguz City Court under Criminal Court Article 219, Part 1. Judge Geldimurat Roziyev handed down the two year prison sentence on 6 March 2012, the Court chancellery told Forum 18 from Dashoguz on 18 April.

It remains unclear if Abdullaev has appealed against the sentence. "He could appeal to the Regional Court, but didn't," the chancellery official – who did not give her name - told Forum 18. She referred all other questions to Judge Roziyev. However, his telephone went unanswered each time Forum 18 called the same day.

However, Jehovah's Witnesses told Forum 18 that Abdullaev was intending to appeal, though they say it is not yet known if he did so. They added that Abdullaev was being held in the Detention Centre in Dashoguz and it is not yet known if he has been or will be transferred to the ordinary regime labour camp in the desert near the town of Seydi, in the eastern Lebap Region, where other conscientious objectors are normally held.

Abdullaev had served a two-year suspended sentence from 8 April 2009 to 8 April 2011. He had been convicted by the same Dashoguz City Court under the same Article 219, Part 1.

### ***Four other imprisoned conscientious objectors***

All the four other current known conscientious objector prisoners – all Jehovah's Witnesses – are being held in the labour camp in Seydi. The prisoners are: Sunet Japbarov, 18 months, Turkmenabad Court, December 2010; Matkarim Aminov, 18 months, Dashoguz Court, December 2010; Dovran Matyakubov, 18 months, Dashoguz Court, December 2010; and Mahmud Hudaybergenov, 2 years, Dashoguz Court, August 2011. The three who were sentenced in December 2010 are due to complete their sentences in June 2012.

Another Jehovah's Witness conscientious objector, Ahmet Hudaybergenov, was freed from Seydi labour camp on 20 March after completing his full 18-month prison sentence, Jehovah's Witnesses told Forum 18. He had been sentenced by Turkmenabad Court in September 2010.

### ***Restrictions***

One conscientious objector is known to be serving a suspended prison sentence for refusing compulsory military service. Ashgabad-based Jehovah's Witness Akmurad Nurjanov was given a one-year suspended sentence in February 2012 under Article 219, Part 1. Senior school students were taken to Azatlyk District Court to witness his conviction, in what Jehovah's Witnesses described to Forum 18 as a "show trial". However, they speculated that the presence of many school students might have led the authorities to choose a non-custodial sentence.

As part of his sentence conditions, Nurjanov has to report to a local police station on a weekly basis and has to be at home after 11 pm, Jehovah's Witnesses told Forum 18.

Another conscientious objector, Denis Petrenko, completed his two-year suspended sentence on 6 April 2012, Forum 18 notes. He had attended some Jehovah's Witness meetings, but later stopped attending. He was sentenced under Article 219, Part 1 in Ashgabad on 6 April 2010.



### ***Other prisoners***

Another Ashgabad Jehovah's Witness Vladimir Nuryllayev is serving a four-year sentence on charges of spreading pornography which his fellow Jehovah's Witnesses insist were fabricated to punish him for his faith. Arrested in November 2011, he was convicted at a closed trial in Ashgabad in January 2012. His appeal was dismissed in February at a ten-minute hearing. He was transferred in late February to the isolated top-security prison at Ovadan-Depe in the Karakum desert 70 kms (45 miles) north of Ashgabad. He is not being held in the top-security section, but works in the prison's manual labour section.

Like all prisoners at Ovadan-Depe, Nuryllayev has been refused permission to have religious literature. "Volodya very much needs the Bible, but he understands that they won't allow him," Jehovah's Witnesses told Forum 18.

On 5 April, a supervisory appeal was lodged on Nuryllayev's behalf to the Supreme Court. The Court later wrote that the appeal had been handed to Guvanchmurad Ussanepesov, head of the City Court (which is located in the same building as the Supreme Court). Forum 18 was unable to reach Ussanepesov on 18 April, as the City Court's telephones went unanswered.

Jehovah's Witnesses note the peculiarities of the proceedings. Neither of the two men Nuryllayev was alleged to have passed pornographic films to was present at his trial. Of the two copies of the first verdict, one given to Nuryllayev said that the trial was closed, while the other given to his lawyer claimed that the trial had been open and that Nuryllayev had been defended by a lawyer named K. Nedirov (no such lawyer had defended him).

On his release under amnesty in February, Pastor Ilmurad Nurliev from Mary expressed concern over several Muslim prisoners in Seydi labour camp who might have been imprisoned to punish them for exercising their freedom of religion or belief. He particularly highlighted the case of Musa (last name unknown), a young Muslim from Ashgabad who seems to have been imprisoned for teaching the Koran to children.

### ***Rights not restored***

Pastor Nurliev still has not been able to get back his religious education diploma and certificate of ordination as a pastor. Both were confiscated from him at his arrest in August 2010. "I went to the court to ask for the return of the diploma and certificate, as these are important to me," he told Forum 18 from Mary on 18 April. "They said they'll decide whether to give them back, but they didn't say when."

Pastor Nurliev also said he visited the Migration Service in Ashgabad on 12 April to find out if he is still on the exit blacklist. Officials there told him he had to hand a photocopy of his passport to his local Migration Service office and they will inform him. He told Forum 18 he intends to lodge the photocopy at Mary Migration Service on 19 April.

Like a number of other active religious believers, Pastor Nurliev was barred from leaving Turkmenistan without explanation. He found out that he had been blacklisted only when he was taken off an aeroplane at Ashgabad airport just before departure in October 2007.

Also still on the blacklist are former Baptist religious prisoner of conscience Shageldy Atakov, his wife, their children, and his brother Hoshgeldi Atakov, also a Baptist. "My brother wrote to the Migration Service in Ashgabad asking if and why we are all on the blacklist, and they replied on 24 May 2011 that the 'necessary agencies' – which they didn't identify – would have to say," Shageldy Atakov told Forum 18 from his home in the

village of Kaakhka near Ashgabad on 18 April. "Then more than eight months later, on 14 February, they wrote again to Hoshgeldi merely saying they have examined our case and we are still 'non-travelling'. They gave no explanation."

Atakov learnt he had been blacklisted for foreign travel when the secret police took him off an aeroplane at Ashgabad airport in May 2006. His wife Artygul and some of their children were barred from travelling abroad in June 2008. His brother was also later banned from leaving.

Atakov, who leads a small independent Baptist congregation in Kaakhka, told Forum 18 local police had summoned him and other family members in February and questioned them about the church's activity. "We told them we are Christians and will continue to be, and they wrote down what we said." He added that the police keep the church under surveillance, but have not raided the congregation, which functions without state registration.

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## **Four fines for Bibles, prisoner transferred**

By Felix Corley

Forum 18 News Service (27.03.12) - Four Protestants were fined in Turkmenistan's capital Ashgabad [Ashgabat] in late February after a local police officer found Bibles among their possessions when they searched a private home, Forum 18 News Service has learnt. Meanwhile, Vladimir Nuryllayev, an Ashgabad-based Jehovah's Witness serving a four-year sentence on charges his fellow Jehovah's Witnesses insist were fabricated to punish him for his faith, has been transferred to the labour camp in Ovadan-Depe in the Karakum desert, Jehovah's Witnesses told Forum 18.

The man who on 27 March answered the phone of Gurbanberdy Nursakhatov, Deputy Chair of the government's Gengesh (Council) for Religious Affairs in Ashgabad, refused to identify himself. As soon as Forum 18 introduced itself he put down the phone.

### ***Few answers***

Turkmenistan's restrictions on exercising the right to freedom of religion or belief were among topics raised when the country's record under the International Covenant on Civil and Political Rights was examined by the United Nations (UN) Human Rights Committee in New York on 15 and 16 May. The Turkmen delegation was led by Deputy Foreign Minister Vepa Hadjiyev.

Hadjiyev dismissed the Committee's concerns on restrictions on religious activity. He denied that restrictions exist on imports of religious literature, or wearing religious clothes. The Turkmen delegation appears to have given evasive answers or ignored other questions from the Committee on restrictions on unregistered religious worship, denial of state registration and restrictions on religious education, particularly of children.

The Turkmen delegation was specifically asked about Jehovah's Witness prisoners, including the imprisoned conscientious objectors held in the labour camp in Seydi in the eastern Lebap Region.

"On the Jehovah's Witness cases, he said the detainees were not being kept in isolation," the UN summary of the 16 March session reported Hadjiyev as telling the Committee. "He would look into the matter and then provide the information to the Committee. He

said the Jehovah's Witness 'cult' had beliefs that were opposed to the views and values of Turkmenistan."

### ***Confiscation, questioning***

Trouble for the four Protestants began when the local police officer telephoned to say he was coming to check the home of a local Protestant in Ashgabad. Three Protestants from outside the capital were staying with the local Protestant. "You can't refuse when the local police officer asks to check your home," one Ashgabad resident familiar with the case told Forum 18. They asked that the four not be identified to protect them from further harassment.

During his visit, the police officer found one Bible in each of the visitors' bags. The Bibles were confiscated, together with at least one mobile phone, and all four Protestants were taken to the Gengesh. There they were questioned about their religious activity. The Gengesh official reportedly shouted at them, accusing them of having brought "illegal" religious literature into Turkmenistan. However, the official had a copy of the same Bible in his office.

The Gengesh official then threatened to have drugs planted on the four. "Then you'll be in on another charge," he warned them.

The four Protestants were then taken to a detention facility, where they were put in a cell designed for about four detainees but which contained 17, with no room to sit down. After an hour they were brought out to be taken to a judge. However, she refused to hear a case against the four, insisting that no trial could take place as police had presented no proof of wrongdoing and no documentation.

Despite complaining that the four had created undue work for them, police were obliged to let the four Protestants go. But officers told them they were not allowed to leave Ashgabad while the investigation against them continued.

### ***Trial, fines***

The four Protestants were summoned to a local Ashgabad court on 27 February, for a trial presided over by the same judge. All four were found guilty of violating Article 205 of the Code of Administrative Offences ("violation of the law on religious organisations"). The judge fined each of them 357 Manats (714 Norwegian Kroner, 94 Euros or 125 US Dollars).

Article 205 specifies fines of between five and ten times the minimum monthly wage for refusing to register a religious community or participating in an unregistered religious community. Fines can be doubled for repeat offenders.

"Perhaps there had been pressure on the judge to force her to change her stance," an Ashgabad resident familiar with the case told Forum 18.

The four Protestants each reluctantly paid the fines, despite believing that they had done nothing wrong. Had they refused to do so, they could have faced up to 15 days in prison.

Forum 18 is not aware that the confiscated Bibles have been returned to them.

### ***Prisoner transferred***

Meanwhile, Jehovah's Witness prisoner Nuryllayev was transferred on 26 February from the pre-trial detention facility at Yashlyk to Ovadan-Depe prison, an isolated top-security prison in the desert 70 kms (45 miles) north of Ashgabad. Although a closed section of

the prison houses political prisoners serving harsh sentences, Nuryllayev was among 20 general regime prisoners assigned to a different section there to conduct manual labour, including in the kitchens.

Nuryllayev's fellow Jehovah's Witnesses are more optimistic now he has been sent to Ovadan-Depe's manual labour section. They believe each batch of twenty prisoners is more likely to be freed from prison under an amnesty than those sent to serve sentences in other labour camps. While ten of Nuryllayev's cell-mates at Yashlyk were freed in a prisoner amnesty in February 2012, he was among three who were not. His fellow Jehovah's Witnesses hope he will be included in the amnesty likely to be called for Constitution Day on 18 May.

"Conditions for those in the manual labour section are not too bad," Jehovah's Witnesses told Forum 18. "No-one is insulting or abusing Vladimir. He now looks a lot better than when he was in Yashlyk. Now he has hope."

Nuryllayev is allowed one visit each 30 days, with parcels allowed once a week. Religious literature is not allowed in parcels, which generally consist of food. Both handing in the parcel and arriving to be transported to the prison for the visit takes place in the town of Annau near Ashgabad.

### ***Supreme Court appeal?***

Nuryllayev was arrested in November 2011, several weeks after police seized his religious literature and computer. He was accused of "spreading pornography" which is banned under Criminal Code Article 164, Part 2. He was tried on 18 January 2012 at Ashgabad's Azatlyk District Court, found guilty and sentenced to four years' imprisonment. His appeal was rejected at a 10-minute hearing at Ashgabad City Court on 14 February.

Nuryllayev is intending to lodge a further appeal to Turkmenistan's Supreme Court, Jehovah's Witnesses told Forum 18.

### ***Mother suffers***

Nuryllayev's fellow Jehovah's Witnesses told Forum 18 that his mother Lyubov – who marked her 74th birthday on 24 March – misses her son. Lyubov Nuryllayeva has been bed-ridden for some years after she was hit by a car. Nuryllayev was the main family member looking after her, as he was generally able to come home at some point during each working day to feed and care for her.

Because of her condition, family members have reportedly not told her that her son is in prison, merely telling her that he is working in another town.

### ***Restrictions on freed prisoner***

Former religious prisoner of conscience Pastor Ilmurad Nurliev has to report each Saturday to the local police station in his home town of Mary, east of Ashgabad, Protestants told Forum 18. On the first two Saturdays after his February release, men who identified themselves only as "police leaders" warned him not to resume gathering members of his Light to the World Protestant Church for worship. "They also telephone to check on this," one Protestant told Forum 18.

Nurliev had been serving a four-year prison sentence imposed in October 2010 on charges his church members insisted had been fabricated to punish him for leading his unregistered congregation. However, he was freed under amnesty in February 2012.

After his release, Pastor Nurliev visited Mary Town Court to request the return of his theology diploma he gained in Ukraine and his ordination certificate. Both were confiscated in August 2010 at the time of his arrest and officials told him he would have to seek their return from the court where he was sentenced. However, court officials told him he would have to request their return in writing, Protestants told Forum 18. He is now preparing such a request.

Pastor Nurliev – who suffers from diabetes – has also been in hospital trying to restore his health, Protestants also told Forum 18. He is planning to visit the Migration Service in Ashgabad to find out whether he is still on the exit blacklist which the authorities maintain for those they do not like. He was placed on the list without explanation in 2007.

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## **Religious freedom survey, March 2012**

By Felix Corley and John Kinahan

Forum 18 News Service (08.03.2012) - Ahead of the examination of Turkmenistan's record under the International Covenant on Civil and Political Rights (ICCPR) at the United Nations (UN) Human Rights Committee in New York on 15 and 16 March, Forum 18 News Service notes that freedom of religion or belief and other human rights remain highly restricted. The country remains one of the most repressive regimes in the world, human rights violations having increased under President Gurbanguly Berdimukhamedov, who has ruled Turkmenistan since December 2006. In the February 2012 presidential election the state claimed he received 97 per cent of the vote.

Serious systematic violations Forum 18 has documented include: prisoners of conscience including conscientious objectors jailed for exercising freedom of religion or belief, who face beatings and other maltreatment; prisoners' severely limited religious freedom; lack of fair trials and due legal process; state control of religious leaders and communities; racial discrimination; severe restrictions on religious education and sharing beliefs, including banning women from studying academic theology in the country; a registration system apparently designed to impose state control; a ban on unregistered religious activity, and great difficulty in those who want it acquiring registration; raids on both registered and unregistered groups; MSS secret police informer recruitment; restrictions on having a place of worship, even for registered groups; fear of openly discussing human rights violations; severe haj restrictions, an exit blacklist and other freedom of movement restrictions; and censorship of religious literature and other material.

Denial of freedom of religion or belief is intertwined with denial of the rights to freedoms of assembly, of speech, of expression, and freedom of movement. Turkmenistan is not a state where the rule of law applies, so human rights enshrined in the Constitution - including religious freedom - do not exist in practice. Similarly, the country's systematic violations break its international human rights commitments. Strict restrictions on freedom of religion or belief - and similar restrictions on political, media, trade union, and other non-governmental activity - are designed to ensure that the regime maintains total control over all aspects of society.

Geographically, Turkmenistan is the second largest country in Central Asia. It is mostly desert and so has the smallest population with over 5 million people. Around 85 per cent are ethnic Turkmens (regarded as being of Muslim background) with the rest being made up of ethnic Uzbeks (likewise of Muslim background), Slavs (mainly Russians and Ukrainians, many of Russian Orthodox or other Christian background) and smaller minorities of Kazakhs, Tatars, Armenians, Azeris and others. Despite vast natural

resources - mainly natural gas - many people live in poverty. The state has minimal to non-existent transparency about its extremely large revenue and expenditure. Many people have left the country to work - sometimes illegally - in Turkey or elsewhere.

### ***Prisoners of conscience***

Five of the six currently confirmed prisoners of conscience jailed for exercising their freedom of religion or belief are conscientious objectors to military service. The sixth confirmed religious freedom prisoner of conscience is a Jehovah's Witness, given a four year sentence but not for conscientious objection.

This sixth and most recent known prisoner of conscience is Ashgabad resident Vladimir Nuryllayev. He was arrested in November 2011, several weeks after police seized his religious literature and computer. He was accused of "spreading pornography" which is banned under Criminal Code Article 164, Part 2. He was tried on 18 January 2012 at Ashgabad's Azatlyk District Court, found guilty and sentenced to four years' imprisonment. His appeal was rejected at a 10-minute hearing at Ashgabad City Court on 14 February. Nuryllayev's fellow Jehovah's Witnesses insist he is innocent of the accusations, which they say were brought to punish him for his religious affiliation.

Nuryllayev was transferred in late February 2012 to the prison in Ovadan-Depe, an isolated prison in the desert 70 kms (45 miles) north of Ashgabad. Although a closed section of the prison houses political prisoners serving harsh sentences, Nuryllayev was among 20 general regime prisoners assigned to a different section there to conduct manual labour, including in the kitchens.

The unconfirmed reports of prisoners of conscience jailed for exercising their right to freedom of religion or belief all relate to Muslims. One unconfirmed report says a Muslim was imprisoned in 2011, apparently for distributing religious CDs and DVDs and also on false charges of "distributing pornography". Adding to these unconfirmed reports, on his February 2012 release from Seydi Labour Camp Pastor Ilmurad Nurliiev expressed concern over several Muslims who may have been imprisoned to punish them for exercising their freedom of religion or belief. Musa (last name unknown), a young Muslim from the capital Ashgabad [Ashgabat], seems to have been given a four-year sentence to punish him for teaching the Koran to children. He leads prayers in the prison mosque. Pastor Nurliiev said the former Chief Imam of Mary Region, Muhammed-Rahim Muhammedov, was imprisoned apparently for resisting the authorities. However, the exact details of his case similarly remain unclear.

Protestant pastor Nurliiev was sentenced to four years' jail in August 2010, with "forcible medical treatment", for his leadership of Light to the World Protestant Church in Mary. He was freed under amnesty in February 2012.

Officials have repeatedly denied that anyone is punished for human rights related or political reasons. Speaking at the 18 November 2011 session in Geneva of the UN Committee on Economic, Social and Cultural Rights to consider Turkmenistan's report, a member of the Turkmen delegation First Deputy Justice Minister Batyr Arniyazov "said that there were no political prisoners or politically motivated prosecutions in Turkmenistan" (see UN summary at E/C.12/2011/SR.38). "All prisoners had been convicted of criminal offences. Due process was guaranteed and court proceedings were open to the public except in specific cases provided for under the law; all decisions were, however, made public."

### ***No alternative service***

Turkmenistan's January 2010 report to the UN Human Rights Committee under the ICCPR states: "The laws of Turkmenistan make no provision for alternative service".

Article 37 of the Constitution describes defence as a "sacred duty" of everyone and states that military service is compulsory for men. Military service for men between the ages of 18 and 27 is generally two years. Conscientious objectors face trial under Article 219, Part 1 of the Criminal Code, which punishes refusal to serve in the armed forces with a maximum penalty of two years' imprisonment.

Young Jehovah's Witnesses insist they would be willing to do any form of alternative, non-military service, were it to be introduced. The current lack of any alternative service means that male Jehovah's Witnesses of draft age who have not served in the military can be arrested at any time.

Government officials' statements to foreign counterparts that some form of alternative service might be introduced have not, to date, resulted in any verifiable specific action.

### ***Conscientious objectors imprisoned***

At the beginning of President Berdymukhamedov's rule, sentences for conscientious objectors were non-custodial. From May 2009 imprisonment of conscientious objectors resumed. As of early March 2012, five Jehovah's Witnesses had been jailed for refusing military service, while another is believed to be serving the final month of a suspended sentence. Only one of the sentenced Jehovah's Witnesses was included in the prisoner amnesties proclaimed by President Berdymukhamedov between 2009 and 2011. Instead, the then five prisoners of conscience were before the May 2010 amnesty sent to Seydi Labour Camp punishment unit, for alleged violations of prison rules. Jehovah's Witnesses think this was to make them ineligible for amnesty.

The five current imprisoned Jehovah's Witness conscientious objectors are: Ahmet Hidaybergenov, 18 months, Turkmenabad Court, September 2010; Sunet Japbarov, 18 months, Turkmenabad Court, December 2010; Matkarim Aminov, 18 months, Dashoguz [Dashhowuz] Court, December 2010; Dovran Matyakubov, 18 months, Dashoguz Court, December 2010; and Mahmud Hidaybergenov, 2 years, Dashoguz Court, August 2011. All five were being held in March 2012 at the general regime Seydi Labour Camp, in the desert in the Lebap Region of eastern Turkmenistan.

In April 2010, an Ashgabad court sentenced Jehovah's Witness conscientious objector Denis Petrenko to a two-year suspended sentence, though without specifying any conditions or restrictions (such as night-time curfew and ban on leaving the town imposed in earlier cases) during this period. He is now in the final month of his original sentence.

In February 2012, Ashgabad-based Akmurad Nurjanov was given a one-year suspended prison sentence for refusing compulsory military service. Senior school students were taken to Azatlyk District Court to witness his conviction, in what Jehovah's Witnesses described to Forum 18 as a "show trial". However, they speculated that the presence of many school students might have led the authorities to choose a non-custodial sentence.

### ***Prison beatings and maltreatment***

Jehovah's Witness conscientious objector Dovleyet Byashimov, who completed an 18 month sentence at the end of January 2012, was the victim of brutality in prison. When his parents were allowed a short meeting with their son in Turkmenabad prison in early September 2010, just weeks after his trial, they "saw that he had been beaten black and blue," Jehovah's Witnesses told Forum 18.

Three other former religious prisoners of conscience – who all served their sentences at the Seydi Labour Camp – reveal that solitary confinement and beatings were routine treatment within the Camp. "The cell was cold. I could only sleep in a seated position and

I was barely fed," Jehovah's Witness conscientious objector Sakhetmurad Annamamedov, who was freed from the Seydi Camp in May 2011 at the end of his two-year sentence, testified. "A member of the OMON riot police entered my cell on two occasions and beat me on the head and neck with his baton." Shadurdy Ushotov, who was freed from the Seydi Labour Camp in July 2011 after completing a two-year sentence, sustained head injuries from a beating he received from an OMON officer. "I needed six stitches to close the wound," Jehovah's Witnesses quoted him as testifying.

Sakhetmurad's brother, Mukhammedmurad Annamamedov endured similar treatment during his two years of imprisonment, which also ended in May 2011. "I spent six consecutive days in solitary confinement," Jehovah's Witnesses quoted him as testifying. "There was nothing in the cell, only bare concrete. Officers threatened that if I did not renounce my religion, they would put me in a much stricter prison regime."

Prisoners and their families have also noted the harsh conditions in the Labour Camp, where it is very hot in summer and freezing in winter. "It is set in the desert and is close to several chemical works," the family of then Baptist prisoner of conscience Vyacheslav Kalataevsky told Forum 18 in 2007. "Of course conditions are not easy. It is like something from the Middle Ages".

### ***Prisoners' severely limited religious freedom***

Article 10 of the Criminal Procedural Code adopted in March 2011 claims to guarantee prisoners the right to religious freedom. This includes the right for those in lower security designated labour camps to visit (presumably registered) places of worship in the settlement where the camp is located. Prisoners in all harsher categories of imprisonment have the right to invite clergy of registered religious organisations. Article 10 also allows prisoners to perform religious rites in prison premises provided by the administration and have religious literature.

Muslims in the general regime section of Seydi Labour Camp (but not necessarily in the punishment unit or the strict regime section) have access to a prison mosque with prayers led by a Muslim knowledgeable enough to lead them. But other prisoners appear not to have similar access to religious literature and worship. Protestant pastor Nurliev was denied access to a Bible throughout his imprisonment, despite his personal requests to the head of the Seydi Labour Camp. Jehovah's Witness prisoners similarly do not have access to any religious literature of their choice.

There is a mosque located in the general regime section of the Seydi Labour Camp, and some Islamic literature available to prisoners in that section. But there does not appear to be any other provision for prisoners to exercise their freedom of religion or belief in Seydi Labour Camp or in any other of Turkmenistan's prisons.

### ***Lack of fair trial, false testimony used***

Trials are often marked by lack of due legal process and other illegalities, as noted above. Other examples of this took place in the October 2010 trial of Pastor Nurliev. He was sentenced to four years' imprisonment, having been charged with swindling money from two women who occasionally attended church meetings and two men whom he had never met. His family and church members vigorously refuted the allegations and pointed to police pressure on people to give false testimony against him, as well as serious inconsistencies in the prosecution's claims.

The verdict stated that Nurliev was to be "given forcible medical treatment to wean him off his narcotic dependency". The court ordered this enforced treatment under Article 94, Part 2 of the Criminal Code, which states: "Measures of a medical character can be prescribed by a court alongside a punishment in relation to people who have committed



crimes who suffer from alcoholism, or drug or substance addiction, with the aim of healing or the creation of conditions enabling the achievement of the aims of the punishment." Despite the verdict, Nurliev was not given "forcible medical treatment" during his imprisonment.

This verdict was not based on independent medical testimony, and Pastor Nurliev's wife and fellow-church members were seriously concerned for his health, as he is a diabetic and his wife was initially denied the possibility of giving him his medication.

The authorities have also on occasion reused old "offences" committed by individuals, as a pretext for further harassment.

### ***State control of religious leaders***

Both Article 12 of Turkmenistan's Constitution and the 2003 Religion Law (misleadingly called the Law on the Freedom of Religious Confession and Religious Organisations) claim to guarantee religious freedom. But all exercise of this fundamental human right is tightly controlled and restricted by the state. The Sunni Muftiate (Muslim Spiritual Administration) - the only form of the majority religion Islam permitted - is under tight government control. The government's Gengesh (Council) for Religious Affairs in Ashgabat names the Chief Mufti (who is ex officio a Deputy Chair of the Gengesh) and imams down to the district level. State control is symbolised by the location of the Gengesh's offices in the same building as the Muftiate and the Russian Orthodox administration, in one wing of Ashgabat's "Turkish" mosque.

Some state officials in the Gengesh have a dual role as clergy within religious communities. Many if not all senior Muslim clergy are officials in the Gengesh. The Chief Mufti appointed in September 2009, Gurban Haitliev, has a staff position at the central Gengesh, and was previously head of the Lebap regional Gengesh as well as the region's Chief Imam. Officials appointed to head regional branches of the Gengesh are also often appointed as new regional Chief Imams.

Successive Chief Muftis have been removed from office, most recently in September 2009, when Haitliev was appointed to replace Rovshen Allaberdiyev. Although Haitliev was formally appointed by the leadership of the Muftiate, sources have told Forum 18 that it is inconceivable that the decision was not taken by President Berdimukhamedov. Many regional imams were also transferred to new duties at the same time.

Regional Gengeshes select candidates for vacant Muslim posts in their region, but the Ministry of State Security (MSS) secret police has the decisive input. This is based on information collected by the MSS on a candidate's ancestry (they must be at least mostly ethnic Turkmen), relatives, political views and activity. Those with a positive recommendation go to the central Gengesh in Ashgabat for final approval. "They will only be approved if they are 'clean'," one Muslim told Forum 18.

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

In recent years, devout Muslims have expressed concern about the state's replacement of imams who had thorough Islamic theological education with those with less, if any, theological education. Officials have stated that imams cannot be appointed if they have trained outside Turkmenistan. Ethnic Uzbek minority imams in the northern Dashoguz [Dashowuz] Region have been removed.

Sermons by imams at Friday prayers are increasingly used to convey state messages, with the Gengesh "recommending" to imams topics they should and should not cover. The prayers conclude with a short prayer for the President. "Some Muslims are offended by this, others not," a Muslim in the country told Forum 18.

### ***State control of religious communities***

Permission from the Gengesh for Religious Affairs is required to acquire a place for religious meetings, publish or acquire religious literature or for a religious group to invite foreign guests. Such permission is rarely granted and, if it is, is frequently accompanied by unwritten demands, such as a willingness to cooperate with the MSS secret police.

Meeting for worship in unapproved venues - such as private homes - is dangerous and can lead to raids and fines, especially in locations close to Turkmenistan's borders with Uzbekistan and Iran. Even religious communities that have state registration often cannot rent premises for worship and thus cannot meet as communities.

Muslim young men in some regions are barred by the state from wearing beards, and women are banned from wearing a hijab (headscarf). One Dashoguz Muslim told Forum 18 that local police summon bearded young men for "preventative talks", which include instructions to shave off their beards. Regional Gengesh officials close to the southern border with Iran have warned workers during talks in factories that beards and full headscarves are not allowed, a local resident told Forum 18 in 2010. Residents of Ashgabad told Forum 18 that such restrictions do not appear to be imposed there.

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

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

Members of religious minorities have complained to Forum 18 that officials of the Gengesh appointed under President Berdymukhamedov tend to discriminate against them in favour of state-controlled Islam more than their predecessors appointed under former President Niyazov. Gengesh officials appear to more frequently question and threaten religious minorities during raids than previously. However, for fear of state reprisals, victims of such human rights violations are often reluctant to discuss this.

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

### ***Discrimination based on promoting a homogeneous culture***

Although President Berdymukhamedov allows Sunni Islam to operate within tight limits, this is not the case for Shia Islam, which is mainly professed by the ethnic Azeri and Iranian minorities in the west of the country who are traditionally more devout than ethnic Turkmen. Official intolerance of Shia Islam is manifested in ways, such as refusal to allow Shia rituals among the approximately 188 people (including MSS secret police and other officials) permitted to make the haj pilgrimage (see below).

This continues former President Niyazov's policy of promoting an ethnically homogeneous Turkmen-speaking Turkmen national culture. Sunni but not Shia Islam is seen as a part of this. So too was the Niyazov-era removal of ethnic Uzbek imams in the north of the country. Racial discrimination continues, as ethnic Uzbeks still cannot become imams in the north. No-one whose ethnicity is mainly non-Turkmen is thought to hold any Muslim religious office anywhere higher than the small district mullah level.

The promotion of a homogeneous culture is also evident in official harassment of ethnic Turkmen members of religious minorities, as well as of non-Turkmen minorities. The Russian Orthodox Church is tolerated, but the government has effectively banned the Armenian Apostolic Church. An estimated 15 percent of those who attend Russian Orthodox churches are said by local people to be from the Armenian Apostolic Church, although the Armenian Church is of the Oriental not the Orthodox family of Christian Churches. No Armenian Apostolic communities have legal status. The Turkmen delegation confirmed this to the UN Committee for the Elimination of Racial Discrimination (CERD) session in Geneva on 24 February 2012, insisting that this was because the Church had not applied.

Ethnic Turkmen who are members of non-Muslim faiths (especially those who live in small towns or villages) face public humiliation and accusations from officials of betraying their nation. Ethnic Turkmen Protestants have frequently told Forum 18 that they are summoned before the community, accused of betraying their "ancestral faith", and pressured to renounce Christianity. This frequently happens to their children also, who are at times publicly humiliated in front of their whole school. Religious minority communities led by ethnic Turkmen or which conduct their activity in Turkmen are almost always barred from gaining legal status.

### ***Religious education and sharing beliefs severely restricted***

Formal religious education - apart from small scale basic education in some mosques and Russian Orthodox churches - is almost totally banned. Religious communities cannot arrange lectures, courses or extended study and training programs, such as setting up degree or diploma courses. As the government stated in its January 2010 report (CCPR/C/TKM1) to the UN Human Rights Committee: "Teaching of religion privately is banned".

The single exception to the ban on formal religious education within the country is a small Muslim Theological Section in the History Faculty of Magtymguly Turkmen State University in Ashgabad, the only institution authorised to train imams. Ten new students joined in September 2010 at the beginning of the academic year, maintaining the level of 50 students in its five-year course of study. Numbers since then remain unknown. The section faces restrictions on the number of students and has been banned from employing foreign staff. All candidates need the approval of the Gengesh and, more importantly, the MSS secret police, Muslims told Forum 18.

Women are prohibited from studying in the Theological Section, and therefore from studying academic theology - Muslim or otherwise - within Turkmenistan.

Muslims are not allowed to travel abroad for religious education. However, Russian Orthodox men are allowed to study for the priesthood outside the country, as are male

and female choir-leaders. Apart from these Russian Orthodox students, no-one else can get the necessary state permission to study religious subjects abroad. Those who do study abroad have to conceal this from the state, otherwise they risk being prevented from leaving the country. On return, their foreign religious qualifications are not recognised by the state. It is unclear why the state largely exempts the Russian Orthodox Church from the restrictions that affect every other faith.

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

Sharing religious beliefs in public is extremely hazardous, and in the state-controlled media is impossible. Religious believers - especially Protestants and Jehovah's Witnesses - have been fired from their jobs or evicted from their homes because of their faith. Their children have also been threatened with expulsion from schools.

### ***Registration system used as a control system***

The registration system for acquiring legal status seems designed to ensure close government control of religious communities. The Gengesh has to approve registration applications, which are then handed to the Justice Ministry. A special Commission attached to the Justice Ministry processes registration applications for religious and social organisations. According to an April 2005 Presidential Decree, amended in September 2005, this Commission includes the Justice Minister and the Deputy Chair of the Gengesh, the First Deputies of the Justice Minister, the Foreign Minister, the General Prosecutor, the MSS secret police, the Interior Minister, as well as the Deputy Head of the State Service for Registering Foreign Citizens. Any of these bodies can reject applications, a frequent occurrence for communities the government does not like - especially non-Muslim communities led by ethnic Turkmen people. This often happens outside Ashgabad.

Under changes to the Religion Law and a Presidential Decree issued in March 2004, communities with five adult citizen founders can theoretically apply for legal status. The leader must be a Turkmen citizen and must have higher religious education. But in practice registration is rarely given and - if given - is associated with extralegal requirements, as noted below.

The unregistered exercise of freedom of religion of belief is banned, in defiance of international human rights standards (see below).

One of the main reasons for communities not applying for registration is official use of registration applications as an opportunity to impose extra-legal requirements. If communities obtain registration, they then need to be entered on the Register of Legal Entities, which requires the entry to be renewed by the religious community every three years. Communities also have to allow state officials to attend any meeting they wish to, read any document the community produces, and check the community's accounting and banking of donations on a weekly basis. Registered religious communities have told Forum 18 that they are also required to collaborate with the MSS secret police. If a community receives two official warnings about "violations" of the law or regulations, registration can be stripped from them.

### ***Numbers registered***

The government told the UN CERD in February 2012 that 128 religious communities had state registration. 99 of them were Sunni Muslim, five Shia Muslim, 13 Russian Orthodox and 11 of other faiths (including one Catholic, one Hare Krishna, one Baha'i, one Baptist, one Pentecostal, one Greater Grace, one Seventh-day Adventist and one New Apostolic community). It identified the five registered Shia Muslim communities as: the Imam Riza community (Ashgabad); the Shikhalov community (Bagir village in Ahal Region); the Hezreti Ali community (Turkmenbashi [Türkmenbashi, formerly Krasnovodsk]); the Huseini community (Turkmenabad); and the Muhamed Resulalla community (Iolatan District of Mary Region).

The numbers the government gives appear to reflect what is known of the current situation. But this has not been independently verified, not least whether all five of the Shia Muslim communities are indeed registered.

Comparing the government's January 2010, January 2012, and February 2012 figures to the UN Human Rights Committee, only three new Muslim communities are stated to have gained legal status between January 2010 and January 2012. One further Muslim community appears to have been registered in early 2012. The only non-Muslim community to gain legal status since January 2010 was Ashgabad's Catholic community - which has been protected by the diplomatic status of its two priests and chapel. It finally gained legal status in March 2010, after 13 years of negotiation. The Justice Ministry agreed to allow a foreign citizen to head the community. Turkmenistan has no native Catholic priests.

Some Shia Muslim communities and the Armenian Apostolic Church are among those known to Forum 18 to have had applications rejected, or to have decided that they should not submit applications because of the tight restrictions imposed. A number of Protestant communities and Jehovah's Witnesses are known to Forum 18 to be still trying - and still failing - to gain legal status. Many religious communities have stopped applying for registration, and have decided to operate quietly without legal status.

### ***Arbitrary registration denials***

Registration denials have often been arbitrary. Religious communities which the government does not wish to register are generally told that their applications contain "grammatical mistakes" or other "errors". One religious community was reportedly told that the reason for the rejection was that its leader is blind, while another was rejected because its leader is female.

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

### ***Registration limitations***

Religious communities have complained to Forum 18 that the Religion Law contains no mechanism for granting legal status to branches of religious organisations in other geographic locations. Registered communities can in practice give permission for local branches to meet, which requires notification to the Gengesh in Ashgabad and the local

administration, the police and MSS secret police. This means that a branch can in practice meet, but formally the main registered branch must approve in writing anything a branch in another area tries to do. Officials have frequently used this as an excuse to raid and harass religious believers, even when the main branch of the community has given written permission for their religious activities.

For example, the pastor of a Dashoguz-based Protestant church was questioned in January 2010 after a birthday party in a nearby village, where he prayed briefly at the request of the host. The party was raided by police and officials of the District Gengesh who told the pastor that by praying there he was violating the Religion Law. Police claimed that he needed extra permission to conduct any religious work in the district and ignored his insistence that the church's registration allows him to conduct religious activity throughout Dashoguz Region.

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

### ***Unregistered freedom of religion or belief banned***

Unregistered religious activity remains an offence under Article 205 of the Code of Administrative Offences ("violation of the law on religious organisations"), although Forum 18 is aware of only a handful of uses of this article in 2011 and 2012 as the basis for prosecutions of unregistered activity. The government's January 2010 report (CCPR/C/TKM1) to the UN Human Rights Committee stated: "The activity of unregistered religious organisations is banned. An individual carrying out religious activity in the name of an unregistered religious organisation bears responsibility in accordance with the Law of Turkmenistan."

Article 205, which was last amended in October 2003, specifies fines that are between five and ten times the minimum monthly wage for refusing to register a religious community or participating in an unregistered religious community. Fines can be doubled for repeat offenders. Under Niyazov and during the first two years or so of Berdymukhamedov's rule, many believers of a variety of faiths were fined under this article, including Baptists, Hare Krishna devotees, and Jehovah's Witnesses.

### ***Raids on unregistered and registered groups***

However Article 205 is still used. In January 2011 after a raid on unregistered Protestants in a private flat in Turkmenabad in eastern Turkmenistan, heavy fines were imposed on about five of those present. All were fined under Article 205 Part 2 ("Support for or participation in the activity of a religious group of religious organisation not officially registered in accordance with the legally established procedure"). Local people told Forum 18 that the fines imposed on the Protestants represent between one and two months' average wages for those in an average state job in Turkmenabad. Most people in towns, and especially villages, outside Ashgabad are very poor. In villages most people live in a subsistence economy with no formal wages. "I don't know how these people are going to pay the fines," one source familiar with the case told Forum 18.

Two children present were forced to stand before their entire schools and publicly insulted. As in the case of the children bullied by the state, state agencies have in recent years appeared to prefer to find other 'informal' means, such as raids, to try to stop the unregistered religious activity. This is de facto treated as if it were a criminal offence.

Unregistered religious communities face regular raids by MSS secret police officers, backed up by ordinary police officers (especially from the 6th Department, which notionally counters terrorism and organised crime), officials of the local administration, and local religious affairs officials, who work closely together in suppressing and punishing all unregistered religious activity.

Members of registered religious communities also suffer these raids or, more frequently, less brutal visits by officials. In July 2011 about 40 members of the Path of Faith Church from Dashoguz in the north had arranged for a shared summer holiday in Avaza, near Turkmenbashi on the Caspian Sea coast in the west of the country. Soon after they arrived at their accommodation, police, eight officials in civilian clothes, and the imam of Turkmenbashi, Chary-hajy Mommalyev, raided the group. (Like all imams, Mommalyev is also the city representative of the Gengesh for Religious Affairs.)

"Church members had just arrived, settled the children and had the hot food ready on the table when the officials burst in," Protestants complained to Forum 18. The officials collected the identity documents of the 16 adults and took the church members to Police Station No. 2. "Under the guise of registering them, the officers began to question them one by one. They put psychological pressure on them, humiliated them morally and insulted them because of their faith, especially Imam Chary-hajy." They told Forum 18 that the imam accused one female church member of having sexual relations with a man not her husband, in what they interpreted as a means to offend and humiliate her.

When church members insisted that the local registration requirement for short visits within Turkmenistan had been abolished, and that local registration was therefore not necessary, an official insisted that "for security reasons" officials needed to know who was staying in the area.

Church members were not formally arrested, but were held until well after midnight. They were then forced to return to the police station each day for the next three days for questioning. Only then were their identity documents returned. The church members decided it would be safer to abandon the holiday and return home.

Church members did not know how the local officials knew that they had arrived on holiday. However, one official told church members that at least one official from Dashoguz travelled to Turkmenbashi to follow them, Protestants told Forum 18.

### ***MSS secret police informer recruitment***

Local MSS secret police officers regularly summon Muslim and Orthodox clerics to report on activity within their communities. Some believers have told Forum 18 that the MSS secret police also runs agents in each Muslim and Orthodox community. In addition to these agents, other believers are regularly interviewed by MSS secret police officers and forced to reveal details of the community's religious life. The MSS secret police and local ordinary police also try to recruit agents in unregistered religious groups.

### ***Restrictions on having a place of worship***

A major problem identified by those within the country – and faced even by registered communities – is not being able to freely maintain public places of worship. As one Turkmen Protestant from a region far from the capital put it to Forum 18, "You cannot build, buy, or securely rent such property, let alone put up a notice outside saying 'This is a place of worship.'" The Protestant source added that "the government likes to be able to say to outsiders 'We have registration' and show them communities in Ashgabad. But people don't look at what we experience in places away from the capital, where we have no hope of registration. Without freedom to meet for worship, it is impossible to claim that we have freedom of religion or belief."

This means that many communities cannot gather all their members together. Some have told Forum 18 they can only meet in small groups for fear of police and MSS secret police raids. They have complained to Forum 18 that "telephone law" prevails: the owner of a venue who agrees to rent to a religious organisation soon cancels the arrangement, apparently after receiving a telephone warning from officials. Some registered religious communities have had to move their place of worship more than a dozen times in a year.

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

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

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

The state actively publicises the mosques it builds at government expense, including the mosque completed in Mary in the east of the country in 2009. The government website noted in January 2012 during President Berdymukhamedov's pre-election visit to Lebap Region that a mosque for 3,000 worshippers will be built in Turkmenabad. The following month, during the President's visit to Dashoguz Region, the website similarly noted the government's continuing intention to build the long-delayed Koneürgench mosque, for which houses were demolished several years ago.

In February 2008, Forum 18 asked Shirin Akhmedova, Director of the government's National Institute for Democracy and Human Rights, whether religious communities can freely build places of worship and she responded: "Of course. Look at the mosque that is to be built in Koneürgench. Places of worship are being built." When Forum 18 pointed out that this mosque is being built at the decision of the state, while religious communities themselves cannot initiate building places of worship, she stated that Forum 18 had "one-sided information".

Decisions to build mosques are taken by the state, not by the Muslim community (which is not allowed a free independent existence), and the use of state funds violates the separation of religion from the state required by Turkmenistan's Constitution.

### ***Fear of openly discussing human rights violations***

The widespread human rights encourage those who know of violations to remain silent about them, or to discuss them only in confidence with people they trust. Some religious communities are afraid to discuss openly human rights violations such as raids and MSS secret police spying publicly, fearing it will make their situation as a community worse, or harm attempts to gain legal status. Religious believers and communities are for good reason reluctant to publicly discuss the use of physical violence, including torture, and rape threats against women by officials. The use and threat of violence by officials appears to be common.



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

### ***Severe haj restrictions, exit blacklist, other freedom of movement restrictions***

Turkmenistan's 2005 Migration Law states in Article 26: "Every citizen of Turkmenistan has the right to leave Turkmenistan and enter Turkmenistan. A citizen of Turkmenistan cannot be deprived of the right to leave Turkmenistan or enter Turkmenistan." Article 32 of the Law allows for "temporary" restriction of this right, including for those awaiting criminal trial, those under police supervision, and those in possession of state secrets. The eleventh reason for denying the right to leave is for those whose exit "contradicts Turkmenistan's national security interests", a category which is not defined.

As usual with Turkmenistan's "laws", the reality is different. Known active religious believers are among the many people the government prevents from travelling abroad, in addition to the restrictions on study abroad. Out of a reported quota of 5,000 granted by the Saudi authorities, the government normally allows only airliner of people (normally 188 people) a year to go on the haj pilgrimage to Mecca. This total includes MSS secret police officers. In 2009, the government allowed no haj pilgrims to travel at all. The total for the November 2011 haj – just 186 – was the lowest figure (apart from 2009) since 2002.

The obstacles to travel abroad, which President Berdymukhamedov has continued from Niyazov's time, make it difficult for religious believers to meet their fellow believers in other countries, or to take part in international religious pilgrimages and gatherings. This is part of an apparent government policy to isolate religious believers in Turkmenistan from their co-believers abroad.

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

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

Freedom of movement restrictions are also applied to non-haj travellers. Many active religious believers are among those on an exit blacklist. An official confirmed to Forum 18 that this is maintained by the country's Migration Service, on behalf of the Interior Ministry and the MSS secret police.

For example, in late 2011 a member of a non-Muslim religious community who lives outside the capital – but whose friends asked that the individual or community not be identified – was prevented by the Migration Service at Ashgabat Airport from leaving the

country. The individual had been planning further religious studies in another former Soviet republic. Officials gave no reason for preventing the individual from boarding the aeroplane for which a ticket had already been bought. "Go to the MSS [secret police] in your home district – they'll tell you why you have been banned from leaving", Migration Service officials told the individual.

Officials rarely explain to those they have barred from leaving why this happened. Some who have tried to establish the reasons were told verbally: "You know the reason". They have told Forum 18 that they think the bans were imposed to punish them for their religious activity.

Active religious believers who have not been prevented from leaving are subject to close scrutiny on departure or re-entry. Several people have told Forum 18 that known religious believers who are allowed to travel abroad have their activity in religious communities noted in a computerised database accessible to border guards at departure points, including Ashgabad Airport.

In addition to restricting travel for its citizens, the government also imposes an almost total ban on visits from foreign fellow religious believers. This increases the isolation of local religious communities. Local communities can only invite foreigners if they have state registration and even then need the permission of the Gengesh, which is very difficult to obtain. Only very few such visits took place between 2009 and 2011. One frequent visitor, however, was Bishop Feofilakt of the Russian Orthodox Church.

Many communities have tried to invite fellow-believers from abroad for many years without success. Visas to Turkmenistan for those suspected of wanting to visit for religious purposes are often refused. Those who do manage to obtain visas and enter the country risk deportation if they are discovered visiting religious communities. The only exception is if the visa was issued with the Gengesh's backing, at the request of a registered religious community. The Gengesh has approved only a handful of such religious visits in recent years.

### **Censorship**

There is a de facto ban on most religious publications, and the authorities routinely confiscate religious literature from residents and from people entering or leaving Turkmenistan. Very little literature is produced, making it almost impossible for believers to acquire copies of the Koran, Bible or other religious works in any language.

This extends even to very small quantities of literature. In February 2012, after Protestant Begjan Shirmedov tried to print copies of a small book of his religious poetry, a local religious affairs official waiting for him at the printing shop took him to the Police 6th Department, responsible for counter-terrorism and organised crime work. There, the 77-year-old poet was questioned for six hours, forced to write a statement and banned from travelling outside his home region of Dashoguz in northern Turkmenistan while his case is investigated. Separately, other local Protestants in Dashoguz have been questioned over printing religious materials. It remains unclear if any will face charges.

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

No religious literature may be published in Turkmenistan or imported into the country without permission from the Gengesh. Each title and the number of copies must be specifically approved. State postal authorities hold all religious literature received from abroad, releasing it only when the Gengesh has given written approval. Forum 18 has

learned that the Gengesh does occasionally allow small parcels of religious literature sent from abroad to be received by registered religious organisations.

Despite confiscations from individual priests in the past, the Russian Orthodox Church after February 2011 established and maintains a facility in Ashgabad where imported religious literature and objects are stored. The material is then distributed to priests in its 13 parishes.

Although the customs declaration required to be filled in by every traveller arriving in Turkmenistan contains no specific question on religious literature, officials routinely ask travellers if they have religious literature with them. Baggage is usually checked by three officers, one from the customs, one from the military, and one official in civilian clothes generally thought to be from the MSS secret police. Turkmen citizens say the MSS official checks for religious literature and materials.

Customs officers sometimes allow travellers returning to the country to bring in a small quantity of religious literature for personal use. Anything more than a small quantity of books or other material is confiscated, irrespective of whether or not the person is a Turkmen citizen. However, Forum 18 knows of several cases where even one or two religious books - such as a personal Koran or Bible - were confiscated. One Turkmen who had moved to Istanbul had her one religious book - a copy of the Koran - confiscated from her at Ashgabad airport in late 2010. In early 2011, a Protestant was strip-searched at the airport after one Bible was found in his luggage.

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

As well as books and CDs, bracelets with religious inscriptions of any kind have been confiscated. One Turkmen citizen told Forum 18 that he saw a carpet with a Muslim inscription in Arabic being confiscated. Three Turkmen Muslims returning from Iran by bus in August 2011 had prayer mats they had bought there confiscated (they had chosen not to bring copies of the Koran as they knew they would be confiscated). At the ferry port in Turkmenbashi in May 2010, customs officers confiscated framed verses from the Koran in Arabic that were brought back by students returning from colleges in Azerbaijan. One Ashgabad resident had two calendars with Russian Orthodox icons confiscated at the airport in October 2010. Customs officers often show particular interest in searching the computers and data sticks of known religious believers.

Protestant Christians have told Forum 18 that neither a society to translate and distribute Bibles (as found in many countries), nor Christian bookshops are allowed to exist.

Government scrutiny of the internet and communications - including emails, calls and mobile phone text messages - makes users wary of being open about any exercise of freedom of religion or belief. Computers and mobile phones are often seized - particularly at Ashgabad airport or in raids - and scrutinised for their content.

"Obstructing the exercise of freedom of conscience and religion"

Claims of improvements on paper without any observable change in state behaviour have often been made by officials to foreigners. Article 154 of the Criminal Code bans "obstructing the exercise of freedom of conscience and religion". Yet Forum 18 is not

aware of any government officials who have been punished for breaking this law, even though many such violations have been documented. When religious believers challenge the legality of official actions, the officials concerned are often found to be ignorant of the relevant parts of the country's Constitution and published laws.

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

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## **Pastor freed, other religious prisoners of conscience remain jailed**

By Felix Corley

Forum 18 News Service (20.02.12) - Nearly 18 months after his arrest, Protestant pastor Ilmurad Nurliiev was among a group of about 230 prisoners freed under amnesty on 18 February from the labour camp in the desert near Seydi in Turkmenistan's eastern Lebap Region. "He and the other prisoners were brought by special police train to Mary and we rushed to the station to meet him," his wife Maya told Forum 18 from the town of Mary east of the capital Ashgabad [Ashgabat] on 20 February. "His release was so unexpected we forgot to get flowers. It is such a joy I can't tell you. Our sincere thanks and blessings to you and all who worked for his release." Pastor Nurliiev told Forum 18 that he only learnt he would be amnestied on the previous evening. He will have to live under restrictions, reporting weekly to the police. It appears that none of the six Jehovah's Witness prisoners or the two Jehovah's Witnesses serving suspended sentences were included in the amnesty.

Pastor Nurliiev expressed concern over several Muslim prisoners in Seydi who might have been imprisoned to punish them for exercising their freedom of religion or belief. He particularly highlighted the case of Musa (last name unknown), a Muslim from Ashgabad who seems to have been imprisoned for teaching the Koran to children. "He's a young man of about 25 - he leads prayers in the prison mosque," Pastor Nurliiev told Forum 18. "It seems he was given a four-year sentence but I don't know on what charges. He was not freed."

Pastor Nurliiev said the former Chief Imam of Mary Region, Muhammed-Rahim Muhammedov, remains in the camp. "He was imprisoned apparently for resisting the authorities, but I don't know the details." He said another imam arrested for illegally seizing land was among the prisoners freed under amnesty.

Regional Chief Imams - who are appointed by the state - routinely hold dual roles as heads of regional branches of the Gengeshi (Council) for Religious Affairs, which restricts freedom of religion or belief for all.

Pastor Nurliiev said that the five Jehovah's Witness prisoners held in the Seydi camp - all conscientious objectors - were not freed under amnesty. Jehovah's Witness told Forum 18 on 20 February that they too had no information that any of their prisoners had been amnestied.

The telephone of Gurbanberdy Nursakhatov, Deputy Chair of the government's Gengesh (Council) for Religious Affairs in Ashgabad, went unanswered on 20 February. Also unanswered when Forum 18 called was the telephone of Pirnazar Hudainazarov, the Chair of the Mejlis (Parliament) Committee on the Protection of Human Rights and Freedoms.

### ***"Seventh prisoner amnesty – and finally it turned out well"***

Pastor Nurliev was freed from Seydi labour camp together with the other amnestied prisoners at 2 pm on 18 February. His release was part of the presidentially-decreed amnesty to mark Flag Day on 19 February. "This was the seventh prisoner amnesty – and finally it turned out well. We found out from the internet that his name was on the list of those to be amnestied," Maya Nurlieva told Forum 18. She said the information office at Mary station then told them that the special train bringing amnestied prisoners to Mary was due to arrive at 8 pm on 18 February. She and other family members were reunited with him there.

"Church members have been coming to the house to celebrate my release with me," Pastor Nurliev told Forum 18 on 20 February. "I want to thank you and everyone else who supported me and helped my release."

The 46-year-old Nurliev, who is married with a daughter and two grandchildren, leads Light to the World Protestant Church in Mary. He was barred from leaving Turkmenistan in 2007, while his church has been denied state registration. In a police raid on his home in February 2009, some 225 Christian cassettes and DVDs were confiscated. They were never returned.

Arrested in August 2010, Pastor Nurliev was tried at Mary Town Court on 21 October 2010 under Criminal Code Article 228, Part 2 on charges of swindling. He was given a four-year labour camp term with "forcible medical treatment". His community insist the charges were fabricated to punish him for his religious activity. In December 2010 he was transferred to the Seydi Labour Camp.

### ***No Bible, but no beatings***

Pastor Nurliev told Forum 18 that conditions in labour camp were "not too bad". He said apart from the initial ten days in isolation cell in December 2010 after his arrival in the camp, he was not punished with further spells in the isolation cell. He said he had not been beaten.

Three other former religious prisoners of conscience – who all completed sentences at the Seydi camp in summer 2011 - revealed that solitary confinement and beatings were routine treatment within the camp.

Pastor Nurliev, who suffers from diabetes, said he was able to receive tablets and injections while in labour camp. "They passed on to me the medicines my wife brought."

However, he complained that throughout his 18-month imprisonment he was not allowed to have a copy of the Bible. "When I saw that the Muslim imams in Seydi were allowed to have copies of the Koran, I went to the head of the labour camp," Pastor Nurliev told Forum 18. "But he told me I couldn't have a Bible. He gave no reason."

### ***Letters "showed me I was not forgotten"***

Pastor Nurliev said he was also not given the many letters, cards and photographs he was sent from around the world. "I was able to see letters and cards from Canada, Britain and elsewhere that had come in for me," he told Forum 18. "But although I could

have a quick look at some of them, they wouldn't give them to me." He thanked those who had written to him in labour camp. "They showed me I was not forgotten."

### ***Restrictions***

Pastor Nurliev was given back his identity documents after his release. However, he will have to report to the police every Saturday evening. He did not know if there will be any other conditions.

His certificate of study which he had obtained after completing a theological course in Ukraine and his certificate of ordination as a pastor, which also took place in Ukraine, were confiscated in August 2010 at the time of his arrest. They have not been returned. Officials told him since his release that if he wants them back he will have to apply to the court in Mary.

It remains unclear if Pastor Nurliev remains on the exit blacklist which he has been on since at least 2007. "I'll have to go to Ashgabad to ask the Migration Service," he told Forum 18. "I intend to do so."

### ***Registration system designed to ensure close government control***

Pastor Nurliev's church is among the many religious communities of a variety of faiths which have been refused registration. The authorities insist – in defiance of the country's international human rights commitments – that only state-registered religious communities are allowed to function.

"We first applied for registration in February 2007 and after they told us to amend the application, we resubmitted it in January 2010," Pastor Nurliev told Forum 18. "But the documents are still there in Ashgabad and we've had no response".

The Turkmen government told the United Nations Committee on the Elimination of Racial Discrimination (CERD) in January 2011 (CERD/C/TKM/6-7) that only 127 religious communities had been granted state registration. It said 98 of them were Sunni Muslim, 5 Shia Muslim, 13 Russian Orthodox and 11 of other faiths (including one Catholic, one Hare Krishna, one Baha'i, one Baptist, one Pentecostal, one Greater Grace, one Seventh-day Adventist and one New Apostolic community). The CERD is due to review Turkmenistan's record in Geneva on 23 and 24 February.

While Forum 18 notes that the numbers the government gives for non-Muslim communities appear to reflect the current situation, the numbers of registered Muslim communities – particularly the number of claimed registered Shia Muslim communities – cannot be independently verified.

Religious communities which the government does not wish to register are generally told that their applications contain "grammatical mistakes" or other "errors". One religious community was reportedly told that the reason for the rejection was that its leader is blind, while another was rejected because its leader is female. The registration system for acquiring legal status seems designed to ensure close government control.

### ***Religious prisoners of conscience***

In addition to the Muslim possible religious prisoners of conscience in Seydi, all six current known religious prisoners of conscience are Jehovah's Witnesses. Five of them – all being held in the Seydi labour camp – have been imprisoned for refusing compulsory military service under Criminal Code Article 219, Part 1. They are: Ahmet Hidaybergenov, 18 months, Turkmenabad Court, September 2010; Sunet Japbarov, 18 months, Turkmenabad Court, December 2010; Matkarim Aminov, 18 months, Dashoguz

Court, December 2010; Dovran Matyakubov, 18 months, Dashoguz Court, December 2010; and Mahmud Hudaybergenov, 2 years, Dashoguz Court, August 2011.

The sixth Jehovah's Witness prisoner of conscience is Ashgabad resident Vladimir Nuryllayev. Arrested in November 2011, several weeks after police seized his religious literature and his computer, he was accused of "spreading pornography" under Criminal Code Article 164, Part 2. He was tried on 18 January 2012 at Ashgabad's Azatlyk District Court, found guilty and sentenced to four years' imprisonment. His appeal was rejected at a 10-minute hearing at Ashgabad City Court on 14 February. Nuryllayev's fellow Jehovah's Witnesses insist he is innocent of the accusations, which they say were brought to punish him for his religious affiliation.

The address of Seydi Labour Camp is:

Turkmenistan,

746222 Lebap vilayet,

Seydi,

uchr. LB-K/12

Two Jehovah's Witness conscientious objectors are serving suspended sentences. At what one fellow Jehovah's Witness described to Forum 18 as a "show trial", Akmurad Nurjanov was given a one-year suspended prison sentence on 13 February at Ashgabad's Azatlyk District Court.

Also believed to be still serving a suspended sentence is Denis Petrenko, given a two year suspended sentence in Ashgabad in April 2010. He was required to live at home under some restrictions, including reporting regularly to the authorities.

An unverified report indicates that a Muslim may have been imprisoned in 2011 on charges of "spreading pornography" for distributing religious discs. The same charge was used against Jehovah's Witness Vladimir Nuryllayev, apparently because the police found religious literature in a cupboard in his flat, and who his community firmly insist is innocent of the charge

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## **"Show trial" for conscientious objector**

By Felix Corley

Forum 18 News Service (16.02.12) - Senior school students were taken to a court house in Turkmenistan's capital Ashgabad [Ashgabat] for what one fellow Jehovah's Witness described to Forum 18 News Service as a "show trial" for their latest conscientious objector. Akmurad Nurjanov was given a one-year suspended prison sentence on 13 February for refusing compulsory military service. "Taking them to the trial appears to have been designed as a warning of what will happen to the young men if they refuse military service," the Jehovah's Witness told Forum 18. At a ten-minute hearing the following day, Ashgabad City Court rejected in his absence the appeal of fellow Jehovah's Witness Vladimir Nuryllayev against his four-year prison term on charges of "spreading pornography" which members of his community insist were fabricated to punish him for his religious affiliation.

Meanwhile, Forum 18 has learnt of another religious believer refused permission to leave Turkmenistan for religious studies in another former Soviet republic.

The woman who answered the phone on 15 February of the secretary of Yazdursun Gurbannazarova, Director of the government's National Institute for Democracy and Human Rights in Ashgabad, told Forum 18 it was a wrong number. Other numbers at the Institute went unanswered.

The telephone of Gurbanberdy Nursakhatov, Deputy Chair of the government's Gengesh (Council) for Religious Affairs in Ashgabad, also went unanswered on 15 February.

### ***Trial***

Nurjanov, who is from Ashgabad, refused military service on grounds of his religious faith. Turkmenistan has no alternative to military service, which is compulsory for all young men. His 13 February trial took place at Azatlyk District Court, an official of the court confirmed to Forum 18 on 15 February. But the official – who would not give her name – declined to give any further details on the case or why school students were brought along to attend the trial.

Like other sentenced conscientious objectors, Nurjanov was convicted under Article 219, Part 1 of the Criminal Code. This punishes refusal to serve in the armed forces in peacetime with a maximum penalty of two years' imprisonment. Turkmenistan has ignored international calls for conscientious objector prisoners to be freed and a civilian alternative service to be introduced.

However, unlike most other conscientious objectors, Nurjanov was given a suspended sentence rather than a term of imprisonment. Jehovah's Witnesses speculated that the presence of many school students might have led the authorities to choose a non-custodial sentence.

It remains unclear what restrictions Nurjanov will be required to live under as he serves his suspended sentence. Others who received suspended sentences have faced tight restrictions. They cannot leave their home town without special permission and must be back home each evening by 8 pm. They must also find work.

Another Jehovah's Witness is still believed to be serving a suspended sentence under Article 219, Part 1: Denis Petrenko, given a two year suspended sentence in Ashgabad in April 2010. This required him to live under some restrictions at home and report regularly to the authorities.

### ***Imprisoned conscientious objectors***

The five current known imprisoned Jehovah's Witness conscientious objectors sentenced under Article 219, Part 1 are: Ahmet Hudaybergenov, 18 months, Turkmenabad Court, September 2010; Sunet Japbarov, 18 months, Turkmenabad Court, December 2010; Matkarim Aminov, 18 months, Dashoguz Court, December 2010; Dovran Matyakubov, 18 months, Dashoguz Court, December 2010; and Mahmud Hudaybergenov, 2 years, Dashoguz Court, August 2011. All five are being held at the general regime labour camp in the desert near the town of Seydi in the eastern Lebap Region.

Also held in the same camp is another religious prisoner of conscience, Protestant Pastor Ilmurad Nurliev. He leads Light to the World Protestant Church in the town of Mary and was given a four-year prison sentence in October 2010 on charges of swindling, which members of his congregation insist were fabricated to punish him for leading his unregistered church.

### ***Freed from Seydi***



Conscientious objector Dovleyet Byashimov was freed from Seydi on 28 January at the end of his 18-month sentence, Jehovah's Witnesses told Forum 18. Arrested and sentenced in Turkmenabad (formerly Charjew) in August 2010, he was the victim of brutality in prison. When his parents were allowed a short meeting with their son in Turkmenabad prison in early September 2010, just weeks after his trial, they "saw that he had been beaten black and blue," Jehovah's Witnesses told Forum 18.

Another Jehovah's Witness conscientious objector, Aziz Roziev, was freed from Seydi on 4 February on the completion of his 18-month sentence.

Three other former religious prisoners of conscience – who all completed sentences at the Seydi camp in summer 2011 - revealed that solitary confinement and beatings were routine treatment within the camp.

### ***10-minute appeal fails***

Fellow Ashgabad Jehovah's Witness Nuryllayev failed in his appeal at Ashgabad City Court on 14 February, Jehovah's Witnesses told Forum 18. Arrested in November 2011, several weeks after police seized his religious literature and his computer, he was accused of "spreading pornography" under Criminal Code Article 164, Part 2. He was tried on 18 January at Ashgabad's Azatlyk District Court, found guilty and sentenced to four years' imprisonment. His family and friends were not told in advance that the trial was taking.

At the 14 February appeal hearing, Nuryllayev's lawyer insisted on his behalf that the charges against him of distributing pornographic films had been fabricated. The lawyer pointed out that no official witnesses had been present as required when Nuryllayev's computer was taken and also that the statements by the two men who alleged that he had given them pornographic films had been identical, suggesting they had been dictated by the police.

However, after the ten-minute hearing, the panel of three judges rejected Nuryllayev's appeal. The written judgment is expected to be handed down on 22 February.

Only six people attended the appeal hearing: the three judges, the prosecutor Meretdurdieva (first name unknown), Nuryllayev's lawyer and one Jehovah's Witness. "Many community members came to the court house, but they wouldn't let them in," Jehovah's Witnesses told Forum 18. "Eventually they allowed them into the building but not into the courtroom. The presiding Judge screamed at those who had come, asking who had allowed them off work and telling them to leave. She screamed at one of them who managed to get in to leave her courtroom, but the Jehovah's Witness insisted on staying."

As during the initial trial, neither of the two men who alleged Nuryllayev had given them pornographic films was present at the appeal hearing.

Nuryllayev was not even brought for the appeal from the pre-trial detention centre in Yashlyk, 40 kms (25 miles) south-east of Ashgabad, where he has been held since his arrest in November 2011. Jehovah's Witnesses said he has apparently become pale since his arrest but does not appear to have been maltreated. "They seem to be afraid of touching him," they told Forum 18.

### ***Is latest exit ban legal?***

Meanwhile, another religious believer was denied permission to leave Turkmenistan in late 2011, Forum 18 has learnt. The Migration Service at Ashgabad airport prevented the individual from leaving for another former Soviet republic where further religious studies

were planned. Officials gave no reason for preventing the individual from boarding the aeroplane for which a ticket had already been bought. "Go to the National Security Ministry [secret police] in your home district – they'll tell you why you have been banned from leaving," Migration Service officials told the individual.

The individual is from a non-Muslim religious community and lives away from the capital. However, friends asked Forum 18 not to identify the individual to prevent further state harassment.

Turkmenistan operates a secret exit blacklist and often prevents individuals whose activity it does not like from leaving the country. A number of active religious believers are known to be on the list.

Turkmenistan's 2005 Migration Law declares in Article 26: "Every citizen of Turkmenistan has the right to leave Turkmenistan and enter Turkmenistan. A citizen of Turkmenistan cannot be deprived of the right to leave Turkmenistan or enter Turkmenistan." Article 32 of the Law allows for "temporary" restriction of this right, including for those awaiting criminal trial, those under police supervision, and those in possession of state secrets. The eleventh reason for denying the right to leave is for those whose exit "contradicts Turkmenistan's national security interests", a category which is not defined.

Officials only rarely explain to those they have barred from leaving why the move was taken.

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## **Is publishing religious poetry a crime?**

By Felix Corley

Forum 18 News Service (08.02.12) - An elderly Protestant Christian was held and questioned by police and a local state religious affairs official after trying to arrange through a local printing shop to print copies of a small book of his Christian poetry, fellow Protestants told Forum 18 News Service. The 77-year-old Begjan Shirmedov was held by Police in Dashoguz in northern Turkmenistan for six hours on 3 February before being freed. In a separate case, several local Protestants were questioned over the printing of materials for a Christian meeting. It remains unclear if any of them will face further action. Meanwhile, the appeal hearing for Jehovah's Witness Vladimir Nuryllayev has been set for the morning of 14 February at Ashgabad City Court, fellow Jehovah's Witnesses told Forum 18. They insist the four-year prison sentence handed down in January was fabricated and designed to punish him for his faith.

No officials were prepared to comment on any of these cases. The man who answered the phone on 8 February at the Dashoguz Region Gengesh (Council) for Religious Affairs put the phone down as soon as Forum 18 began to ask why people were being investigated for wanting to print religious materials.

The man who answered the telephone of Gurbanberdy Nursakhatov, Deputy Chair of the government's Gengesh for Religious Affairs in the capital Ashgabad [Ashgabat], similarly put the phone down on 8 February as soon as Forum 18 began to put its questions.

The man who answered the telephone the same day of Fr Andrei Sapunov, a Russian Orthodox priest and another Deputy Chair of the Gengesh with responsibility for Christian communities (including non-Orthodox communities), repeatedly told Forum 18 the same day that it was a wrong number.

The woman who answered the phone on 8 February of the secretary of Yazdursun Gurbannazarova, Director of the government's National Institute for Democracy and Human Rights in Ashgabad, told Forum 18 it was a wrong number.

### ***Trying to print religious poetry***

Shirmedov, a member of a Protestant church in Dashoguz which has long been seeking state registration in vain, has been writing Christian poetry in Turkmen for some years, Protestants told Forum 18. Wanting to have some of them printed so that he could give copies away, he went to a local printing shop. Knowing the authorities' sensitivity over religious literature, he told the printing shop staff that the poetry was religious and asked if this would be a problem. They insisted it would not.

When Shirmedov returned to the printing shop on 3 February hoping to collect copies, an official of the Regional Gengesh, Hudainazar (last name unknown), was waiting for him. The official took Shirmedov to the Police's 6th Department, which is notionally responsible for counter-terrorism and organised crime work. There officers questioned Shirmedov for six hours and forced him to write a statement. He stressed in the statement that he had been careful to check with the printing house whether printing religious literature was permitted before placing his order.

Police told Shirmedov that he is not allowed to leave Dashoguz Region while the investigation continues. It remains unclear if any charges will be brought against him and what he is being investigated for.

Shirmedov's church, Path of Faith Baptist Church, again tried to find out in January why its registration application has languished unanswered for many years. About forty church members who travelled to the resort of Avaza on the Caspian Sea for an August 2011 holiday were detained, questioned and insulted by the police and the local imam because of their faith. They were forced to abandon their holiday.

One of Shirmedov's sons, Merdan, who had married a US citizen, was barred from leaving Turkmenistan in January 2007 to be reunited with his wife and to be present for the birth of their first baby, who was born in May 2007. The exit ban was lifted in July 2007.

### ***Separate printing investigation***

A separate investigation is also underway in Dashoguz against members of another local Protestant church for printing materials in late 2011 for use at a Christian meeting, Protestants told Forum 18. Several church members have already been interrogated.

It remains unclear whether any charges have been or are likely to be brought against church members.

### ***Tight publishing controls***

Turkmenistan retains tight controls on all publishing. Very few books are published in the country and few bookshops exist. Publishing of religious books is almost impossible. Publication of small Muslim pamphlets has only occasionally been allowed. Yet when a conference on a noted twelfth-century Sufi Muslim poet, Khoja Ahmad Yasawi, was being planned for September 2010 in Ashgabad by the Academy of Sciences and the Makhtymguli Institute of Language and Literature, one of the organisers admitted to Forum 18 that none of his works were currently available in print in Turkmenistan.

Other faiths have even fewer possibilities. Turkmenistan remains the only former Soviet republic with no possibility for a Bible Society to even exist. (Bible Societies are

organisations formed by Christian churches to translate and make available Bibles and associated materials.) The government has rejected repeated attempts by some of Turkmenistan's Christian churches to join together to form one.

Importing religious books is also almost impossible. Only occasionally have the few religious organisations able to get state registration been given permission by the Gengesh for Religious Affairs to do so. Even then, copies have been restricted to the number of members an individual community has.

The only religious community which appears to have been able to import religious literature and other items is the Russian Orthodox Church, which has about 12 parishes in the country. "We have been able to bring in several containers of literature and other items in the past few years," one priest told Forum 18. "We have a store at the Aleksandr Nevsky cathedral in Ashgabad and parishes can order supplies from there."

The head of the Russian Orthodox Church, Patriarch Kirill, noted in February 2011 that Turkmen government controls on importing religious material had been lifted. He described the earlier restrictions on importing church article and literature as "a major problem".

Religious literature is frequently confiscated from travellers from abroad, especially Turkmen residents returning from foreign visits (including Orthodox Christians). Such confiscations have included personal copies of the Koran or the Bible. Also known to have been confiscated are religious objects, including baptismal crosses, incense and Muslim prayer rugs.

Local religious believers have long complained about this state censorship of religious literature.

### ***Appeal against four-year prison sentence***

Nuryllayev, an Ashgabad-based Jehovah's Witness, was brought to the attention of the police in September 2011 by one of his relatives with whom he had come into conflict. The following month, police came to the flat he shares with other family members, and seized his religious literature. He was fined, but was not told what the fine was for. Two officials who claimed to be from the hyakimlik (local administration) then visited and – after beating him – seized his notebook computer. On 15 November 2011 he was arrested and taken to the pre-trial detention centre at Yashlyk, 40 kms (25 miles) south-east of Ashgabad.

Nuryllayev was accused of distributing pornography, an accusation fellow Jehovah's Witnesses vigorously rejected to Forum 18. On 18 January, Judge Iskander Bekturdiyev of Ashgabad's Azatlyk District Court sentenced Nuryllayev to four years' imprisonment under Criminal Code Article 164, Part 2. This Article punishes "production or distribution of pornographic items" more than once or by a group of people. The maximum penalty is five years' imprisonment.

Jehovah's Witnesses complain that they knew nothing about the trial until after it had taken place. They also complain about the way it was conducted. "The Judge several times went up to his office to show pornographic recordings on Vladimir's computer," they told Forum 18. "Vladimir had to close his eyes and block his ears so as not to see or hear these abominations. He told them again that these recordings had never been on his computer earlier. Even the two witnesses he was alleged to have passed the recordings to weren't in court."

Jehovah's Witnesses pointed out that the computer is old and cannot connect to the internet, while the flash drive does not work. They insist the authorities must have used some technical skill to put the recordings on the computer.

Nuryllayev is awaiting his 14 February appeal hearing in Yashlyk detention centre.

### ***Seven known religious prisoners of conscience in one labour camp***

Jehovah's Witness conscientious objector Aziz Roziev was freed from the labour camp in Seydi in the eastern Lebap Region on 4 February on completion of his prison term, Jehovah's Witnesses told Forum 18. Originally from the town of Seydi near the labour camp, he had been sentenced in August 2010 to 18-months' imprisonment for refusing compulsory military service on grounds of religious conscience.

Roziev's release leaves seven known religious prisoners of conscience in the Seydi camp. Six of them are Jehovah's Witness conscientious objectors, all sentenced under Article 219, Part 1 of the Criminal Code. This punishes refusal to serve in the armed forces in peacetime with a maximum penalty of two years' imprisonment.

The seventh known religious prisoner of conscience is Protestant Pastor Ilmurad Nurliev, who leads Light to the World Protestant Church in the town of Mary east of Ashgabad. Arrested in August 2010, he was given a four-year labour camp term in October 2010 with "forcible medical treatment" on charges of swindling. His community insist the charges were fabricated to punish him for his religious activity.

### ***United Nations to examine Turkmenistan's record***

The United Nations Human Rights Committee is set to examine Turkmenistan's record under the International Covenant on Civil and Political Rights (ICCPR) at its meeting in New York on 15 and 16 March, the UN website notes. Article 18 of the ICCPR – to which Turkmenistan acceded in 1997 - guarantees the right freely to have or adopt a religion, to meet with others and engage in religious activity, such as "in worship, observance, practice and teaching".

Turkmenistan's restrictions on religious freedom have been repeatedly condemned by various UN bodies. Most recently, in December 2011 the UN Committee on Economic, Social and Cultural Rights criticised a range of restrictions, including the ban on meeting for worship in private homes, the ban on unregistered religious activity, the ban on non-clerics wearing religious garb in public and "undue registration criteria" which denied registration to many communities seeking to obtain it.

In February 2010, the then United Nations Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, and the Chair of the UN Working Group on Arbitrary Detention, El Hadji Malick Sow, wrote an "urgent appeal" to the Turkmen government about imprisoned Jehovah's Witness conscientious objectors. In February 2011 Jahangir's successor, Heiner Bielefeldt, lamented the Turkmen government's failure to respond.

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## **Four-year prison sentence after "secret trial"**

By Felix Corley

Forum 18 News (25.01.2012) - Two months after his arrest, Jehovah's Witness Vladimir Nuryllayev has been given a four-year prison term at a "secret trial" in Turkmenistan's capital Ashgabad [Ashgabat] on charges his community insists are fabricated. The court

sentenced Nuryllayev on 18 January on charges of "spreading pornography", a court official, who did not give her name, told Forum 18 News Service from Ashgabad on 24 January. "All this has been done because he is a Jehovah's Witness," fellow Jehovah's Witnesses told Forum 18. "Vladimir is a highly moral and deeply devout person and has nothing to do with pornography." Community members complain that the trial was held in secret, preventing them from attending to support Nuryllayev. An unverified report indicates that a Muslim may have been imprisoned on similar charges for distributing religious discs.

Forum 18 knows of seven other men serving sentences as religious prisoners of conscience, six of them Jehovah's Witness conscientious objectors and one Protestant pastor. Former prisoners have testified that they were beaten and maltreated while in labour camp.

### ***Four-year sentence***

Judge Iskander Bekturdiyev of Ashgabad's Azatlyk District Court sentenced Nuryllayev on 18 January under Criminal Code Article 164, Part 2, the court official told Forum 18. This Article punishes "production or distribution of pornographic items" more than once or by a group of people. The maximum penalty is five years' imprisonment.

The court official added that the written verdict has already been issued (something Forum 18 has been unable to verify) and that Nuryllayev has ten days in which to appeal if he chooses.

The court official could not say if Nuryllayev was present at the trial or not. He has been held at the detention centre at Yashlyk, 40 kms (25 miles) south-east of Ashgabad, since his arrest on 15 November 2011. Officials indicated after his trial that he is likely to remain there for a further two weeks or so before being transferred to a labour camp.

### ***Religious literature confiscated, "fine", beating and arrest***

The 39-year-old Nuryllayev is a building worker who earns his living by renovating private homes. He lives in a small Ashgabad flat with his mother and other relatives.

Nuryllayev's prosecution began after a conflict with a member of his family who lives in the same flat. The family member who does not share his faith reportedly went to the police in late September 2011 to tell them he is a Jehovah's Witness and that he kept some religious literature in a cupboard in the flat. The local police officer then arrived and, going straight to the cupboard, confiscated the literature.

On 18 October 2011, the officer ordered Nuryllayev to pay a "fine" of 375 Manats (773 Norwegian Kroner, 101 Euros or 132 US Dollars). Nuryllayev paid the fine the following day, hoping that this would end the case. Although the officer gave him a receipt, neither he nor the receipt indicated what the "fine" was for or what Article of the Code of Administrative Offences it was supposed to relate to.

Two officials who claimed to be from the hyakimlik (local administration) came to Nuryllayev's flat in the evening of 20 October 2011, insisting that they needed to take away his notebook computer. Because they gave no reason or warrant for the seizure, Nuryllayev tried to cling on to it. However, after he wrote down the two officials' names, they got angry and began to beat him, sources told Forum 18.

Nuryllayev's mother, who is incapacitated after an accident, came into the room and saw the blood from her son's injuries, triggering heart problems.

Police came to Nuryllayev's home to arrest him on 15 November 2011, after which he was transferred to Yashlyk.

### ***Fabricated accusations?***

On 16 November 2011, the day after Nuryllayev's arrest, the criminal case under Article 164, Part 2 was opened against him by Azatlyk District Police's Investigation Department with the approval of the District Prosecutor. The investigation was led by Investigator Rejepmurat Kurbanov. The accusation against him was formally lodged on 19 November 2011.

Jehovah's Witnesses allege that the prosecution assertion that Nuryllayev gave a disc containing pornographic material to two named individuals on two separate occasions in Ashgabad – near a market in September 2011 and in a park in October 2011 – was a fabrication. "Vladimir had never seen the two people before," Jehovah's Witnesses told Forum 18. Moreover, they say the notebook computer was the only computer he had, and the disc drive on it had broken.

Investigator Kurbanov refused absolutely to discuss the way he had conducted the investigation or the Jehovah's Witness claims that the accusation had been fabricated. "It's good to hear from you," he told Forum 18 from Ashgabad on 24 January. But he kept repeating "You must ask your questions of the court," before putting the phone down.

The telephones of the Interior Ministry in Ashgabad were engaged or went unanswered each time Forum 18 called on 24 January.

### ***Muslim sentenced on similar charges?***

In early January, as Nuryllayev was awaiting trial, an anonymous message to Radio Liberty's Turkmen Service – seen by Forum 18 - claimed that an unnamed Muslim man had been imprisoned "last year" merely for distributing religious audio and video discs. The message said that officials had used the accusation of distributing pornography to imprison the Muslim. The message asked that the news be brought to the attention of international human rights organisations.

It remains impossible to verify the truth of the message.

### ***Seydi's seven religious prisoners of conscience***

The seven other known religious prisoners of conscience are all being held at the general regime labour camp in the desert near Seydi in Lebap Region of eastern Turkmenistan.

The six imprisoned Jehovah's Witness conscientious objectors are: Dovleyet Byashimov 18 months, Turkmenabad (formerly Charjew) Court, August 2010; Ahmet Hudaybergenov, 18 months, Turkmenabad Court, September 2010; Sunet Japbarov, 18 months, Turkmenabad Court, December 2010; Matkarim Aminov, 18 months, Dashoguz Court, December 2010; Dovran Matyakubov, 18 months, Dashoguz Court, December 2010; and Mahmud Hudaybergenov, 2 years, Dashoguz Court, August 2011.

Turkmenistan has no alternative to military service, which is compulsory for all young men. All six are serving sentences under Article 219, Part 1 of the Criminal Code. This punishes refusal to serve in the armed forces in peacetime with a maximum penalty of two years' imprisonment. Turkmenistan has ignored international calls for conscientious objector prisoners to be freed and a civilian alternative service to be introduced.

The ninth known religious prisoner of conscience is Pastor Ilmurad Nurliev, who leads Light to the World Protestant Church in the town of Mary east of Ashgabad. Arrested in August 2010, he was given a four-year labour camp term in October 2010 with "forcible medical treatment" on charges of swindling. His community insist the charges were fabricated to punish him for his religious activity. He had tried in vain to register his church. In December 2010 he was transferred to the Seydi Labour Camp.

Nurliev's friends have expressed renewed concern over his continued imprisonment. "So many prisoner amnesties, but he never comes out!" one told Forum 18 in frustration. Officials insisted to several of his friends in December 2011 that he would be freed in that month's amnesty, but it did not happen.

Nurliev's wife Maya has been able to visit him in Seydi camp, his friends note. Each 30 days a 30-minute visit is allowed. A 24-hour visit is now possible more frequently. Such visits used to be allowed once every 60 days. In late 2011 this was changed to once every 45 days. However, the journey for Maya from their home in Mary to the camp takes nearly a full day on public transport.

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

Another Jehovah's Witness is still believed to be serving a suspended sentence under Article 219, Part 1: Denis Petrenko, given a two year suspended sentence in Ashgabad in April 2010. This required him to live under some restrictions at home and report regularly to the authorities.

### ***Prison beatings***

Three former religious prisoners of conscience – who all served their sentences at the Seydi camp - reveal that solitary confinement and beatings were routine treatment within the camp.

"The cell was cold. I could only sleep in a seated position and I was barely fed," Jehovah's Witness conscientious objector Sakhetmurad Annamamedov, who was freed from the Seydi camp in May 2011 at the end of his two-year sentence, testified. "A member of the Special Police Force (OMON) entered my cell on two occasions and beat me on the head and neck with his baton."

Sakhetmurad's brother, Mukhammedmurad Annamamedov endured similar treatment during his two years of imprisonment, which also ended in May 2011. "I spent six consecutive days in solitary confinement," Jehovah's Witnesses quoted him as testifying. "There was nothing in the cell, only bare concrete. Officers threatened that if I did not renounce my religion, they would put me in a much stricter prison regime."

Shadurdy Ushotov, who was freed from the Seydi camp in July 2011 after completing a two-year sentence, sustained head injuries from a beating he received from an OMON officer. "I needed six stitches to close the wound," Jehovah's Witnesses quoted him as testifying.

Prisoners and their families have long noted the harsh conditions in the camp, where it is very hot in summer and freezing in winter. "It is set in the desert and is close to several chemical works," the family of then Baptist prisoner of conscience Vyacheslav Kalataevsky told Forum 18 in 2007. "Of course conditions are not easy. It is like something from the Middle Ages".

### ***United Nations' criticism***



Turkmen officials have repeatedly denied that anyone is punished for religious or political reasons. Speaking at the 18 November 2011 session in Geneva of the United Nations Committee on Economic, Social and Cultural Rights to consider Turkmenistan's report, a member of the Turkmen delegation First Deputy Justice Minister Batyr Arniyazov "said that there were no political prisoners or politically motivated prosecutions in Turkmenistan", according to the UN summary of the session (E/C.12/2011/SR.38). "All prisoners had been convicted of criminal offences. Due process was guaranteed and court proceedings were open to the public except in specific cases provided for under the law; all decisions were, however, made public."

In its 2 December 2011 conclusions (E/C.12/TKM/CO/1), the Committee expressed concern that members of some religious groups in Turkmenistan "do not fully enjoy the right to cultural expression in the field of religion and that some religious confessions remain unregistered on account of undue registration criteria. The Committee is also concerned about the ban on worship in private homes and on the public wearing of religious garb, except by religious leaders, as contained in the 2003 Religion Law."

The Committee urged Turkmenistan "to uphold the freedom of religion enshrined in the State party's Constitution and respect the right of members of registered and unregistered religious groups to freely exercise their religion and culture." It also called on the country to amend the Religion Law "to remove undue registration criteria pertaining to certain religious groups as well as various restrictions impacting negatively on the freedom of religion".

Forum 18 was unable to find any official at the Justice Ministry in Ashgabat prepared to discuss the UN recommendations on 24 and 25 January. The telephone of Gurbanberdy Nursakhatov, Deputy Chair of the government's Gengesh (Council) for Religious Affairs in Ashgabat, went unanswered each time Forum 18 called.

### ***Border confiscations of religious literature and prayer mats***

Meanwhile, members of a variety of religious communities complained to Forum 18 of continuing confiscation of religious literature individuals try to bring with them when returning to the country by air, land or sea. In 2010 and 2011, Forum 18 learnt of numerous cases when Muslim and Christian literature – including Korans and Bibles - was confiscated from Turkmen returning from abroad.

One Turkmen who had moved to Istanbul had her one religious book – a copy of the Koran – confiscated from her at Ashgabat airport in late 2010. In early 2011, a Protestant was strip-searched at the airport after one Bible was found in his luggage.

In August 2011, three Muslims who returning by bus from Iran on the road up to Serdar each had a Muslim prayer mat they had bought in Iran confiscated from them, eyewitnesses to the confiscation told Forum 18. The three had decided not to bring back copies of the Koran as they knew they too would have been confiscated.

### ***Lowest haj numbers since 2004 (apart from 2009)***

One of the significant restrictions on the religious freedom of Muslims is the severe state limitation on the number that can travel on the annual haj pilgrimage to Mecca. The pilgrimage is an obligation for all able-bodied Muslims who can afford it at least once in their lifetime. On 29 November 2011, the government website reported the return to Turkmenistan after completing the haj of 186 pilgrims. This represents the lowest number of pilgrims since 2004, with the exception of 2009, when no pilgrims were allowed to travel.

The quota for the haj allocated by the Saudi Arabian authorities to Turkmenistan is believed to be about 5,000. Since the 1990s, the Turkmen government has tightly

controlled its citizens' participation, allowing no more than one state-sponsored aeroplane of pilgrims each year and banning pilgrims from travelling independently. Between 2005 and 2008, and again in 2010, only 188 people – including pilgrims and their government minders – were allowed to travel each time. In November 2009, the government abruptly cancelled the group's departure, allegedly to prevent infection with the H1N1 virus.

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