

TURKMENISTAN

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

KEY FINDINGS

Turkmenistan is widely considered the most closed of the former Soviet states, and this is reflected in the government's severe repression of religious freedom, which continued unabated in 2017. The government is deeply suspicious of all independent religious activity and maintains a large surveillance apparatus that monitors believers at home and abroad. Turkmen law requires religious groups to register under intrusive criteria, strictly controls registered groups' activities, and bans and punishes religious activities by unregistered groups. Police raids, fines, and detentions of registered and unregistered religious groups continued in 2017. Persons accused of "criminal" religious offenses may be tried in "closed-regime" courts in which even the sentence meted out remains secret. Many of those convicted then "disappear" in the Turkmen

prison system and are presumed to be held without any contact with the outside world in the notorious desert prison of Ovadan-Depe, where prisoners regularly die from torture and starvation. However, the full extent of religious persecution is unknown due to the almost complete absence of independent news media in Turkmenistan and the threat of retaliation by the government against communities, family members, and individuals who publicize human rights violations. In light of these systematic, ongoing, egregious violations, in 2018 USCIRF again finds that Turkmenistan merits designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA). The U.S. Department of State has designated Turkmenistan as a CPC since 2014, most recently in December 2017.

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Redesignate Turkmenistan as a CPC under IRFA;
- Lift the waiver on taking an action as a consequence of the CPC designation and negotiate a binding agreement with the government of Turkmenistan, under section 405(c) of IRFA, to achieve specific and meaningful reforms, with benchmarks that include major legal reform, an end to police raids, prisoner releases, and greater access to foreign coreligionists; should an agreement not be reached, impose sanctions, as stipulated in IRFA;
- Use targeted tools against specific officials and agencies identified as having participated in or being responsible for human rights abuses, including particularly severe violations of religious freedom, such as the "specially designated nationals" list maintained by the U.S. Department of the Treasury's Office of Foreign Asset Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act, and asset freezes under the Global Magnitsky Act;
- Urge the Turkmen government to desist immediately from the practice of "disappearing" prisoners and account for the whereabouts of all prisoners of conscience, including those imprisoned on religious grounds;
- Urge the Turkmen government to close the notorious Ovadan-Depe Prison, where many religious prisoners of conscience are held;
- Press for at the highest levels and work to secure the immediate release of individuals imprisoned for their peaceful religious activities or religious affiliations, and press the Turkmen government to treat prisoners humanely and allow them access to family, international human rights monitors, adequate medical care, lawyers, and the ability to practice their faith;
- Ensure that the U.S. Embassy, including at the ambassadorial level, continues to maintain appropriate contacts with human rights activists and religious leaders;
- Encourage Turkmenistan to resume the yearly Annual Bilateral Consultations (ABCs) with the United States, which have not been held since 2015;
- Urge the Turkmen government to agree to a visit by the United Nations (UN) Special Rapporteur on freedom of religion or belief, as well as visits from the Special Rapporteurs on independence of the judiciary and on torture, set specific visit dates, and provide the full and necessary conditions for their visits;
- Raise concerns about Turkmenistan's record on religious freedom and related human rights in bilateral meetings, such as the ABCs, as well as appropriate international fora, including the UN and Organization for Security and Cooperation in Europe (OSCE);
- Encourage the UN Regional Centre for Preventive Diplomacy for Central Asia (UNRCCA) and the OSCE Presence, both based in Ashgabat, to enhance their activities relating to human rights, including freedom of religion or belief; and
- Ensure continued U.S. funding for Radio Azatlyk, the Turkmen service of Radio Free Europe/Radio Liberty (RFE/RL), so that uncensored information about events inside Turkmenistan, including those related to religious freedom, continues to be disseminated.

COUNTRY FACTS

FULL NAME

Turkmenistan

GOVERNMENT

Presidential Republic

POPULATION

5,300,000

GOVERNMENT-RECOGNIZED RELIGIONS/FAITHS

131 registered groups, including 107 Muslim (102 Sunni, 5 Shi'a); 13 Russian Orthodox; and 11 other faiths (including Hare Krishna, Protestants, Catholics, and Baha'i)

RELIGIOUS DEMOGRAPHY*

89% Muslim (primarily Sunni)

9% Orthodox Christian (Russian and Armenian)

2% Other (including Protestants, Catholics, Jehovah's Witnesses, Shi'a Muslims, Buddhists, Jews, and Baha'is)

*U.S. Department of State

BACKGROUND

Turkmenistan is a highly authoritarian country under President Gurbanguly Berdymukhamedov, who enforces a cult of personality and demands that the population conform to his personal whims, such as mandating the color of privately owned cars. The country's first post-Soviet president, Saparmurat Niyazov, who died in late 2006, presided over his own personality cult that included renaming the months of the year in his honor. After assuming the presidency in early 2007, Berdymukhamedov rolled back some aspects of Niyazov's cult, set up two new official human rights commissions, registered 13 religious minority groups, and eased police controls on internal travel.

In effect, however, President Berdymukhamedov has done little to reform oppressive Turkmen laws, rein in the all-powerful state security apparatus, or place curbs on his personal power. In February 2017, President Berdymukhamedov was reelected with 97 percent of the vote in an election that international observers widely regarded as unfair. A new constitution, signed into law in September 2016, removed the presidential age limit, effectively paving the way for Berdymukhamedov to serve as president for life. The Turkmen government continues its campaign

to impose an information blackout, including by strictly controlling electronic communications; it also harasses and imprisons journalists, including from the U.S.-funded RFE/RL.

The country is adjacent to northern Afghanistan, which is home to around 250,000 Turkmen, some of whom the Turkmen government alleges sympathize with Islamist extremist groups. As a result, the government is concerned about religious extremism spreading into Turkmenistan. The Afghan border is also the site of periodic clashes with various armed groups, including smugglers and Taliban militants.

RELIGIOUS FREEDOM CONDITIONS 2017

Government Legal Control over Religious Activities

Although the constitution guarantees religious freedom, the separation of religion and state, and equality regardless of religion or belief, Turkmen law and government practice contradict these guarantees. In March 2017, the UN Human Rights Committee concluded that Turkmenistan "retains undue restrictions on freedom of religious belief," citing the country's repressive legal architecture and persecution of religious believers. This architecture includes a new religion law that went into

effect in April 2016, replacing a 2013 law. The new law raised the minimum requirement for groups to register from five to 50 adult citizen founders. It continues the previous law's intrusive registration criteria, prohibition on any activity by unregistered groups, requirement that the government be informed of all foreign financial support, bans on worship in private homes and private religious education, and prohibition on the wearing of religious garb in public except by clerics.

The Commission for Work with Religious Organizations and Expert Analysis of Resources with Religious Information, Published and Printed Production (CWRO), which reports to the Cabinet of Ministers, must approve registration applications before they are sent to the Justice Ministry. In reality, registration rarely is granted, especially for communities the government dislikes, such as non-Muslim communities led by ethnic Turkmen. It is illegal for unregistered groups to rent, purchase, or build places of worship, and even registered groups must obtain scarce government permits. Justice Ministry officials can attend any religious event of a registered religious community and ask its members about religious activities. Religious activity is not permitted in prisons or in the military.

According to the Turkmen government, 131 religious communities were registered with the state as of March 2017: 107 Muslim (102 Sunni, five Shi'a), 13 Russian Orthodox, and 11 other faiths. Some communities have decided not to register due to the onerous and hostile process, while registration applications from certain Shi'a Muslim groups, the Armenian Apostolic Church, some Protestant groups, and Jehovah's Witnesses have faced numerous rejections.

The 2016 religion law requires registered religious communities to modify their governing statutes if state officials deem that necessary. All registered religious communities reportedly have been told they must re-register, but as of early October 2017 only two minority communities were known to have successfully done so. Representatives of the Russian Orthodox and Catholic communities reported they had to re-submit their applications because of "errors" identified by state officials.

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

Punishment for Religious Activities

The Turkmen government continues to impose harsh penalties on religious believers, such as imprisonment, forcible treatment with drugs, and torture. In recent years, Muslims, Protestants, and Jehovah's Witnesses have been detained, fined, imprisoned, or internally exiled for their religious beliefs or activities. Politically sensitive trials often take place in a "closed regime"

without the length of the sentence being made public. Once convicted, prisoners routinely are subjected to brutal and inhumane conditions, including starvation,

torture, and infectious disease. The most politically sensitive prisoners, including some religious prisoners, are subjected to "disappearance" in the Turkmen prison system. This means that no information about them is made public and no outside contact, including visitors, correspondence, and medicine, is permitted. Oftentimes, the announcement of their death in prison is the only definitive proof they were alive after their imprisonment. Most of the "disappeared" are believed to be held in Ovadan-Depe, a notorious prison (also known by its official designation, AN-T/2) opened in 2003 in the Karakum Desert. Because of the government's information blackout, no accurate numbers of religious prisoners, including the number of "disappeared" prisoners, exist. In December 2016, the UN Committee against Torture stated that it was "gravely concerned" about the use of torture to extract confessions, the deaths of "numerous" prisoners in Ovadan-Depe, and the "impunity" of state officials involved in torturing detainees.

In 2017, Radio Azatlyk reported that in closed trials between February and July 2017 at least 58 former employees or graduates of joint Turkish-Turkmen secondary schools associated with the movement of exiled Turkish Islamic preacher Fethullah Gülen were sentenced to between 12 and 25 years in prison on charges of belonging to an unnamed terrorist group. Although

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reports differed over the motives for the mass convictions—some of the defendants may have been targeted for expropriation after they refused to pay bribes related to the 2017 Asian Indoor and Martial Arts Games held in Turkmenistan—it was believed the arrests were a “goodwill” gesture to Turkish President Recep Tayyip Erdoğan, who blames Gülen for an attempted coup against his government in July 2016. Several of those convicted were reported to have been transported to Ovadan-Depe to serve their sentences.

In June 2017, Aziz Gafurov, one of a group of 20 men known to have been convicted for attempting to overthrow the state after they participated in a Muslim study group led by Bakhram Saparov, died in Ovadan-Depe. In 2016, the independent news agency Alternative News of Turkmenistan (ANT) reported that two members of the same group, Lukman Yailanov and Narkuly Baltaev, also died in Ovadan-Depe in the second half of the year. Like Baltaev, whose body weighed only 25 kilograms (55 pounds) at the time of his death, Gafurov’s body showed signs of severe malnutrition and bruising. As for Saparov, ANT reported in 2017 that he was given an additional three years imprisonment—increasing his total sentence to 15 years—and transferred to Ovadan-Depe from a less strict facility. His confederates, Sultan Bebitov and Atadzhan Reimov, also were given another five years imprisonment and sent to Ovadan-Depe. More than 100 persons were arrested for their affiliation with Saparov between 2013 and 2015, but only 20 are known to have been convicted.

In January 2017, Annamurad Atdaev, a prisoner profiled in last year’s USCIRF report, disappeared while being transferred to a regime prison and is believed to be held in Ovadan-Depe. In early 2016, after Atdaev returned home from studying in Egypt to replace his passport, he repeatedly was interrogated by the Ministry of State Security on suspicion of being an Islamic radical. He was arrested in September 2016 and convicted in December on a variety of charges, including “inspiring religious, national, and social hatred” and plotting a coup d’état. While in Egypt and after returning to Turkmenistan, Atdaev reportedly was under constant surveillance by government informers. His wife, Russian citizen Daria Atdaeva, met with USCIRF in

September 2017 and detailed her futile attempts to try to reach her husband, from whom nothing has been heard since his disappearance and about whom the Turkmen authorities refuse to release any information, including whether he is alive.

In May 2017, Jehovah’s Witness Mansur Masharipov was released from prison after spending almost a year in detention. Masharipov was detained in 2016 after previously being forcibly injected by police with unknown substances that made him severely ill. However, Jehovah’s Witness Bahram Hemdemov continues to serve a four-year prison sentence—imposed in 2015—in a labor camp for having conducted a prayer meeting in his home.

The government of Turkmenistan, similar to other former Soviet states, regularly raids the homes and places of worship of both registered and unregistered religious minorities, confiscating literature and temporarily detaining believers. However, due to the tight control over information exercised by the authorities and the fear of retaliation on the part of communities for publicizing violations of their rights, reports of persecution are often fragmentary. Forum 18 reported that

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unspecified Protestant denominations had been raided and prayer leaders detained or fined from the early summer through the fall of 2017. More detailed

information was made public about persecution directed against Jehovah’s Witnesses. In April and January 2017, several Jehovah’s Witnesses and their children were interrogated and harassed by school authorities because of the children’s refusal to take part in patriotic activities such as singing the national anthem. In March 2017, an official imam reportedly gave lectures critical of the Jehovah’s Witnesses to schoolchildren in southern Turkmenistan, denouncing the Witnesses as a “cult.” In January 2017, a university student was expelled for fraternizing with Witnesses. From January through July, Witnesses reported being beaten, choked, and threatened during police raids on their homes and places of worship. The victims of maltreatment by police included a teenage boy who was beaten while his mother was thrown to the floor.

Other reports of retaliation against religious believers that filtered out during 2017 included the dismissal of

a military serviceman who disobeyed warnings against carrying out Muslim daily prayers, and motorists who were fined as part of a general campaign against the display of amulets, talismans, and other traditional good-luck charms in their private vehicles.

Government Interference in Internal Religious Affairs

The Turkmen government interferes in the internal leadership and organizational arrangements of religious communities. Sunni Islam is the only permitted type of Islam, and the Sunni Muftiate (Muslim Spiritual Administration) is under tight government control. The Justice Ministry names the chief mufti and senior muftiate officials, who also function as officials for the CWRO and thereby oversee the activities of other religious communities. The muftiate appoints imams, including at the district level, and district imams appoint local mullahs, with all appointments subject to secret police vetting. Sermons by imams at Friday prayers convey state messages; the Justice Ministry forbids imams from discussing certain topics, and Friday prayers end with a short prayer for the president.

The country's largest religious minority, the Moscow Patriarchate Russian Orthodox Church (MPROC), reportedly has tried for several years to establish an official diocese in Turkmenistan, but has been unsuccessful.

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

Restrictions on Houses of Worship

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

At least eight of Ashgabat's 14 mosques have been demolished by Turkmen authorities since independence from the Soviet Union, most recently in 2016. In April 2017, Radio Azatlyk reported that the grounds of another religious building, the Azadi mosque in Ashgabat, were being reduced and some of its structures demolished, ostensibly to widen the surrounding sidewalks. Credible sources also reported in 2017 that two more Ashgabat mosques, known colloquially as the "March 8th" and "Old Airport" mosques, were slated for destruction.

State Control of Religious Literature

Searches for and confiscations of "illegal" religious literature remain a constant threat. Religious texts cannot be published inside Turkmenistan and only registered groups legally can import religious literature under tight state censorship. The CWRO must review and stamp "approved" on all religious texts and literature; documents without such a stamp may be confiscated and individuals punished.

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Although the MPROC can sell religious texts publicly, the CWRO must approve them. Protestant churches have been unable to register a Bible Society to promote and sell Christian scriptures.

State Restrictions on Foreign Religious Travel

The government continues to deny international travel for many citizens, especially those travelling to religious events. Some 110,000 individuals who have dual Russian-Turkmen citizenship, mainly Russian Orthodox, usually can meet coreligionists abroad and also undertake clerical training. Muslims, however, are not allowed to travel abroad for religious education. In 2017, the government reportedly permitted only 160 persons to travel to Mecca for the hajj pilgrimage, the lowest number since 2009.

Conscientious Objectors

Turkmen law has no civilian alternative to military service for conscientious objectors. Although those who refuse to serve in the military can face up to two years in jail, Turkmen authorities typically issue only suspended

prison sentences or terms of “corrective labor,” under which the state docks a portion of the convicted person’s salary. As of the end of the reporting period, at least 12 conscientious objectors reportedly were handed down sentences since 2014, including a Jehovah’s Witness who received a two-year corrective labor term in February 2017. The UN Human Rights Committee repeatedly has found that such penalties violate the human rights of conscientious objectors.

U.S. POLICY

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

In September 2017, the State Department hosted the third meeting of the C5+1 Ministerial, which brings together the foreign ministers of the five Central Asian states and the United States for discussions on various multilateral issues, including respect for basic freedoms. In April 2017, the State Department’s Special Advisor for Religious Minorities in the Near East and South and Central Asia traveled to Turkmenistan to discuss religious freedom concerns.

Initiated in 2009 by the State Department, the ABCs are a regular mechanism for the United States and Turkmenistan to discuss a wide range of bilateral issues, including regional security, economic and trade relations, social and cultural ties, and human rights. However, no ABC sessions were held in 2016 or 2017 because of scheduling issues, thereby depriving the United States of a major opportunity to raise human rights concerns, including religious freedom.

In December 2017, the State Department redesignated Turkmenistan as a CPC under IRFA, a

designation it first made in 2014. While acknowledging “deep concern” for severe religious freedom violations, the State Department cited “the necessity for cooperation with the Government of Turkmenistan on certain core U.S. national security interests” such as “collective efforts to counter violent extremism and transnational terrorism” as a justification to continue a waiver of presidential action.