

AMNESTY INTERNATIONAL BRIEFING

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Key human rights challenges facing Turkmenistan

LACK OF ACCESS TO THE COUNTRY AND DETENTION FACILITIES

Turkmenistan imposes severe limits on international human rights monitoring. The authorities have denied international non-governmental human rights organizations requests to visit the country. Amnesty International's own repeated requests to visit Turkmenistan have gone unanswered. The only United Nations (UN) Special Rapporteur who has been able to visit to date is the Special Rapporteur on Freedom of Religion or Belief in September 2008. Many other UN special procedures have requested visits, but have not been granted access. Foreign journalists have frequently been prevented from entering Turkmenistan.

The authorities continue to deny the International Committee of the Red Cross (ICRC) access to prisons and detention facilities. Amnesty International is concerned that prison conditions in Turkmenistan fall far short of international standards and amount to cruel, inhuman and degrading treatment. Overcrowding, unsanitary conditions and poor nutrition are said to be common and facilitate the spread of diseases. Bribes are said to be the only way to meet basic needs, including for food and medicine.

ENFORCED DISAPPEARANCES AND INCOMMUNICADO DETENTION

Amnesty International remains concerned about the continuing enforced disappearance of dozens of people convicted in 2002 and 2003 in unfair trials. At least 59 people were convicted in unfair trials between December 2002 and January 2003, including **Boris Shikhmuradov**, former Foreign Minister of Turkmenistan, his brother **Konstantin Shikhmuradov**, and **Batyr Berdyev**, a former representative of Turkmenistan to the OSCE. They received sentences ranging from 5 years to life imprisonment, and many were labelled as "enemies of the people". There are credible reports that many were tortured by law enforcement officers in pre-trial detention.

Former political dissident **Gulgeldy Annaniyazov** remains in incommunicado detention and the government refuses to disclose his location and condition. Gulgeldy Annaniyazov had left the country in 1999, and lived in Norway where he had been granted refugee status. He returned to Turkmenistan in June 2008 and was arrested on 24 June. He was convicted of crossing the Turkmenistan border without valid travel documents and possibly other unknown offences and sentenced to 11 years' imprisonment in a closed hearing on 7 October 2008. However, Turkmen law does not prescribe 11 years for the use of invalid travel documents alone.

According to non-governmental sources, most of the prisoners are held in the Ovadan-depe prison, near the capital Ashgabad, known for its particularly harsh conditions. Since their arrest the prisoners have been denied all access to families and independent bodies, including the ICRC. The relatives of several prisoners have repeatedly asked for permission to send parcels and letters at least once a year, to visit and for the names of those who have died in prison. They have received no written reply but government officials have reportedly told them that their requests have been denied.

In a letter to the UN Secretary General, dated 29 April 2004, the Permanent Representative of Turkmenistan to the UN reacted to concerns regarding the incommunicado detention of those imprisoned in connection with the November 2002 events and the lack of access of the ICRC

that had been raised by the UN Commission on Human Rights in its 2004 resolution on human rights in Turkmenistan. The official stated that “in line with the law and the court verdict, access to the convicted terrorists is prohibited for the duration of five years”. This period has now expired, as the convictions dated to December 2002 and January 2003, yet the prisoners continue to be held incommunicado.

Amnesty International has received credible reports that some of these prisoners have died in custody. These reports suggest that the deaths have resulted from torture and other ill-treatment, harsh prison conditions and a lack of appropriate medical treatment. To date, the authorities have not disclosed any information about these cases.

TORTURE AND ILL TREATMENT

The few remaining civil society activists in Turkmenistan report that torture and other ill-treatment are common in ordinary criminal cases. In most cases detainees are reportedly subjected to torture or other ill-treatment shortly after being taken into custody, although cases reported in pre-trial detention and prisons. Perpetrators include police, officers of the Ministry of National Security and prison personnel. Amnesty International has received information about allegations of torture or other ill-treatment from many different locations across the country.

Torture appears to be used to extract confessions and other incriminating information and to intimidate detainees. Methods of torture and other ill-treatment reported to Amnesty International have included the administration of electric shocks; asphyxiation applied with a plastic bag or forcible wearing of a gas mask to which the air supply is cut; rape; forcibly administering psychotropic drugs; beating with batons, truncheons, or plastic bottles filled with water; punching; kicking; depriving the detainee of food and drink; and exposure to extreme cold.

Impunity for torture and ill-treatment is the norm in Turkmenistan, with complaints by victims rarely being pursued. A non-governmental source in Turkmenistan told Amnesty International that, only individuals who have “influential friends or relatives” are able to have their claims investigated.

No independent and effective investigation appears to have been carried out into the death in custody of Radio Free Europe/ Radio Liberty correspondent and former member of the NGO Turkmenistan Helsinki Foundation, **Ogulsapar Muradova**, in 2006. There were allegations that she died as a result of torture after being sentenced in the same trial as prisoners of conscience, Annakurban Amanklychev and Sapardurdy Khadzhiyev who were also reportedly tortured to get them to confess.

FREEDOM OF OPINION AND EXPRESSION, FREEDOM OF ASSEMBLY AND OF ASSOCIATION

Independent political parties do not exist in Turkmenistan and independent civil society activists cannot operate openly. Many opposition politicians have been forced into exile. Many of those remaining in the country have faced house arrest, arbitrary detention, imprisonment following unfair trials and torture and ill-treatment. The adoption of legislation on 11 January 2012 formally legalising the formation of political parties is a positive step, but Turkmen human rights defenders and opposition political activists living in exile have expressed doubt about the application of the new law.

For many years the authorities are believed to have closely monitored communication channels such as telephone lines and the internet, partly in order to prevent information about human rights violations reaching international human rights organizations and media.

Critical media reporting is very rarely tolerated. Self-censorship is commonplace. Journalists working with foreign media outlets known to publish criticism of the authorities frequently face

harassment and intimidation. Independent civil society activists are unable to operate openly, with some forced to live in exile. Fear for dissidents' safety heightened after President Gurbanguly Berdimukhamedov called on the Ministry of National Security (MNS) in September 2010, to fight those who, according to the government website, "defame our democratic law based secular state and try to destroy the unity and solidarity of our society."

Amnesty International continues to call for the release of prisoners of conscience **Annakurban Amanklychev** and **Sapardurdy Khadzhiyev**, who were convicted in 2006 on charges of "illegal acquisition, possession or sale of ammunition or firearms" and sentenced to 7 years imprisonment. In August 2010, the UN Working Group on Arbitrary Detention concluded that they were arbitrarily detained and sentenced in unfair trials for exercising their rights to freedom of expression and association, and for their human rights work.

In September 2010, the satellite TV channel K+ that broadcasts to Central Asia aired an interview with **Farid Tukhbatullin**, director in exile of the Turkmen Initiative for Human Rights (TIHR). It provides people in Turkmenistan with rare information about human rights in their country from a non-governmental source. Subsequently, the TIHR website was disabled following an attack by unknown hackers, until the group moved its site from a Moscow host to one in another country. In October Farid Tukhbatullin received reliable information that MNS officials had discussed "get[ting] rid of [him] quietly", in a way that was hard to trace.

Amnesty International is concerned about acts of reprisal which took place in 2011. **Amangelen Shapudakov**, an 80-year-old human rights activist, was detained on 7 March 2011 and confined for 40 days in a psychiatric hospital, after conducting an interview for Radio Azatlyq (the Turkmen language service of Radio Free Europe/ Radio Liberty), in which he accused a local government official of corruption.

The independent émigré news site Chronicles of Turkmenistan was hacked into and disabled on 18 July 2011, days after publishing information about an explosion at an arms depot near Ashgabat. The hackers reportedly published the personal information of the site's users online, putting them at risk of harassment and persecution by the authorities. The editor's mother reported being under surveillance after this, and that local officials had visited her and asked intimidating questions.

More recently, RFE/RL correspondent **Dovletmyrat Yazkulyev** was sentenced to a 5 year prison term on 5 October 2011 on the charge of encouraging a relative to attempt suicide Article 106.2 of the Criminal Code of Turkmenistan. There are concerns that the real reason for his arrest was to intimidate him for his coverage of blasts at a weapons depot in the town of Abadan in July 2011. He was later warned at a local police station that there may be consequences for his reporting. Relatives of Dovletmyrat Yazkuliev reported that the police had forced them to sign statements incriminating him and that their subsequent attempts retract them were ignored during the trial. Dovletmyrat Yazkuliev was freed by a presidential pardon on 26 October 2011.

FREEDOM OF MOVEMENT

The authorities of Turkmenistan severely limit freedom of movement. A Presidential decree of August 2010 prohibits the exit and entry to Turkmenistan of thousands of named individuals. A detailed breakdown of those denied entry to the country acquired by Najot, an Uzbek human rights organisation operating near the border with Turkmenistan, specifically mentioned prominent human rights defenders such as Farid Tukhbatullin and Vitaly Ponomarev as well as 73 foreign journalists.

Overall, 37,057 individuals were listed as being barred explicitly from leaving Turkmenistan. Amnesty International, the Open Society Foundation and Memorial are included in a list of human rights organisations barred from entry into the country along with 8000 named individuals of various nationalities.

Dissidents, members of certain religious minorities and their family members are in many cases prevented from travelling abroad on the basis of “black lists” that government agencies are believed to maintain. Restrictions on the right to leave the country are being used to punish activists for their activities.

Former director of the state-run Association Turkmen Atlary (Turkmen Horses) **Geldy Kyarizov** was sentenced to six years’ imprisonment in an unfair trial in April 2002 on charges of abuse of office and negligence. The charges were allegedly brought because he had fallen out of favour with the former President and was caught up in a clampdown that saw scores of officials imprisoned. Geldy Kyarizov was included in the October 2007 presidential pardon and released from prison. Amnesty International received credible reports that he is currently suffering from serious heart and liver illness, and high blood pressure and needs access to urgent specialist medical treatment. Amnesty International fears that if he does not access the necessary specialist medical treatment soon, his life may be in danger. Reportedly, such treatment is not available to him in Turkmenistan, but as he and his family are reportedly on the ‘black list’ they are therefore not permitted to travel abroad. Amnesty International called on the government of Turkmenistan to lift the travel restrictions violating Geldy Kyarizov’s right to health and his and his family’s right to freedom of movement and allow them to leave Turkmenistan.

On 15 November 2009, **Ovez Annaev** died of at the age of 46 after being denied permission to travel to Moscow for heart treatment not available in Turkmenistan. He and his family were barred from leaving the country after his brother-in-law, Khudayberdy Orazov, exiled leader of the opposition movement Vatan (Motherland), was sentenced to life imprisonment in his absence for his alleged involvement in the armed attack on former President Niyazov in November 2002.

Around 1600 Turkmen students studying in Tajikistan’s universities who had come home for the holidays were barred from returning to resume their studies on 1 August 2011. In October, the ban was lifted but some students were still prevented from returning to their universities. The Ministry of Migration did not explain the reason for this.

The system of registering an individual’s place of residence, known as “propiska”, restricts freedom of movement within the country and affects access to housing, employment, social benefits, health care and education. The threat of losing one’s “propiska” is used by police and security services to prevent people complaining of ill-treatment by the police.

FREEDOM OF RELIGION AND BELIEF

Religious activity in Turkmenistan is strictly controlled. In its January 2010 report to the United National Human Rights Committee the country state that “[t]he activity of unregistered religious organizations is banned.” Many minority religious groups continue to be denied registration, often without explanation. Lack of registration makes them more vulnerable to raids and other harassment by the authorities.

Refusal to serve in the army on conscientious grounds is effectively a criminal offence in Turkmenistan on account of the lack of an alternative civilian service for conscientious objectors. At least six Jehovah’s Witnesses and are known to be serving prison terms for refusal to do military service.

Ilmurad Nurliev, a Protestant Pastor, was sentenced to four years’ imprisonment for fraud. His supporters believe he was targeted for his religious activity and that the evidence against him was fabricated. The court reportedly ordered that he be forcibly treated for an alleged drug addiction. His supporters denied illegal drug use. Reportedly, Ilmurad Nurliev has been denied medication to treat diabetes since his detention in August 2010. In December 2010 he was transferred to a prison colony near the town of Seydi in the Eastern Lebap Region.