

TURKMENISTAN

Turkmenistan continues to engage in systematic and egregious violations of freedom of religion or belief. Until the sudden death of the country's president, Saparmurat Niyazov, in December 2006, Turkmenistan had been dominated by Niyazov's all-pervasive authoritarian rule and escalating personality cult. While Niyazov's government had made small adjustments to the laws that closely regulate religious practice, these changes had done little to alter in practice the country's generally repressive policies. After his highly orchestrated electoral win in February 2007, the country's new president, Kurbanguly Berdimukammedov, moved swiftly to implement educational reforms and has also promised reforms in the agricultural, health, and other social sectors. He has also expanded Internet access and promised to allow more international contacts, indicating his intention to curtail the country's isolation. It is too early, however, to ascertain whether significant reform will also be undertaken with regard to human rights and, in particular, freedom of religion or belief. Until such reforms are implemented, the Commission continues to recommend that the Secretary of State designate Turkmenistan a "country of particular

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concern," or CPC. Although religious freedom continues to be severely proscribed in Turkmenistan and there is scant evidence that the situation has improved substantially, the Secretary of State has not named Turkmenistan a CPC.

President Niyazov's personality cult, which had become comparable to a state-imposed religion, was bolstered by the official imposition of his book of "spiritual thoughts," the *Rukhnama*. According to the State Department, the *Rukhnama* had been used "in part to supersede



A statue of the late Turkmen leader Saparmurat Niyazov in Ashgabat (OSCE/Armonds Pupols)

other established religious codes, as well as historical and cultural texts and thereby influence citizens' religious and cultural behavior." Students were required to study the *Rukhnama* at all public schools and institutes of higher learning. A July 2002 law enjoins parents and guardians "to bring [children] up in the spirit of ...the unshakeable spiritual values embodied in the holy *Rukhnama*." Credible reports indicate that mullahs in Turkmenistan were told in late 2005 to stop reading the Koran in mosques and restrict themselves to the *Rukhnama*. Niyazov had ordered that his books be displayed in mosques and churches alongside the Koran and the Bible. *Rukhnama* quotations have also been carved alongside Koran citations in the country's largest mosque.

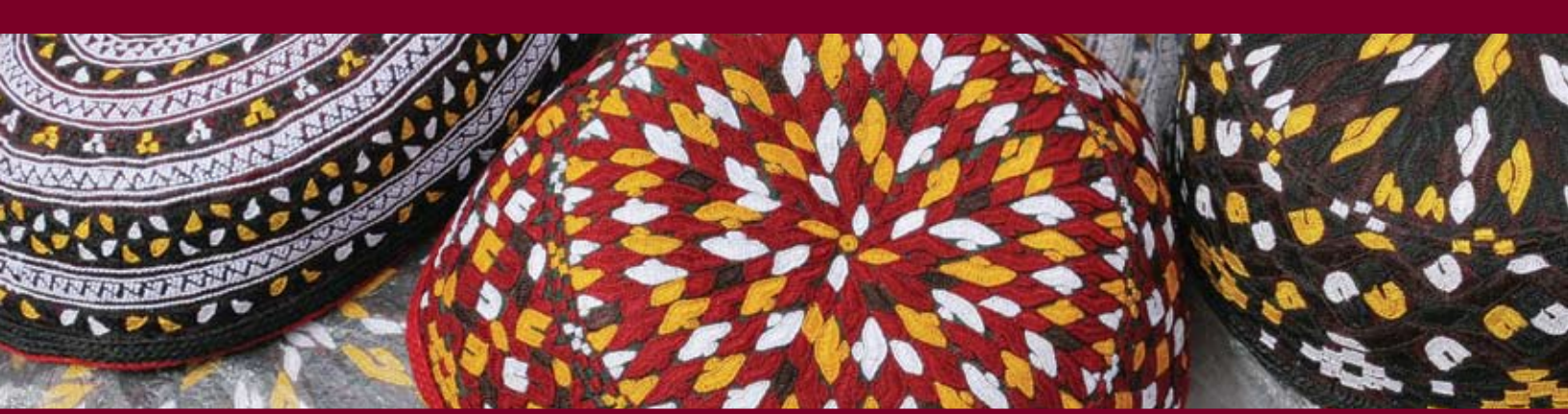
The Organization for Security and Cooperation in Europe (OSCE) noted that while the February 2007 Turkmenistan presidential election was an "improvement," it was not "genuine," not least because exiled members of Turkmenistan's political opposition were not allowed back into the country to compete in the election. The former chairman of the Turkmen parliament, Ovezgeldy Atayev, was sentenced on specious charges involving the suicide death of a relative to a five-year prison term after a closed trial in March 2007; his wife was later also convicted of unknown charges and is currently in a prison camp. According to the country's constitution, Atayev was the next in line to succeed Niyazov. The new president has renamed the heads of the powerful Defense and Interior Ministries, as well as the secret police and the Presidential Guard.

Turkmenistan's new leader has, however, taken some steps to end Niyazov's 20-year legacy of isolated one-man rule. His first official action was to order the opening of 15 Internet cafes in various cities, although access fees are high, politically sensitive sites are reportedly blocked, and copies of the *Rukhnama* are displayed. In January, prominent Turkmen ecologist Andrei Zatoka, who was arrested in late 2006, received a suspended three-year sentence. In the president's first decree, aimed at the educational system which Niyazov had done much to destroy, secondary schooling was increased from nine to 10 years in the 2007 school year and higher education from two to five years; he also promised to facilitate access for Turkmen citizens to universities and institutes in other countries. In March 2007, the Turkmen president signed an educational reform decree that recognizes foreign diplomas and initiates reform of the high school curriculum. Reportedly, 23,000

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teachers have returned to work and the country's new leaders reportedly have told diplomats that they want more international exchange programs. Police and street controls on travel inside Turkmenistan have also been eased.

The new leadership has also begun to distance itself from Niyazov's personality cult. Berdymukhammedov has made some initial attempts to curtail the imposition of the sworn oath of loyalty to Niyazov, calling for assigning a specific time and place when the oath should be made and suggesting that it should be restricted to special occasions. According to news reports, in televised comments in March 2007, Berdymukhammedov in effect called for cutting back on public expressions of adherence to Niyazov, including by designating only one day, December 21, as the official day of mourning for Niyazov; proposing a new law on loyalty oath procedures and regulations; and suggesting that official greeting ceremonies be trimmed. In March 2007, a new presidential decree was signed ordering that Niyazov's name be replaced by the words "Turkmen president" on the presidential banner. New primary, secondary, and university textbooks are being printed, with greater focus on science, mathematics, English, Russian, and Turkmen, thus presumably curtailing the previous (and almost exclusive) emphasis on the *Rukhnama* in the educational system. The Turkmen Academy of Sciences has been re-opened, and a series of articles by Turkmen scholars exploring the country's history, including Islamic and archeological sites, have recently been published on official websites.



Despite these small changes, the prevalence of the Niyazov cult persists and the *Rukhnama* reportedly still plays a prominent role in the country's educational system and official ceremonies. The *Rukhnama* also continues to be ritualistically referred to in print and broadcast media. Houses are still decorated with Niyazov's portraits and his statue continues to revolve with the sun in the capital city of Ashgabat. Although Berdymukhammedov took his presidential oath on the Turkmen constitution, he also bowed towards a copy of the Koran and the *Rukhnama* and swore to continue Niyazov's policies. Lavish state celebrations to mark what would have been Niyazov's 67th birthday on February 19, 2007 included huge *Rukhnama* banners, the opening of a new museum to honor the deceased president, and the unveiling of a new biography of Niyazov. In April 2007, the Turkmen government sponsored an international youth conference, with participants from 40 countries, to study the country's "spiritual constitution," the *Rukhnama*. The *Rukhnama* is also still being taught in all schools, and remains a required element of school exams.

In the sphere of protections for religious freedom and related human rights, no reforms have been undertaken by the new government. Indeed, some observers believe that reforms are unlikely in this sphere because the country's tight control of religious practice also reflects the views of the country's current security apparatus. Turkmenistan's parliament did designate funds in March 2007 to speed up construction of a mosque in the city of Mary. However, there have been no moves to reform the country's repressive laws on religion. The former chief mufti of Turkmenistan, Nasrullah ibn Ibadullah, is still serving a 22-year prison term handed down during a closed trial in 2004. Ibadullah, who opposed Niyazov's decree that the *Rukhnama* be displayed next to the Koran in the country's mosques, was officially charged with treason for an alleged role in a 2002 assassination attempt on Niyazov. According

to Amnesty International, the mullah's family has not been allowed to see him since his arrest, and given the generally dire prison conditions in Turkmenistan, there are serious concerns about his health. Furthermore, the Turkmen government has not responded to repeated official requests from the UN Special Rapporteur on Freedom of Religion or Belief to visit the country.

Since independence in 1991, religious groups have been required to register with the government in order to engage in religious activities. The 1997 version of the country's religion law effectively banned all religious groups except the state-controlled Sunni Muslim Board and the Russian Orthodox Church, though religious instruction even for these two communities remains severely limited. In March 2004, Niyazov proclaimed that no new mosques should be built anywhere in the country and seven mosques are reported to have been destroyed in that year. Niyazov ordered the publication of a list of religious rituals common to all Turkmen and reportedly secret police attend mosques to identify Muslims who perform religious rites in a way that differs from the officially-prescribed Turkmen practice. The Turkmen authorities continue to limit the number of Muslims permitted to perform the *hajj*; in early November 2006, the government announced that only 188 of the country's official quota of 4,500 would be allowed to go to Mecca. Nevertheless, the country's official newspaper declared in April 2007 that it was the duty of every Muslim to undertake the *hajj*. The Turkmen State University Theological Faculty has been dissolved and absorbed into another department, leaving only one institution of Islamic education open, with the government controlling its curriculum.

The Russian Orthodox community has also been affected by the repressive policies of Niyazov, who banned the country's residents from receiving Russian publications by mail, including the *Journal of the Moscow Patriarchate*. All Russian Orthodox parishes were re-registered by No-



Kipchak Mosque, Ashgabat

vember 2005. Yet, Turkmen authorities refuse to allow the Russian Orthodox community to build a new cathedral in the capital of Ashgabat, though Niyazov allocated land for that purpose 10 years ago. According to the Forum 18 News Service, final construction work on the community-funded convent next to St Nicholas' Church in Ashgabat was halted in late 2005, after Niyazov allegedly privately warned Orthodox clergy that if construction went ahead he would order demolition of all the country's Orthodox churches. In addition, the Turkmen government has attempted to isolate local parishes from the Russian Orthodox Church, in part by pressuring the local Church to take Turkmenistan's parishes from the jurisdiction of the Central Asian diocese in Uzbekistan and put them under the Patriarch of Moscow, which in July 2005 rejected this proposal.

A new law on religion in 2003 further codified the Turkmen government's highly repressive policies, effectively banning most religious activity, and setting criminal penalties for those found guilty of participating in "illegal" religious activity. The law also required religious groups to

coordinate with the Turkmen government any contacts with co-religionists abroad. In response to international pressure, Niyazov issued a decree in March 2004 stating that religious communities may register "in the prescribed manner," and reduced the registration requirement from 500 members to five. In May 2004, President Niyazov issued several decrees decriminalizing unregistered religious activities and easing other requirements for registration, resulting in the registration of nine small groups, in addition to the majority Sunni Muslims and the Russian Orthodox Church. Nevertheless, Turkmen officials have stated that "eased" registration requirements do not mean that religious communities may gather in private homes or that religious adherents will no longer be required to request official permission before holding worship services. In fact, some reports indicate that registration is actually being used as a method of more effective state control over religious communities, as it affords officials the right to know what occurs at every meeting of a religious group. Participants in religious meetings who refuse to provide details about their gatherings risk having their communities charged with being in violation of registration requirements. Moreover, religious groups that do not meet the often arbitrary registration rules still face administrative penalties that may include imprisonment and large fines due to their unregistered status.

Though such raids were fewer than in previous years, police have continued to interfere in the activities of both registered and unregistered religious communities in the past year. Security police continue to break up religious meetings in private homes, search homes without warrants, confiscate religious literature, and detain and threaten congregants with criminal prosecution and deportation. Family members of detained religious leaders have been subjected to harassment and internal exile. In addition, members of some religious minority groups, particularly Protestants, Hare Krishnas, and Jehovah's Witnesses, have faced official pressure to renounce their faith publicly, and been forced to swear an oath on the *Rukhnama*.

In 2006, Baptists, Hare Krishnas, Jehovah's Witnesses, and Seventh-day Adventists reported disruption of meetings, along with detentions (including of children), and administrative fines. In June 2006, a Russian Baptist reportedly was deported from Turkmenistan for his religious activities and forced to leave his wife and two young children behind. According to Forum 18, two Protestants are facing official charges or harassment, reportedly linked to their religious activism. Jehovah's Witnesses reportedly

experienced eight incidents of harassment or short-term detention during a three-month period in the last year. One Jehovah's Witness was confined to a psychiatric hospital in June 2006 for refusing military conscription, reportedly at the order of a deputy defense minister. In late June 2006, another Jehovah's Witness was forcibly confined for five days to a drug treatment center for refusing military service; according to Forum 18, he became very ill as a result. Police raided a home in Konye-Urgench where a group of Jehovah's Witnesses had gathered; at the local police station they were interrogated, insulted, and released. A Hare Krishna adherent received a seven-year jail sentence on unknown charges; in October 2006, she was released as part of a general prisoner amnesty.

No religious literature is printed in Turkmenistan and the import of religious materials is essentially impossible. In addition, known religious adherents are sometimes banned from travel. In recent years, the Turkmen government has refused entry visas to three or four priests who are Russian citizens, while church delegations to Turkmenistan from Tashkent, Uzbekistan, and Moscow have been forced by Turkmen officials to reduce their numbers. Muslims are not allowed to travel abroad for religious education; however, Russian Orthodox men from Turkmenistan are allowed to study for the priesthood at the Tashkent seminary.

For several years, the Commission has raised public concerns about the status of religious freedom in Turkmenistan at meetings of the OSCE. In October 2006, Commission staff took part in a roundtable on Turkmenistan sponsored by Radio Free Europe/Radio Liberty (RFE/RL) at the OSCE Human Dimension Meeting in Warsaw. In January 2007, Commissioners met with Assistant Secretary of State Richard Boucher to discuss concerns over U.S. policy on Turkmenistan and the failure to name the country a CPC. The Commission has met with the U.S. Ambassador to Turkmenistan to discuss bilateral relations, the status of religious freedom and other human rights, and steps the United States might take to ameliorate the situation. As recommended by the Commission, the UN Commission on Human Rights (UNCHR) passed resolutions condemning Turkmenistan for repression of religious and political rights in 2004. In March 2005, the Commission met with delegation heads from the United States and European Union (EU) countries at the 61st session of the UNCHR session and presented information about violations of religious freedom in Turkmenistan, questioning the decision of the

United States and the EU not to introduce a resolution on Turkmenistan at the 2005 UNCHR.

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

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Women at a market in Turkmenistan (OSCE).

In addition to continuing to recommend that Turkmenistan be designated a CPC, the Commission has further recommended that the U.S. government should urge the government of Turkmenistan to undertake the following steps:

- dismantle the personality cult of former President Niyazov, including eliminating the requirement that the *Rukhnama* be quoted and displayed in mosques, and drop the *Rukhnama* from the school and university curricula;
- undertake a major reform of the country's laws and regulations to bring them into conformity with its international legal obligations, such as dropping imprisonment or fines of individuals who engage in unregistered religious activities; allowing children to receive religious education; allowing the publication and distribution of religious literature inside Turkmenistan; and permitting freedom of movement for members of all religious and other communities;
- adopt reform of the country's policies toward religion, including ending state interference in the selection, training, and management of religious communities, such as those of Sunni and Shi'a Muslims and the Russian Orthodox Church, as well as of Protestant and other minority communities;
- identify specific immediate steps to improve religious freedom conditions, which should include (1) ending harassment and deportation of religious leaders; (2) halting unjust arrest, detention, imprison-

ment, torture, and residential and workplace intimidation of religious leaders and their adherents; and (3) releasing immediately and unconditionally any persons who have been detained because of their religious beliefs, practices, or choice of religious association, including Nazrullah ibn Ibadullah, the country's former chief mufti;

- respond to longstanding requests for visits by the UN Special Rapporteurs on Freedom of Religion or Belief; on Torture; on the Right to Education; on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health; on Extra-judicial, Summary or Arbitrary Executions; and on the Independence of the Judiciary; as well as the Representative of the UN Secretary General on the Human Rights of Displaced Persons; the Special Representative of the Secretary-General on the Situation of Human Rights Defenders; the Working Group on Arbitrary Detention, and representatives of the Organization for Security and Cooperation in Europe (OSCE), including the Panel of Experts on Freedom of Religion or Belief, and provide the full and necessary conditions for such visits; and
- implement the new education law by undertaking a thorough review and reform of the country's educational system, including revising texts and lessons to eliminate Niyazov's personality cult, and to add education on human rights.

The Commission has recommended that the U.S. government should:

- suspend non-humanitarian assistance to the government of Turkmenistan, with the exception of programs that serve identifiable U.S. national security interests in connection with the current campaign against terrorism. This recommendation does not apply to U.S. assistance to appropriate non-governmental organizations, private persons, or cultural or educational exchanges, including the specific items discussed below;
- scrutinize all aspects of any assistance programs in Turkmenistan to ensure that these programs do not facilitate Turkmen government policies or practices that result in religious freedom violations. The United States should also examine its programs in Turkmenistan to determine if opportunities exist within those programs to promote the development of genuine respect for human rights, including religious freedom, in that country;
- support efforts to facilitate Turkmenistan's sale of natural gas on world markets, including support for the Trans-Caspian Gas Pipeline, only if the Turkmen government takes definitive steps to improve substantially conditions for human rights and religious freedom in Turkmenistan;
- identify specific steps that the government of Turkmenistan could take in order to have its currently suspended assistance reinstated and to avoid triggering further

restrictions on assistance programs, steps which should include, but not be limited to (1) the lifting of oppressive legal requirements on religious groups and allowing all such groups to organize and operate freely; (2) the end to harassment and deportation of religious leaders; and (3) the halting of unjust arrest, detention, imprisonment, torture, and residential and workplace intimidation of religious leaders and their adherents, including releasing those currently detained or imprisoned; and (4) the reform of laws and policies that violate international human rights standards; and

- develop assistance programs to encourage civil society groups that protect human rights and promote religious freedom, including by:
 - expanding “train-the-trainer” legal assistance programs for representatives of religious communities to act as legal advisers in the registration process; and
 - specifying freedom of religion as a grants category and area of activity in the Democracy and Conflict Mitigation program of the U.S. Agency for International Development and the Democracy Commission Small Grants program administered by the U.S. Embassy.

The Commission recommends that, in the longer term, the U.S. government expand the following programs with regard to Turkmenistan:

- increase radio, Internet, and other broadcasts of objective news and information, including educational topics, human rights, freedom of religion, and tolerance;
- increase exchange programs, including for civil society leaders,

students, and others concerned with human rights, and continue the expansion of the Peace Corps program in Turkmenistan;

- use appropriate avenues of public diplomacy to explain why religious freedom is an important element of U.S. foreign policy, as well as specific concerns about violations of religious freedom in Turkmenistan; and
- expand “American corner” reading rooms in various regions.

The Commission also recommends that the U.S. government work with other governments to adopt the following policies with regard to Turkmenistan:

- freeze Niyazov’s overseas financial assets, releasing such funds only with verifiable guarantees that these funds will be used to implement human rights and democratic reforms inside Turkmenistan;
- encourage the new government of Turkmenistan to abide by the recommendations of the October 2006 Report of the UN Secretary General on the Situation of Human Rights in Turkmenistan;
- expand the activities of the OSCE’s office in Ashgabat, particularly on human rights, tolerance, and freedom of religion or belief, including programs with local schools, universities, and institutes; consider providing extra-budgetary funding for the OSCE Field Presence in Ashgabat to assist it in the effective implementation of additional programs during the post-Niyazov transition;
- encourage scrutiny of freedom of religion or belief in appropriate international fora such as the OSCE and other multilateral venues and also raise the issue of religious

freedom violations in Turkmenistan at those UN bodies that consider human rights questions; and

- continue to support discussions among representatives of Turkmenistan’s religious communities, religious affairs officials, and experts on international norms on religious freedom, in conjunction with the OSCE and with representatives of other relevant international organizations.