



TURKMENISTAN

AN “ERA OF HAPPINESS” OR
MORE OF THE SAME
REPRESSION?

AMNESTY
INTERNATIONAL



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CONTENTS

1. Introduction	5
2. Methodology.....	7
3. Pervasive climate of fear and repression	8
3.1 Travel restrictions	9
3.2 Access to justice: lack of judicial independence, fair trial concerns.....	10
4. Stifling the voice of civil society: restrictions on freedom of association and expression ..	13
4.1 Restrictions on freedom of association	13
4.1.1 The Law on Political Parties.....	14
4.2 Intimidation and harassment of human rights activists and civil society activists and their relatives	16
4.3 Media freedom and censorship.....	18
4.4 Harassment of journalists	20
4.5 Restrictions on religious freedoms	21
5. Cruel habits die hard: ongoing torture and other ill-treatment	23
5.1 Reports of harassment and ill-treatment of gay men	25
5.2 Prison conditions and torture and ill-treatment in prisons.....	25
5.3 Lack of independent monitoring and investigation	26
7. An empty decade: waiting for news about the disappeared	29
7.1 Enforced disappearance of political prisoners	29
8. Conclusion and recommendations.....	32
Endnotes	35

1. INTRODUCTION

In 2012, six years after President of Turkmenistan Gurbanguly Berdymukhamedov came to power, the Turkmenistani state press declared an official "Era of Might and Happiness". This proclamation verges on the preposterous when viewed in the light of Turkmenistan's extremely poor record on human rights which includes the systematic state harassment of dissenting figures, journalists and human rights defenders, persistent reports of torture and other ill-treatment by security forces of people in detention and the widespread denial of the rights to freedom of expression, association and assembly for all citizens of Turkmenistan.

Since the break-up of the Soviet Union, the Turkmenistani authorities have been extremely successful in preventing information about human rights violations from reaching the international community by refusing entry to international observers, imposing limits on freedom of information and expression and preventing human rights activists from operating openly inside the country.

The limited information available on real living conditions inside the country is one of the reasons why Turkmenistan faces comparatively little criticism internationally despite its dire human rights record; substantial business interests, particularly in Turkmenistan's rich oil and gas reserves, is perhaps another.

In February 2007 Gurbanguly Berdymukhamedov was elected President with 89% of the vote in the first elections in Turkmenistan, after the death of his predecessor Saparmurad Niyazov who had dispensed with the democratic process by having himself declared "President for life". During the first years of President Berdymukhamedov's term in office, (termed "the Great Revival Epoch" by state media) there was modest optimism that the change might signify a genuine shift towards a more human rights friendly state, as President Berdymukhamedov appeared open to dialogue with the international community on key human rights issues.

Over the course of the past five years, there have, indeed, been some superficial reforms. Laws have been amended or introduced to strengthen media freedoms and allow rival political parties; promises have been made to combat torture more effectively. None of this should be mistaken, however, for a genuine willingness to tolerate criticism and dissent, or share the spoils of the country's natural resources. There is still no genuine opposition political party, no independent media and not a single independent human rights organization operating freely inside the country. Information is still tightly controlled, people cowed and public wealth misappropriated on the same scale as before.

In February 2012 Gurbanguly Berdymukhamedov was re-elected President. Running against seven other candidates who competed in their praise for him, he secured 97% of the vote. The Organization for Security and Co-operation in Europe (OSCE) did not send monitors to the elections due to the lack of fundamental freedoms in the country.¹

A month later, in March 2012, the UN Human Rights Committee observed that despite Turkmenistan's "new willingness" to improve its "troubling" human rights record, a broad gap between legislation and implementation in practice persisted including "in the prohibition of torture, degrading treatment, freedom of assembly and freedom of association". The Committee noted that "There are many areas the Government of Turkmenistan needs to improve upon to reach compliance with international standards".² This remains the case today, despite the Turkmenistani authorities' restated intentions – this time to the UN Human Rights Council Universal Periodic Review, in April 2013, to "protect human rights and freedoms, ensure social justice and well-being of the people, and ensure further democratization of the society".³

Beyond the UN's specialist human rights mechanisms criticism by other international actors of Turkmenistan's dire human rights record has been limited. Business, energy and other strategic interests no doubt have their part to play in this. Turkmenistan is energy rich: it has the fourth largest reserves of natural gas in the world. It has significant political and economic ties with Russia and, increasingly, with China,⁴ while Japan is actively pursuing business cooperation and credit agreements with Turkmenistan, particularly in the energy, technology and construction sectors. The EU continues to have its eye on Turkmen gas, despite the recent collapse of the Nabucco pipeline project. The USA meanwhile is supporting the Turkmenistan-Afghanistan-Pakistan-India (TAPI) gas pipeline project to India.⁵ Both the EU and the USA have additional interests in Turkmenistan as a strategic partner in the organization of the withdrawal of NATO forces from Afghanistan in 2014.⁶

Given these interests it is not entirely surprising that Turkmenistan's appalling human rights record is often ignored and glossed over.⁷ This briefing seeks to challenge this. It is inevitably cursory in places, reflecting both how dangerous and how difficult it is, in such a closed and repressive country, to speak out against human rights violations. It is also a reminder of how little is known about specific cases of human rights violations in Turkmenistan outside, or indeed inside, the country – due to the near-total suppression of information and the climate of fear which permeates Turkmen society and extends even to Turkmenistanis living in exile.

2. METHODOLOGY

Due to the extremely repressive nature of the Government of Turkmenistan, few human rights activists dare to operate openly inside the country. Several human rights defenders and civil society activists have been forced into exile. Those that are still in the country work secretly, and remain at constant risk of repercussions from the authorities against themselves and their relatives. Turkmenistani exiles must also weigh the risk of reprisals on their relatives back home before speaking out against the government's human rights violations. Despite repeated requests to visit the country, the authorities have denied Amnesty International and other international human rights organizations entry to the country.⁸ Foreign journalists have often been prevented from entering Turkmenistan. The International Committee of the Red Cross (ICRC) has no agreement for prison visits despite a series of resolutions and recommendations by UN bodies.⁹ Effectively, there are no independent human rights monitors inside Turkmenistan and no external monitoring bodies capable of accessing the information, at even the minimal necessary level to establish a detailed and comprehensive picture. Confronted with this difficulty, we have preferred to say what can be said, than to say nothing at all.

In its concluding observations in June 2011, the UN Committee against Torture expressed its "regret at the long outstanding requests for a country visit by the nine special procedures mandate holders of the Human Rights Council" and its concern at the continuing difficulties international organizations have in assessing the human rights situation in the country.¹⁰ Indeed, to date only one UN Special Procedure – the Special Rapporteur on freedom of religion or belief – has ever been allowed access to Turkmenistan, despite there being outstanding visit requests by ten UN Special Procedures.¹¹

However, despite these major obstacles to human rights monitoring and reporting on Turkmenistan, local activists, exiled human rights defenders and international human rights activists have been able to obtain some information and document some cases and issues that shed light on the wider human rights situation in the country. Some of these are presented here; others have not been, on request, for fear of putting sources at risk.

Amnesty International representatives met with exiled and local human rights defenders and activists and international observers in 2012 and early 2013 to carry out research for this report. In most cases the sources requested anonymity due to fear of reprisals, against themselves and against their relatives back in Turkmenistan. Additional desk research and telephone interviews were carried out in the first nine months of 2013.

3. PERVASIVE CLIMATE OF FEAR AND REPRESSION

"You have to keep your head down, dress like everyone else, go with the flow ... if you don't say the right thing or even if you don't hear the right thing then you're in trouble".

A Turkmenistani journalist living in exile, in an interview with Amnesty International in March 2013

The extent of surveillance in Turkmenistan¹², the routine restrictions on freedom of expression and assembly which are imposed in practice and the pattern of harassment by the authorities of those who dare to speak out about human rights abuses has long had a chilling effect on others seeking to share information and ideas. Superficial reforms in recent years have not changed this.

One activist who lived in Turkmenistan until the end of 2011 told Amnesty International that under President Berdymukhamedov Turkmenistani society has become increasingly paralysed by corruption,¹³ fear and inertia.¹⁴ The source reported that social activity is stilted, that people avoid talking too much or socialising with their neighbours for fear of a misplaced word which might cause problems not only for the individual speaking but for listeners as well, as citizens are expected to report any criticism of the state to the authorities. People do not dare to express dissatisfaction; conversations about politics simply do not take place. The source said, *"No one dares have any political conversations... if someone should say something even vaguely political, the others will slap him on the back and say... c'mon now, let's not talk about that"*. According to other human rights defenders in exile, the fear of being fired, which extends to both the public and the private sector, prevents many from speaking freely.

The Ministry of National Security of Turkmenistan takes a highly intrusive interest in the lives of citizens. For example, according to a report by Institute of War and Peace Reporting (IWPR), when children enrol in kindergarten their parents are asked to fill out forms providing details of three generations of family members, including details of foreign travel and criminal convictions.¹⁵ These intrusive practices have long been the norm for state employees and for university students but have only been applicable to pre-school children since the end of 2012.¹⁶

3.1 TRAVEL RESTRICTIONS

Although Turkmenistan ended the use of the 'exit visa' system (whereby citizens were required to have not only a passport but also to obtain formal permission from the authorities to leave the country) in 2006, Amnesty International is concerned that in practice arbitrary restrictions on the right to travel abroad for those who have fallen out of favour with the Turkmenistani authorities continue to be implemented.¹⁷

Despite Turkmenistan's repeated assurances to the international community¹⁸ that the right to freedom of movement of its citizens would be respected,¹⁹ the authorities continue to impose arbitrary and informal limits on this right in practice. In its report to the UN Human Rights Council,²⁰ Turkmenistani delegates said that the Migration Act²¹ guaranteed the right "of every Turkmen citizen to leave Turkmenistan and to return: this right may not be refused"²², qualifying it by a referral to Article 30 of the same act which can "temporarily restrict" the right to leave Turkmenistan for reasons including if the traveller is deemed to be in danger of trafficking; if they have been previously sentenced for serious crimes or administrative offences.²³ It is the arbitrary use of these grounds for restricting travel by the Turkmenistani authorities which is of concern to Amnesty International; the authorities can and do quote any of these reasons without giving further explanation or justification to the individual banned from travel.

Murat²⁴, a resident of Ashgabat wanted to leave Turkmenistan in August 2011 to visit a relative living in Ukraine. However, at Ashgabat airport he was denied permission to leave Turkmenistan, but not given any further explanation about the grounds for this decision. He subsequently wrote to the Immigration service and was told that his request had been forwarded to 'relevant departments' and that he would receive further information in due course. However, to date he has not received a reply explaining why he cannot leave the country. He wrote two further letters and received two answers with the same content. The letters were signed by E. Abdurasulov – Deputy Head of Immigration service. Murat has not attempted to leave the country since.

A Presidential decree of August 2010 reportedly 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 Uzbekistani human rights organization operating near the border with Turkmenistan, specifically mentioned the names of prominent human rights defenders as well as foreign journalists. Overall, 37,057 individuals were reportedly listed as being barred from leaving Turkmenistan. Amnesty International, the Open Society Foundation and the Russian based Human Rights Centre Memorial are included on a list of human rights organizations barred from entry into the country, alongside 8,000 named individuals. Dissidents, members of certain religious minorities and their family members are often prevented from travelling abroad on the basis of "black lists" that government agencies are believed to maintain.²⁵

Restrictions on the right to leave the country also continue to be used to punish activists for their activities and are typically applied to human rights defenders and their families. Sources report that people are often not aware they are blacklisted for travel until they have checked in their luggage and gone through all airport controls except the last one in the departures hall, when they are informed that they are forbidden to travel, but not given any further explanations, written reasons or an opportunity to appeal such decisions. Reports indicate that the Ministry of National Security is often the official body imposing the travel bans.²⁶

GELDY KYARIZOV

Former director of the state-run Association Turkmen Atlary (Turkmen Horses), Geldy Kyarizov, was previously imprisoned for six years in April 2002 after he was found guilty of abuse of office and negligence following an unfair trial. The charges were brought after he fell out of favour with the former President and was caught up in a clampdown that saw scores of officials imprisoned. He was included in the October 2007 presidential pardon and released from prison. Geldy Kyarizov is reported to have a serious life-threatening heart and liver condition for which treatment is not available in Turkmenistan. He and his family are allegedly on the government's 'black list' and therefore not permitted to travel abroad. His wife, sister-in-law and daughter all attempted to leave Turkmenistan in 2006, 2008 and 2010 respectively but were all denied permission to leave the country. Geldy Kyarizov is under house arrest in Turkmenistan, under constant surveillance by the Turkmenistani authorities.

Reports received by Amnesty International indicate that travel restrictions continue to be implemented on a regular basis in relation to certain groups of people. For instance, students studying in Kyrgyzstan, particularly Osh or Jalalabat, who were evacuated by the Turkmenistani authorities at the time of ethnic tensions in 2010 and who subsequently wished to continue their studies in Russia or Ukraine, were denied permission to leave Turkmenistan. In one such case, the student tried to leave Turkmenistan a few months later only to be told he was still blacklisted. The immigration officer reportedly told him that he needed to arrange a meeting with the head of the Immigration Service and personally ask him to remove him from the list and show clear evidence that he was not intending to return to Kyrgyzstan. The young man decided to discontinue his studies and work with his father in the market.

In July 2013, the Vienna-based human rights group Turkmen Initiative for Human Rights reported that Turkmen students studying in Turkey²⁷ were called in for discussions by representatives of the Ministry of National Security during the summer holidays and asked about their opinion on the mass unrest in Istanbul in the summer of 2013,²⁸ and whether they had participated or knew anyone who participated in the protests. Reportedly, the students were eventually allowed to return to continue their studies in Turkey.

Other groups of people reported by the media and human rights defenders in exile to be prevented from leaving Turkmenistan include people travelling to Iran or Uzbekistan for medical treatment; young women travelling alone to Turkey, who are suspected of intending to engage in sex work; and people deported from other countries for committing crimes or violating immigration or labour legislation, who are subjected to a travel ban for five years.

3.2 ACCESS TO JUSTICE: LACK OF JUDICIAL INDEPENDENCE, FAIR TRIAL CONCERNS

As a state party to the International Covenant on Civil and Political Rights (ICCPR), Turkmenistan is bound under Article 14 to respect the minimum guarantees to a fair trial as a means to safeguard the rule of law.²⁹

In theory, the Constitution of Turkmenistan provides for the separation of the executive, the legislature and the judiciary and for the independence of judges³⁰, but also provides that judges are appointed by the President.³¹ In practice judicial independence is limited. There are no meaningful appeals procedures and acquittals are rare, if not unheard of, in criminal

trials. In June 2011, the Committee against Torture expressed its deep concern "... at the ineffective functioning of the justice system, apparently caused in part by the lack of independence of the procuracy and judiciary".³²

Confidence in the courts is so low that aggrieved citizens often appeal to the President, or "Arkadag" (protector), directly, and employing lawyers to help them draft their requests in the appropriate style. The online news service Alternative Turkmenistan News (ATN)³³ gives the example of a copy of a letter to the President which it received in 2013, from a workers' collective of a state enterprise complaining about discrepancies in the local administration of salaries and pensions leading to them not receiving the due 10 per cent increase decreed by the President. The letter to the President was prepared by a professional lawyer on behalf of the workers. The complaint is prefaced with three paragraphs of text, in the following vein:

*"Dear Respected Protector! In this happy era of the sovereign state, and thanks to your consistent care for the people, the Turkmen people live in calm, peace and contentment. Thanks to your tireless care, much work is being carried out in our province, as in other parts of our country to improve the lives and well-being of the people... With heartfelt gratitude for your fatherly care, and glad that from 1 January 2013 you have increased wages of workers for the state by 10 per cent, we wish you good health and longevity..."*³⁴

Corruption is widespread in Turkmenistan, including in the criminal justice system.³⁵ The Office of the General Prosecutor plays a dominant role in the criminal justice system, with the responsibility for supervising state bodies' adherence to the law³⁶ and also for ensuring that the actions of investigative agencies and court proceedings comply with the law.³⁷ The President is responsible for appointing regional, provincial and military prosecutors, and the General Prosecutor is appointed by the President with the consent of parliament.

In line with international human rights law, legislation in Turkmenistan clearly establishes the principles of independence of defence lawyers in the criminal justice system. However, in practice the Ministry of Justice controls the legal profession, awarding and revoking licences to practice law – in its recent report on the challenges facing the legal profession in Central Asia, the International Commission of Jurists (ICJ) noted that *"the prevalence of executive control over all aspects of the legal and judicial system in Turkmenistan, makes it extremely difficult for lawyers to operate independently. Attempts to do so are likely to lead to the disbarment of the lawyer, and potentially to other sanctions"*.³⁸ According to ICJ statistics there are only 200-300 practicing lawyers in Turkmenistan, meaning one lawyer per 17,100 people.³⁹ A lawyer in exile, who wishes to remain anonymous, told Amnesty International that judges frequently put pressure on lawyers and instruct them to "toe the line" in court.

The case below provides an illustration of the arbitrary nature of the judicial system in Turkmenistan.⁴⁰

AIBIBI KHODZHAKLYCHEVA

Aibibi Khodzhaklycheva is currently serving a seven-year sentence in Dashoguz women's prison colony after being found guilty of embezzlement and misappropriation in February 2010 in a criminal case relating to the theft of fuel coupons when she was working as an accountant for the Department of Health of Balkan region. She worked with Balkanabat tank farms, which used state coupons for fuel and lubricants. In 2009, the

Ministry of Oil and Gas conducted inspections of gas stations in Ashgabat, checking the serial numbers of coupons for free gasoline. The audit revealed that coupons to be used within the Balkan region were used to receive fuel in another region of the country. Further investigation by the Ministry of Health and the Ministry of Finance allegedly revealed theft of the fuel coupons and the case was referred to the Investigation Department of the Police of Balkan region, which is under the strict supervision of the Prosecutor's office. The investigation revealed that from 2005 to 2009 a technician who worked for Balkanabat tank farms forged Aibibi Khodzhaklycheva's signature to receive extra fuel. Forensic handwriting analysis conducted by the Ministry of the Interior concluded that the handwriting on the financial papers belonged to the technician.

Amnesty International has concerns over the fairness of the court trial of Aibibi Khodzhaklycheva. During the hearing on 26 February 2010 the Serdar regional court of Balkanabat province in Western Turkmenistan disregarded the conclusion of the forensic handwriting analysis as proof of Aibibi Khodzhaklycheva's innocence. A key witness changed his testimony several times during the investigation and trial. The request by the defence to call witnesses during the trial proceedings was refused by the court.

Her husband, Khodzhamerdan Khodzhaklychev and some human rights advocates from Turkmenistan believe that Aibibi Khodzhaklycheva's sentence is connected to a disagreement Khodzhamerdan Khodzhaklychev had with his superior in the Prosecutor's Office of Balkanabat, where he worked as a lawyer. He suspects that the criminal case against his wife is connected to his superior's wish to take Khodzhamerdan Khodzhaklychev's state-provided apartment, which he was entitled to as an employee of the Prosecutor's office.

Khodzhamerdan Khodzhaklychev has exhausted all domestic appeals procedures in his wife's case. Amnesty International has called on the Turkmenistani authorities to instigate an independent investigation into the legality of Aibibi Khodzhaklycheva's sentence in order to ensure that Turkmenistan is abiding by its obligations to respect the minimum guarantees to a fair trial established under international law.⁴¹

4. STIFLING THE VOICE OF CIVIL SOCIETY: RESTRICTIONS ON FREEDOM OF ASSOCIATION AND EXPRESSION

"WAKE UP" SONG

In January 2011, two popular singers Maksat Kakabayev (known by his stage name "Maro"), and Murat Ovezov were arrested. Later that year, they were sentenced to two years imprisonment, perhaps in connection with their appearance on a Turkish satellite television chat show. The charges against them were not reported in the press and human rights defenders in exile have not been able to establish precisely what they were convicted of. However, it is widely believed that the reason behind the arrest of the two singers is linked to the title and lyrics of one of their songs "Wake Up" which was interpreted as a veiled political message to the people of Turkmenistan⁴², although others dispute this. An official explanation for the reasons behind the arrests was not given. "Maro's" father, brother and brother-in-law were also given two year prison sentences. "Maro" Kakabayev and Murat Ovezov were eventually released on 19 February 2013 when their prison sentence ended. "Maro" is now performing on stage again and releasing new albums.

The rights to freedom of expression, association and assembly are all set out in the International Covenant on Civil and Political Rights to which Turkmenistan is a party. These rights are also guaranteed, in principle, by the Turkmenistani Constitution. However, the space for the expression of dissenting views, critical opinions and the organized representation of rival political agendas is almost non-existent. Those engaged in such activities – whether, human rights activists, journalists, political opponents and members of banned religious groups⁴³ – face intimidation, threats, and lengthy jail sentences. Demonstrations are almost unheard of in Turkmenistan.⁴⁴

4.1 RESTRICTIONS ON FREEDOM OF ASSOCIATION

International human rights law clearly establishes that everyone shall have the right to freedom of association with others, and that no restrictions may be placed on the exercise of this right other than those prescribed by law which are necessary in a democratic society in the interests of national security or public safety, public order, public health or the rights and freedoms of others.⁴⁵ States have an obligation not to obstruct the exercise of the right to freedom of association and that the state should not interfere in the running of associations unless absolutely necessary.

In its 2013 report to the UN Human Rights Council, Turkmenistan boasted that "The activities of voluntary associations and religious organizations testify to the changes which have taken place in the country and the far-reaching process of renewal of Turkmen society."⁴⁶ In support of this claim the Turkmenistani authorities pointed to the 109 voluntary associations registered in the country.

Quite apart from the fact that the majority of these organizations are reputed to be directly controlled by, or have strong links to, the authorities, this number is, in any case, pitifully low for a country with a population of over 5 million people and hardly testifies to a free and vibrant civil society. Nor, indeed, does the rate of change inspire optimism: only seven registered in 2012.⁴⁷ Not a single organization inside Turkmenistan can be said to be engaged in independent human rights monitoring, or social and political commentary.

In its follow-up response to the UN Human Rights Council in September 2013, Turkmenistan assured the international community that "there are no laws limiting the activities of civil society groups".⁴⁸ However, the 2003 Law on Associations prohibits the existence of unregistered public associations and makes membership of an unregistered association an offence.⁴⁹

Registration procedures for non-governmental organizations are not transparent and highly demanding, with letters of support required from various relevant ministries, including the Ministry of Justice.⁵⁰ Such onerous registration procedures appear to be designed specifically to obstruct the formation of genuine grassroots associations. In order to set up a local association, five members are required, to establish an international association the names and addresses of fifty founding members must be provided. For a national association, at least 500 members are required before it can be registered.⁵¹ The Law on Associations stipulates requirements for establishing an association including the full name of each founder member; signed statements; copies of the statute and "data on founders". The law does not stipulate what this refers to precisely. In the climate of repression, suspicion and fear of Turkmenistan, meeting such requirements is unlikely as individuals fear repercussions from state authorities.

The Law on Associations provides for complicated procedural requirements for associations whose activities change which amount to a requirement to re-register.

Even requests to set up social assistance associations are reportedly met with suspicion by government officials: a human rights defender in exile told Amnesty International of an attempt to set up an association to improve disabled access - his initial enquiries answered by an official who asked suspiciously "Why do you need an association?". If an association wishes to cooperate with international organizations or bodies, it must involve the Ministry of Foreign Affairs in correspondence and agreements.⁵² In January 2013 requirements for foreign grants to NGOs and religious organizations were introduced requiring approval from commissions of representatives of the Foreign Ministry, the Ministry of State Security (MSS) secret police and the General Prosecutor's Office.⁵³ The Ministry of Justice must be informed of any foreign grants received, and informed in advance about any planned events.⁵⁴ Such stipulations amount to unreasonable interference with the activities of associations.

4.1.1 THE LAW ON POLITICAL PARTIES

In apparent attempt to convince the international community of its intent to move towards a more tolerant and democratic mode of governance, a "Law on Political Parties" was passed by the Parliament of Turkmenistan in January 2012 which formally legalised the establishment of new political parties. Although this legislation did not come into force in time to affect the Presidential elections of February 2012, on 21 August 2012 Turkmenistan's second political party, the Party of Industrialists and Entrepreneurs was set

up.⁵⁵ Candidates from the Party of Industrialists and Entrepreneurs will be running for the Parliamentary elections due to be held on 15 December 2013. In by-elections in June 2013 in the eastern Lebap province, Ovezmammed Mammedov, the chairman of the Party of Industrialists and Entrepreneurs won a seat in Parliament.

In April 2013, Turkmenistan told the UN Human Rights Council that the activities of political parties “are based on the principles of voluntary participation, equality, tolerance, self-government, the rule of law and transparency” and that “political parties are free to decide on their own structure, goals and activities.”⁵⁶

However, there remains to date only one other political party, which does not represent a genuine challenge to the country’s leadership. Indeed, representatives of the Party of Industrialists and Entrepreneurs are reported to be close to President Berdymukhamedov – to such an extent that a portrait of him hung on the wall during their first party meeting.

The case below describes how Geldimurat Nurmammedov was detained just nine months after the introduction of the new Law on Political Parties, and illustrates how participation in meaningful political debate remains dangerous in Turkmenistan.

GELDIMURAT NURMUHAMMEDOV

On 5 October 2012, former government minister Geldimurat Nurmammedov⁵⁷ was detained in Ashgabat and sent to a drug rehabilitation centre in Dashoguz, some 600km from his home, for six months of treatment for an alleged drug addiction problem. His family were reportedly not allowed to visit him in the treatment centre and there were fears he would be subjected to forced medical treatment.

Amnesty International’s research has revealed no evidence that he has any history of drug use – his detention appears to be solely because of his exercise of his rights to freedom of expression and association. In December 2011, Geldimurat Nurmammedov, in an interview with Radio Free Europe/Radio Liberty criticized the government and called the ruling Democratic Party of Turkmenistan an “unlawful institution”. TIHR reports that at the time of his arrest he had been trying to register a group to present a candidate at the parliamentary elections in December 2013. The detention was preceded by other forms of harassment: a few days after the interview with RFE/RL, the authorities closed the construction company owned by Geldimurat Nurmammedov’s family after a tax inspection. The company had never before experienced problems with the tax or financial authorities.

Following pressure from foreign governments, intergovernmental and non-governmental organizations, Geldimurat Nurmammedov was eventually released in early July 2013, after nine months of “medical” treatment.

4.2 INTIMIDATION AND HARASSMENT OF HUMAN RIGHTS ACTIVISTS AND CIVIL SOCIETY ACTIVISTS AND THEIR RELATIVES

"You love your children, don't you? What will you do if something happens to them?"

A member of the Turkmenistani National Security Service to a relative of a human rights activist in exile. 31 January 2011

The Declaration on Human Rights Defenders establishes that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels".⁵⁸ It also requires governments to protect the rights that are essential to the work of human rights defenders.⁵⁹

Individual Turkmenistani NGO and civil society activists come under consistent pressure from the authorities, whether they operate inside Turkmenistan or in exile. Very few human rights activists dare to operate openly in Turkmenistan and those who do, encounter harassment, intimidation and threats.⁶⁰ The comments by Ambassador Silapberdy Murberdyev, the head of Turkmenistan's delegation, to the OSCE Annual Human Rights Conference on 23 September 2013 revealed the extent of the animosity towards civil society activists.⁶¹ Ambassador Murberdyev protested at the participation in the conference of "wanted criminals and terrorists". He was referring to two representatives of Turkmen civil society, one of whom was Annadurdy Khadjiev, a member of the Turkmenistan Helsinki Committee which is registered in Bulgaria. On 14 October 2013 Annadurdy Khadjiev publicly criticised Ambassador Murberdyev, and submitted a formal complaint to the OSCE, refuting claims by the Turkmenistani authorities that he is wanted in connection with criminal activities in 1999. According to Annadurdy Khadjiev, immediately after his public statement some of his relatives in Turkmenistan were summoned several times by security officials and told that unless Annadurdy Khadjiev ceased criticising Turkmenistan they would issue another extradition request for his return to Turkmenistan.

Examples of the risks run by human rights defenders under President Berdymukhamedov include prisoners of conscience, Annakurban Amanklychev and Sapardurdy Khadzhev, who were imprisoned from 2006 to 2012, after being sentenced in unfair trials for their human rights work.⁶² After international pressure, both men were released after six years in prison and are currently in Turkmenistan.

Andrei Zatoka, an environmental activist, was arrested on 20 October 2009 in Dashoguz, northern Turkmenistan after he was punched by an unknown man as he shopped at the market. Two police officers nearby arrested Andrei Zatoka and charged with "intentional infliction of medium injuries", punishable by imprisonment for up to five years. Amnesty International believes Andrei Zatoka was arrested in retaliation for his peaceful work as an environmental activist. After an international outcry, Andrei Zatoka was released from detention in November 2009 and left Turkmenistan for Russia.⁶³ Environmental activists have been among activists frequently subjected to interrogation and other harassment by the authorities. In some cases they claim to have been tortured or ill-treated, arbitrarily detained or imprisoned.

On 3 February 2012 another example of sinister harassment occurred as human rights activist Natalia Shabunts found a bloodstained sheep's head on her doorstep,⁶⁴ shortly after giving an interview about the Presidential elections to Radio Azatlyk.⁶⁵

The Turkmenistani authorities also employ intrusive forms of harassment and interference in private correspondence and private life.⁶⁶ Friends and families of human rights activists or outspoken journalists report false information being regularly circulated to intimidate and discredit activists. Amnesty International has received anonymous emails discrediting particular human rights defenders or journalists by providing false information about them.

On 1 May 2013, for instance, Farid Tukhbatullin, head of the organization Turkmen Initiative for Human Rights (TIHR), received this insulting email – about his own death - purporting to be from the website Chronicles of Turkmenistan, which is run by TIHR:

"On 30 April, his birthday, at 62 years old, A, Farid Zulfatovich Tukhbatullin, head of the TIHR quietly passed away due to long and systematic alcohol poisoning, abstinence and bile. He was unable to bear the psychological shock of developments in Turkmenistan. He was a relentless human rights defender who, until his last breath was working on the "Chronicles of Turkmenistan" website. The administration of this site and all who knew him present their condolences to his widow and sons. Please honour the death by holding a minute's silence. His widow and sons are unable to notify relatives in Turkmenistan. Please provide all possible assistance."

This is not the first time that Farid Tukhbatullin has been the target of smear campaigns. In September 2010, the satellite TV channel K+ that broadcast to Central Asia aired an interview with Farid Tukhbatullin which provided people in Turkmenistan with rare information about human rights in their country from a non-governmental source. On 30 September 2010, President Berdymukhamedov instructed the Ministry of National Security to lead an "uncompromising fight against those who slander our democratic... secular state".⁶⁷ 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 2010 Farid Tukhbatullin received information from a reliable source who requested anonymity that MNS officials had discussed a potentially life-threatening plot against him; according to the source they had discussed "get[ting] rid of[him] quietly", in a way that was hard to trace.

The Turkmenistani authorities have reportedly invested heavily in recent years in improving technical equipment and personnel for monitoring internet and telephone communications. Human rights defenders have told Amnesty International that they believe that the authorities monitor their communications.

One journalist in exile reported to Amnesty International that a relative living in Turkmenistan contacts them through Russian social networking sites but that sometimes they receive messages written by someone hacking into their relative's account. Other human rights defenders reported having their phones cut off at times if they received or made phone calls abroad.

Officials also reportedly harass and intimidate relatives and family members of human rights activists, who are as a consequence often forced to sever ties with them. A human rights defender in exile interviewed by Amnesty International in March 2013 told of an incident that happened to a relative after a conversation between them on social media. On 31 January 2011, the relative left the internet cafe after writing to her relatives in exile, and flagged down a taxi. A car pulled up and she got in. Three men were inside, and one of the men sitting in the backseat asked "So, you've written to your family?" The relative immediately asked for the car to stop but was told by the men that they would take her along the road to her home. The men showed their identification as officers of the National Security Service and said "we've wanted to talk to you for a long time". They stopped the car and began to ask her why she maintained contact with her relatives in exile and showed her some documents. The relative explained she was in a hurry to get home to her children at which the men said "you love your children don't you - what will you do if something happens to them?" They gave her to understand that all her emails were monitored and even quoted some parts of her letters to her. They told her not to try to contact her relatives in exile again. The next time she went to the internet cafe she was told that her email account had been blocked. The woman working in the cafe told her she didn't know anything about it but that she should try again in six months.

Incidents of intimidation and harassment, like the above, do not just affect the particular human rights defender and their family members; they also have a chilling effect on other human rights defenders and civil society activists, often discouraging them from undertaking further challenges to the Turkmenistani authorities.

4.3 MEDIA FREEDOM AND CENSORSHIP

Article 19(2) of the ICCPR highlights the rights to freedom of expression, particularly noting "this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." In addition, the Constitution of the Republic of Turkmenistan guarantees rights to "Freedom of conviction and the free expression of those convictions"⁶⁸ and to "receive information unless such information is a governmental, official, or commercial secret", as well as the right to freedom of artistic, scientific and technical creation.⁶⁹

In recent years, Turkmenistan has taken a number of steps with the stated aim of strengthening media freedom. On 4 January 2013, a new "Law on Mass Media" came into effect, establishing for the first time principles of independence of the media and forbidding censorship and state interference in media activities.⁷⁰ As of February 2013 President Berdimukhamedov is also no longer the official owner of State newspapers.

Whilst providing for improved standards in media freedoms,⁷¹ the new Law on the Mass Media provides in Article 6 for state regulation of the media, although procedural details are not given. In practice, journalists report that censorship remains extensive, with representatives of the Ministry of State Security regularly visiting staff and editors of newspapers and keeping all staff under close scrutiny. Reports from exiled human rights groups indicate that in October 2013 new systems of "cross-censorship" were introduced, meaning that articles by journalists are reviewed by the ministry responsible for the topic covered and also by a third ministry. Reportedly such changes are making it difficult for the press to report on current events in a timely manner.⁷²

Despite the legislative improvements, observers note that in practice little has changed. In its Press Freedom Index 2013, Reporters without Borders ranks Turkmenistan as 177 of 179 countries, noting that "despite its reformist discourse, the Turkmen regime has not yielded an inch in its totalitarian control of the media".⁷³ While it is true that President Berdymukhamedov has stepped down as the official owner of the country's newspapers, ownership has merely passed to relevant ministries or in many cases the Cabinet of Ministers, which is in any case headed by the President. Appointments of editors and sub-editors continue to be made by presidential decree. The only privately owned newspaper "Rysgal" belongs to Aleksander Dadaev of the Party of Industrialists and Entrepreneurs which has been consistently supportive of the President. The paper focuses on business and property matters. TIHR noted in October 2013, that "Since the law on mass media was endorsed, not a single independent newspaper or magazine has been registered".⁷⁴

One journalist in exile told Amnesty International that whereas in the years preceding Turkmenistan's independence, at the time of Mikhail Gorbachev as the President of the USSR, it was possible to write critical articles, now the slightest criticism leads to one being labelled as a traitor or a spy. This frequently results in excessive self-censorship and a situation where negative events and accidents are often not reported in the Turkmenistani press.

In April 2013, an incident occurred during a horse race in which President Berdymukhamedov took part which revealed the extent of Turkmenistan's media censorship. On 28 April 2013, President Berdymukhamedov was filmed winning a horse race, and the Turkmenistani media reported that he won 11 million US dollars prize money. However, other videos posted to Youtube from abroad offered a slightly fuller version of events: they showed President Berdymukhamedov falling off his horse just after passing the winning post and being knocked unconscious. Dozens of security officials in dark suits were seen running over to him. According to reports from EurasiaNet, he was absent for an hour before reappearing to wave at the applauding crowd.⁷⁵ State media concentrated on the President's moment of victory without mentioning his fall. The people in the crowd at the racetrack were required to delete film footage from their cameras by security officials. Foreign tourists leaving Turkmenistan after the incident also reported having their computers, phones and cameras searched at the airport in case they had filmed the incident.

Access to information is further limited by restrictions on access to foreign media outlets and internet controls. Despite provisions in the Law on Mass Media guaranteeing people access to foreign media outlets, in practice people are not permitted to subscribe to foreign periodicals, while access to the internet and external media sources continues to be monitored and restricted. In internet cafes, people are required to hand in their identification documents (internal passports) before using a computer, and their personal details and the time they spend online are recorded.

There are seven TV stations and five radio stations in Turkmenistan. Russian channels, Turkish television channels and Euronews are available for those with satellite dishes, although President Berdymukhamedov made attempts in 2007 and 2011 to restrict the use of these, purportedly on aesthetic grounds. Websites and internet servers carrying news and information critical of the Turkmenistani authorities, such as RFE/RL and Ferghana.ru are reportedly regularly blocked. Social networking sites such as Facebook, Twitter, Livejournal,

and YouTube are blocked altogether and only accessible through proxy servers. The internet news service Alternative Turkmenistan News (ATN) reports that since November 2013, mobile messengers such as WeChat, WhatsApp, Line and Viber have been blocked, and in Spring 2013 the authorities blocked access to Mobimeet, a popular dating site among Turkmen youth. There are regular reports of state agents posting provocative comments on Russian social networking sites such as Odnaklassniki.Ru and V Kontakte.Ru under false names to see who will be drawn into criticism of the state.

While many media sources are tightly controlled, fear of constant government surveillance also prevents people from actively seeking alternative news sources and also from reaching out to the outside world.

4.4 HARASSMENT OF JOURNALISTS

The repressive atmosphere inevitably affects journalists. Those working with foreign media outlets known to publish criticism of the authorities frequently face harassment, intimidation and arbitrary detention. Some journalists have complained to their contacts in exile that the authorities have sometimes disconnected their telephone lines, and the relatively small number with private internet access report frequent disruptions to their service.

The case of journalists Annamamed Myatiev and Elena Myatieva is an example of the harassment and intimidation faced by journalists and political critics in Turkmenistan.

ANNAMAMED MYATIEV

Former journalist Annamamed Myatiev told Amnesty International how he was dismissed from his work on the newspaper (Neitralny Turkmenistan) in 2009, in connection, he believes, with an article he wrote perceived by some officials as presenting life in Turkmenistan in an unflattering light. His wife, Elena Myatieva had been sacked in 2002 from the same paper after travelling to Sweden to participate in a conference on freedom of expression. Upon her return she was informed that she had lost her job.⁷⁶ Both Annamamed and Elena were subjected to a temporary travel ban in June 2010, when they were forbidden from leaving the country to see relatives abroad.

Subsequently, Annamamed Myatiev reported that he and his wife were regularly visited at home in Dashaguz by individuals they believed to be from the National Security Services, but who gave various pretences for visiting, including population census, registration checks, etc. The two journalists also received anonymous intimidating phone calls in the middle of the night and were subject to multiple tax inspections and tax demands, for instance being asked to pay tax for bee hives which they maintained despite the fact that such activity was not subject to tax payments at the time. In 2010, after Elena had finally succeeded in leaving Turkmenistan, the intimidation against Annamamed Myatiev escalated: he was kept under permanent surveillance in Turkmenistan; on 26 October 2011 he was beaten up on the street by an unknown assailant, and on the night of 10 November several large stones were thrown through the window of his flat, breaking the glass. In both instances, the authorities were suspected of being involved in the incidents. He finally left Turkmenistan in December 2011 and now they both live in exile.

The authorities have on many occasions attempted to silence correspondents of RFE/RL, which reports on a variety of issues including human rights concerns in Turkmenistan. The means used to silence the correspondents include intimidation, harassment and threats, arbitrary detention as well as imprisonment on fabricated charges.

In October 2011 RFE/RL journalist Dovletmurat Yazkuliyeu was released from prison under a Presidential amnesty following international pressure. He had received a five year prison sentence after being found guilty of encouraging a family member to commit suicide. Relatives of Dovletmurat Yazkuliyeu reported that police officers had forced them to sign statements incriminating him. Amnesty International and other human rights observers believe that his arrest was in retaliation for his reporting of an explosion at a weapons depot near Ashgabat in July 2011.

RFE/RL correspondents in Turkmenistan reportedly continue to be regularly invited for intimidating "chats" with members of the National Security Services and say their activities are carefully monitored, as shown by the case of Rovshen Yazmuhamedov below.⁷⁷

ROVSHEN YAZMUHAMEDOV

Rovshen Yazmuhamedov, a 30-year-old journalist working for RFE/RL, was arbitrarily detained for more than two weeks in May 2013 for reasons that are still unclear to him. It is likely that he was targeted in connection with his work as a journalist. He was released from a detention facility under the Department for the fight against organized crime and terrorism of the Ministry of Internal Affairs, in Turkmenabat, eastern Turkmenistan, on 22 May 2013. He still has no information about the exact nature of the charges against him, despite being promised a copy of the charges by Turkmenistani officials. At the time of his detention, he was researching a story about a school girl who had been expelled from school in Turkmenabat for refusing to take off her headscarf, and was also investigating cases of several individuals who had been arrested for allegedly being members of Islamist extremist organizations. Rovshen Yazmuhamedov's family stated that he had been interrogated by members of the National Security Service several times before his detention. His family reported to RFE/RL that, following their son's detention on 6 May 2013, the authorities installed surveillance cameras around their home.

The current government has also failed to investigate the death in custody of journalist Ogulsapar Muradova. RFE/RL Turkmen correspondent Ogulsapar Muradova was arrested in June 2006, when President Niyazov was still in power, and found guilty of illegal possession of ammunition⁷⁸ on 25 August of that year in a trial that did not meet international fair trial standards. She was sentenced to six years imprisonment but only a few weeks later - on 14 September 2006- her family learnt she had died in prison. Her relatives reported seeing her body with a head injury and marks around her neck, as well as bruises and cuts on her hands. The Turkmenistani authorities claim she died of natural causes and did not hold any investigation into the death. Turkmenistan also refused recommendations made at the HRC UPR hearing in April 2013 to hold an independent inquiry into Ogulsapar Muradova's death.

4.5 RESTRICTIONS ON RELIGIOUS FREEDOMS

Religious activity in Turkmenistan remains strictly controlled. Many religious groups continued to face difficulties in registering as religious organizations, leaving them more susceptible to harassment by the authorities. Affected believers include Shia Muslims, the Armenian Apostolic Christians, Catholics, Protestants and Jehovah's Witnesses.

In its 2012 Survey of Religious Freedoms the news service Forum 18 noted that the freedom of religion or belief in Turkmenistan is highly restricted. It reported systematic violations including ill-treatment against conscientious objectors; restrictions on religious education; a ban on unregistered religious activity; complicated registration procedures which appear to be

designed to suppress religious activity; and censorship of religious literature.⁷⁹ Turkmenistan also restricts the number of pilgrims permitted to take part in the annual Muslim Hajj pilgrimage.

In September 2013, Turkmenistan accepted recommendations from the international community to address discriminatory practices towards religious minorities and commented that "any kind of direct or indirect restriction on the rights or any privileged treatment of a citizen in relation to his/her religious or atheistic persuasion, any incitement to hostility or hatred or any insult to a citizen in that connection constitute grounds for bringing charges in accordance with the law."⁸⁰

However, provisions in the new Code of Administrative Offences which is due to come into force in Turkmenistan on 1 January 2014 contradict such assurances, and will instead lead to further violations of the right to religious belief. Whilst the new Code will introduce punishments for violating or obstructing individual rights to religion (Articles 75.1 and 75.3), as Forum 18 says, it "is unlikely to be used to punish state officials who violate individuals' right to freedom of religion or belief". The Code provides for punishment for the import, export and distribution of religious materials or objects, and legal violations of religious instruction of children (Article 76) by a fine. Religious organizations are required to register (Article 77.1) and if they are banned they must publicise this fact (77.2). Banned religious organizations are not able to receive funds and donating to unregistered religious organizations is punishable by a fine.

Indeed, less than two weeks after Turkmenistan accepted recommendations on allowing freedom of religious belief before the UN Human Rights Council Forum 18 reported that Ilmurad Nurliev, a Pastor of the unregistered Light of the World Pentecostal Church, and members of the congregation of the unregistered church had been subjected to interrogations and threats by law enforcement officers in Mary province from 15 September 2013. Imurad Nurliev was sentenced in August 2010 to four years' imprisonment for fraud. His supporters believe he was targeted for his religious activity and that the evidence against him was fabricated. He was released in February 2012 under an amnesty. The Pentecostal Church applied to register in 2007 but the application was turned down.

Furthermore, Amnesty International is concerned that the 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. News service Forum 18 reports that as of August 2013 there were nine conscientious objectors known to be serving prison terms in Turkmenistan, all of them Jehovah's Witnesses.

5. CRUEL HABITS DIE HARD: ONGOING TORTURE AND OTHER ILL- TREATMENT

“Being “pressed” hurts... you’ll be sorry you were born”.

Turkmenistani police officer talking to a Turkmenistani journalist describing the ill-treatment of criminal suspects in pre-trial detention being forced to sign “confessions” of guilt, 2011.

Torture and other cruel, inhuman or degrading treatment (ill-treatment) are absolutely prohibited under international human rights law, as set out in numerous international instruments and treaties, including the Universal Declaration on Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture and other Inhuman and Degrading Treatment or Punishment (CAT), to which Turkmenistan is party. The Constitution of Turkmenistan also clearly prohibits torture and other ill-treatment,⁸¹ and stipulates that no one may be forced to testify against themselves or close relatives, and that evidence acquired by physical or psychological pressure does not have legal force.⁸²

At the United Nations Human Rights Council Universal Periodic Review, Turkmenistan accepted a series of recommendations to improve the investigation of torture and to ratify Optional Protocol to the Convention against Torture (OPCAT).⁸³ On 4 August 2012, the Criminal Code of Turkmenistan was amended to include a definition of torture.⁸⁴

However, despite these provisions, there have reportedly been no cases of any criminal prosecutions for the crime of torture in Turkmenistan and similarly no cases where evidence obtained through torture or other ill-treatment has been excluded from court proceedings.

In its Concluding Observations on Turkmenistan, the UN Committee on Torture noted that “the absence of comprehensive or disaggregated data on complaints, investigations, prosecutions and convictions in cases of torture and ill-treatment by law enforcement personnel... severely hampers the identification of possible patterns of abuse requiring attention”, and recommended that the Turkmenistani authorities compile and provide clear statistical data on such issues.

Some human rights defenders in exile report that reports of torture and other ill-treatment have decreased in number over the last two years, particularly in relation to the treatment of

detainees in prosecutor's offices where interrogations are now reportedly filmed. However, other sources report that people suspected of criminal offences, including those who have fallen out of favour with the authorities, continue to be subjected to torture and other ill-treatment in order to forcibly extract confessions or other incriminating information. One human rights defender in exile explained that torture is "*a means of frightening people*".⁸⁵

Methods of torture and other ill-treatment reported to Amnesty International over the past ten years have included: pushing needles under fingernails; electric shocks; asphyxiation applied with a plastic bag or gas mask to which the air supply is cut; sexual violence; forcibly administering psychotropic drugs; beating with batons, truncheons, or plastic bottles filled with water; punching; kicking; food and drink deprivation; and exposure to extreme cold. Amnesty International has also received recent reports of beatings, rape and forced administration of drugs occurring inside prisons.

Torture and other ill-treatment are reportedly used by various law-enforcement officials, including police, officers of the security services and prison guards.⁸⁶ Torture and other ill-treatment are reportedly more frequently used in investigations into murder cases and other high profile cases where police officers are under pressure to find the perpetrator and solve the case swiftly. People who have a previous criminal record are said to be at particular risk of torture or other ill-treatment to get them to confess to new, unsolved crimes.

The European Court of Human Rights has noted the existence of numerous and consistent credible reports of torture and other ill-treatment against criminal suspects by members of the security services in Turkmenistan.⁸⁷ In 2008 the European Court ruled in *Ryabikin v. Russia* that the applicant, an ethnic Russian citizen of Turkmenistan, would, in part due to his ethnicity, be at risk of torture or ill-treatment if returned to Turkmenistan where he would face a long period of detention in poor conditions and possibly held incommunicado.⁸⁸

The UN CAT noted in its Concluding Observations in June 2011 that "the Criminal code allows police officers to detain a person without the authorization of the prosecutor general for 72 hours and without presentation to a judge for up to one year", and expressed concern at reports of violations of fundamental safeguards against torture such as the right of prompt access to a defence lawyer upon detention.⁸⁹

Effective, independent investigations into allegations of torture were not carried out in the cases monitored by Amnesty International since President Berdymukhamedov came to power and impunity for perpetrators prevails.⁹⁰

Many people interviewed during research for this paper cited torture and ill-treatment as a major problem in Turkmenistan but said that the climate of fear is such that few people dare to report incidents of torture and ill-treatment that occur in detention, or even talk about it following their release from detention.

TORTURE AND ILL-TREATMENT OF JEHOVAH'S WITNESSES

The Oslo-based NGO Forum 18 reported that on 24 January 2013 police officers raided the home of Navruz Nasryllayev, a Jehovah's witness and conscientious objector in the city of Dashoguz, in northern Turkmenistan. Navruz Nasryllayev was the lead complainant in a submission to the UN Human Rights Committee along with nine other people. Six people were taken to police station number 1 in Dashoguz. Fellow Jehovah's witnesses

told Forum 18 that they had been subjected to torture and other ill-treatment, including one person who was threatened with rape on the table in the police station. Forum 18 reports that one of the men, a Mr Shamuradov, was kicked and punched in the kidneys in an attempt to make him confess to participating in an "illegal sect". On 25 January 2013 Mr Shamuradov was reportedly suspended by rope attached to his hands and feet to the bars of his cell for several hours until he passed out from the pain.

Forum 18 also report an earlier incident of ill-treatment by police officials in Dashoguz which took place in September 2012 when police officers reportedly raided a protestant meeting in the home of the Shirmedov family.⁹¹ During the raid 68 year old Kerime Ataeva had her hands beaten until they bled. Fifteen other members of the prayer group were taken to the police station for questioning.

5.1 REPORTS OF HARASSMENT AND ILL-TREATMENT OF GAY MEN

Amnesty International has received credible reports about law enforcement officers specifically targeting homosexual men – who are beaten up and otherwise ill-treated as well as detained until they pay money in order to secure their release.⁹² Homosexuality between men is a criminal act in Turkmenistan, and is punishable by two years imprisonment.

A foreign citizen who lived in Turkmenistan from 2009 to 2011 wrote to Amnesty International in the beginning of 2012 to highlight the discrimination against gay men he had witnessed when living in the country. He also reported that he was aware of increasing numbers of gay men or suspected gay men who were being arrested and forced to pay bribes for their release, since early 2012. They were also being asked to "denounce" other gay men. The man reported that in spring 2012⁹³ one of his friends had been imprisoned after being "denounced" in this way and had been asked to pay a fine of approximately 10 times the average monthly wage in Turkmenistan in order to avoid being sent to prison. He had heard also of other gay men who wished to leave Turkmenistan but had not been allowed to travel. Other human rights defenders also report people being beaten in order to get them to denounce other homosexual men.

5.2 PRISON CONDITIONS AND TORTURE AND ILL-TREATMENT IN PRISONS

It remains extremely difficult to receive and verify information about human rights abuses occurring in places of detention in Turkmenistan.⁹⁴ There are no monitoring visits by independent organizations to detention facilities. Former prisoners are generally fearful and reluctant to speak about conditions inside prisons and especially about torture and other ill-treatment.

Amnesty International has, however, received recent information from credible sources about torture and ill-treatment being used in high security prisons in Turkmenistan. One report relates to a prisoner overhearing someone in a nearby cell being forced to swallow pills and having threats made against his family. The source reported numerous deaths in custody and incidents of prisoners being forced to rape each other.

Recent, credible reports received by Amnesty International describe prisoners serving life sentences being kept in shackles for lengthy periods of time and beaten regularly. The Turkmenistan Helsinki Committee, and other human rights defenders in exile, report that certain areas of Ovadan-Depe high security prison in Western Turkmenistan were built with a maximum height of 1.5 meters in order to prevent detainees from standing upright. The

Turkmenistani authorities have not reacted to repeated requests from the international community to improve the living conditions in this prison facility.

Over the past decade, Amnesty International has received reports which indicate that the prison conditions in Turkmenistan are so poor that they may violate the absolute prohibition of torture and other inhuman or degrading treatment or punishment. There are reports of prisons being severely overcrowded,⁹⁵ with inadequate food, and a lack of clean drinking water, shower and toilet facilities. Families of former prisoners reported widespread corruption in Turkmenistani prisons, noting that constant bribes were needed in order to secure basic facilities.⁹⁶ In November 2013, news service Alternative Turkmenistan News wrote about conditions in Bayramali Correctional facility MRK/16 in Mary province, where first time offenders are held. ATN reported severe overcrowding, with 3780 detainees being held in the facility which was designed to hold 800 people; attempts at suicides amongst detainees and widespread bribery to obtain improved living conditions etc.⁹⁷

Due to the lack of access to Turkmenistan, Amnesty International has been unable to verify these claims of cruel, inhuman and degrading conditions of detention and reports of torture and other ill-treatment in prison, but independent reports received over the years have been consistent with the reports described above.

5.3 LACK OF INDEPENDENT MONITORING AND INVESTIGATION

"It is hard to see the prison directors, it doesn't matter how many times you complain, you'll still be given the run around"

Relatives of prisoners complain that complaints mechanisms do not function effectively, September 2013.

"In terms of torture, we have no cases of that"

Head Director of the National Institute for Democracy and Human Rights, Yazdursun Gurbannazarova, addressing the Human Rights Committee in March 2012, in answer to questions on incidence of cases of torture in Turkmenistan.⁹⁸

The UN Human Rights Committee has stated that in relation to torture and other ill-treatment "it is not sufficient ... to prohibit such treatment or punishment or to make it a crime" and has referred to the need for "prevention, investigation, punishment of the perpetrators and reparation for the victims".⁹⁹ Given the general situation in Turkmenistan, where even obtaining reliable information about human rights violations by law enforcement officials is difficult, the absence of a national independent complaints mechanism as well as the lack of international access to places of custody virtually preclude any reports leading to such investigations being opened, much less to any perpetrators being identified and punished.¹⁰⁰

On the international level Amnesty International notes the increased cooperation between the International Committee of the Red Cross (ICRC) and the Turkmenistani authorities. Whilst hoping that the study tours by ICRC delegates in July 2011 and April 2012 are indicative of a new willingness on the part of authorities to collaborate more closely with international organizations, the organization is concerned that there are still no ICRC visits to prisons, and that the invitation to visit detention facilities has not been extended to other organizations.

On the national level, the Office of the General Prosecutor is responsible for monitoring all places of deprivation of liberty but, as the United Nations Assistant General Secretary for Human Rights Ivan Simonovic reported after his visit to Turkmenistan on 24 – 25 May 2013, this office has not received any complaints of torture or other ill-treatment.¹⁰¹

On 4 September 2013 Turkmenistan accepted recommendations from the international community at the Universal Periodic Review by the UN Human Rights Council in Geneva to establish an independent human rights institution that complies with the Paris Principles and said it was considering "the possibility of inviting the special procedures of the Human Rights Council to Turkmenistan". Amnesty International urges the Turkmenistani authorities to implement such measures as a matter of priority.

In 2007 a Presidential commission to Review Complaints from Citizens of Turkmenistan of Abuse by Law Enforcement Officials was established.¹⁰² According to TIHR and the Turkmenistan Independent Lawyers' Association (TILA), an initial wave of 1000 complaints about abuses by security officials were registered during the first three months of 2007, but no state employees were brought to justice, although the Minister of the Interior and the Minister of National Security were fired.¹⁰³ The number of complaints has decreased significantly since 2007 and this is cited by the authorities as proof of an improving situation. On 31 March 2010, a Presidential decree established several commissions under the Cabinet of Ministers to monitor places of detention and review complaints from prisoners.¹⁰⁴ Such commissions are supposedly comprised of representatives from non-governmental organizations, unions, democratic parties and local authorities.¹⁰⁵ However, the hostile environment in Turkmenistan, the lack of independent NGOs, and the intolerance of any level of criticism of the authorities must inevitably compromise the independence of these commissions and their ability to carry out impartial investigations into alleged abuses. In June 2011 the UN Committee against Torture commented that "serious conflicts of interest prevent... effective, impartial investigations into complaints".¹⁰⁶

Another official body responsible for overseeing Turkmenistan's human rights and international commitments is the National Institute for Democracy and Human Rights, established in 1996, which operates under the auspices of the Presidential office. In 2011, the UN Committee against Torture expressed its regret that "existing national protection mechanisms within the Office of the President, including the National Institute for Democracy and Human Rights and the State Commission to Review Citizens' Complaints on the Activities of Law Enforcement agencies do not comply with the Paris Principles, especially in respect of their composition of membership and lack of independence".¹⁰⁷

In reality, these state structures have little impact in individual cases and it remains exceedingly difficult to obtain information on any state investigations into human rights violations carried out by law enforcement or security officials. In its concluding observations following the hearing of Turkmenistan's initial report to the UN Committee against Torture in May 2011, the Committee deplored "*[t]he lack of detailed information, including statistics, on the number of complaints of torture and ill-treatment made to all existing complaints mechanisms, including the National Institute for Democracy and Human Rights and the State Commission to Review Citizens' Complaints on the Activities of Law Enforcement Agencies, and the results of those investigations, whether proceedings were initiated at the penal and/or disciplinary levels, and their outcomes.*"

The case below, reported by TIHR, illustrates the lack of effective mechanisms to investigate complaints of human rights abuses and implement reparation.

BAZARGELDY BERDYEV

According to the Turkmenistan Initiative for Human Rights, in 1998, Bazargeldy Berdyev, an entrepreneur, was detained for some three months in the pre-trial detention centre of the National Security Committee and severely beaten and tortured in an attempt to get him to confess to having committed crimes of fraud. He was reportedly left disabled as a result of the torture. His pregnant wife Aydjemal was also detained and beaten by the same officers: she had a miscarriage as a result and sustained broken bones in her hand. After five days in detention, she was left at her house unconscious until the neighbours found her. The Berdyev family wrote to the Turkmenistani General Prosecutor's office, and in 2009 lodged complaints with the Institute of Democracy and Human Rights, as well as international bodies.

The National Institute of Democracy and Human Rights replied to the Berdyevs on 14 May 2009 in a letter acknowledging "the killing of an unborn baby due to torture". The letter went on to say that the matter had been referred to the Chairman of the Supreme Court and the Prosecutor General. The letter was signed by one Sh. Akhmedova. Despite receiving this reply, the Berdyev family were subsequently subjected to beatings and further harassment by law enforcement officials, including death threats. They were put under pressure by the General Prosecutor's office to withdraw their claim for compensation and redress. In May 2011, the representative of the Turkmenistani delegation admitted to the UN Committee against Torture that Bazargeldy and Aydjemal Berdyev had been arrested again on 19 April 2011. The Committee expressed its "*particular concern regarding the case [...] in which the State party has denied the authenticity of [the] response that the Berdyevs allege to have received from the National Institute in 2009 regarding [the] claim of torture they had previously submitted*". TIHR reports that Bazargeldy and Aydjemal were accused of failing to repay a private loan but has no further news about their fate. Bazargeldy and Aydjemal Berdyev are currently believed to be in detention.

7. AN EMPTY DECADE: WAITING FOR NEWS ABOUT THE DISAPPEARED

“We are people with shattered fates, with broken families. My children grew up without their father and now my grandchildren are growing up without their grandfather... surely there will come a time when all will be put right?...We pinned all our hopes on the Respected President Berdymukhamedov but again apart from lofty words about humanism and love for mankind nothing has happened”.

The exiled wife of Rustam Dzhumayev, who is forcibly disappeared.

7.1 ENFORCED DISAPPEARANCE OF POLITICAL PRISONERS

The Turkmenistani authorities continue to be reluctant to clarify the fates or whereabouts of all those who were arrested and subject to enforced disappearance a decade ago in connection with the alleged assassination attempt on the then President Saparmurat Niyazov in November 2002.¹⁰⁸ The families of these detainees continue to suffer as they have had no access to their relatives for over a decade now; some have told Amnesty International that they do not know where they are being held or even if they are alive or dead.

The authorities continue to withhold information about the whereabouts and fates of the dozens of people labelled as “traitors to the motherland” and convicted in 2002 and 2003 in unfair trials in connection with this case. The authorities have not disclosed the whereabouts of the prisoners, but according to non-governmental sources, many of this group of prisoners are held in the high security Ovadan-Depe prison.

Many of those accused of involvement in the purported plot as well as their relatives were reportedly subjected to torture and other ill-treatment and psychological pressure to force them to ‘confess’ their guilt and incriminate others. Several detainees were pressurized to make public ‘confessions’ or to publicly denounce their parents.

Among those who remain disappeared are Boris Shikhmuradov, a former Foreign Minister of Turkmenistan, his brother, Konstantin Shikhmuradov, and Batyr Berdyev, former representative of Turkmenistan to the OSCE. Neither family members nor lawyers have been able to visit or learn of their fate or whereabouts.

Tatyana Shikhmuradova, Boris Shikhmuradova's wife has written constant letters to the Turkmenistani authorities, including President Berdymukhamedov. However, she has received no reply. In 2013, she told Amnesty International *"I have the right to know where my husband is, his medical condition and at the very least to know if he is still alive"*. Tatyana Shikhmuradova currently lives in exile.

The Turkmenistani authorities have denied all communication between these individuals and their families or lawyers. Despite allegations by non-governmental sources that at least eight of these prisoners have died in detention, reportedly as a result of torture and other ill-treatment including harsh prison conditions and lack of appropriate medical treatment, the authorities have so far not responded to requests by relatives and the international community to disclose information about their deaths in custody or even denied the reports. All calls for this information to be made available and for thorough, impartial and independent investigation to take place into the alleged deaths have been ignored by the government of Turkmenistan. There are also allegations of the authorities harassing and intimidating relatives of detainees who unsuccessfully tried to lodge appeals.

RUSTAM DZHUMAYEV

Rustam Dzhumayev (born 1947), a former administrative officer in the Ministry of Foreign Affairs, was detained in 2002 following the alleged "assassination attempt" on former President Niyazov. He was sentenced to 18 years imprisonment after having been found guilty of participating in the alleged assassination attempt after an unfair trial. His wife alleges he was arrested simply because he was a family friend of Boris Shikhmuradov, who was also sentenced to life imprisonment. Rustam Dzhumayev's wife, who lives outside Turkmenistan, informed Amnesty International in March 2013 that she still has no idea of his whereabouts.

Former political dissident Gulgeldy Annaniyazov remains in incommunicado detention, and the government refuses to disclose his location. Gulgeldy Annaniyazov left Turkmenistan in 1999, and was granted asylum in Norway where he lived. He returned to Turkmenistan in June 2008 and was arrested on 24 June. He was sentenced to 11 years' imprisonment in a closed hearing on 7 October 2008, reportedly after being convicted of crossing the Turkmenistan border without valid travel documents.¹⁰⁹ In April 2013 representatives of Turkmenistan told the UN Human Rights Council that Gulgeldy Annaniyazov had been given access to his relatives and appropriate medical care, but Amnesty International has not been able to confirm this from other sources. The UN Working Group on Arbitrary Detention ruled that Gulgeldy Annaniyazov's detention was arbitrary and unlawful and called for his immediate release.¹¹⁰

There are also reports of prisoners held in incommunicado detention who, as their release dates approach are accused of attacking prison guards, reportedly as a pretext to prolong their sentences. One such example is that of Turkish Tyrmyev.

TIRKISH TYRMYEV

Tirkish Tyrmyev, the former Commander of Border Troops of Turkmenistan, was sentenced to ten years for abuse of power in 2002. Since May 2002, his relatives do not know his whereabouts. Although they have the right, under the terms of his sentence, to see him six times a year, they have not seen him now for over ten years. In March 2012, they were informed that a closed court inside the prison where Tirkish Tyrmyev was being held ruled he should be given an additional sentence of seven years and eleven months as the date of his release approached, allegedly for a crime against a prison guard. Tirkish Tyrmyev was represented at this closed trial by a state appointed lawyer who refused to represent him further once the verdict was handed down. The family have been unable to find another lawyer to take on the case.

8. CONCLUSION AND RECOMMENDATIONS

It is customary for Amnesty International reports to conclude with recommendations addressed to the authorities of the country in question. This one does so too. The recommendations below cover the main areas addressed in the report. Given the egregious violations described, they inevitably add up to a fairly general and optimistic list of do's and don'ts. The reality, however, is that even a modest improvement in the respect for human rights in Turkmenistan is unlikely to result from anything other than significant external pressure – and this, in turn, is unlikely for so long as third countries privilege their own economic and geo-political interests over the rights of the people of Turkmenistan. Those vying for access to Turkmenistan's natural resources and for influence over the direction they flow in should ponder both the long-term stability of arrangements with such a regime, and the cost, in human terms, of the gains they may make in the short-term.

Given the successful obscuring of Turkmenistan's real human rights record, it is imperative that international monitoring mechanisms are able to enter the country and engage with its authorities. The international community must push more forcefully for the many outstanding visit requests by UN Special Rapporteurs to be accepted and support their recommendations. Trade and aid agreements must contain strong human rights clauses that are meaningfully, publicly and measurably reported against. Diplomatic representations in Turkmenistan must be more active in promoting and protecting civil society groups and independent media.

Amnesty International calls on the government of Turkmenistan to:

Right to freedom of movement

- Take practical steps to ensure compliance of the legal system and practice with the right to freedom of movement; ensuring in particular that the right of all persons to leave Turkmenistan is not arbitrarily denied and restrictions on leaving the country are not placed punitively, especially on human rights defenders and political activists.

Rights to Freedom of expression, assembly and association

- Ensure that everyone, including human rights defenders, leaders of civil society and political activists, religious believers, and journalists can peacefully exercise their rights to freedom of expression, assembly and association in conformity with Turkmenistan's obligations under international human rights law;
- Ensure that human rights defenders, civil society activists, journalists and lawyers are able to carry out their work without intimidation, hindrance, harassment or pressure from state agencies and that all instances where the above have been reported should be investigated promptly and thoroughly and the outcomes of all such investigations should be made public;
- Release immediately and unconditionally all those who are detained solely for the

peaceful expression of their political or other opinions; take steps to simplify registration procedures for NGOs in practice; if a 'notification procedure' is not adopted, any 'prior authorisation' procedure must be, at the least, simple, non-onerous and free of charge;

- Ensure that Turkmenistan respects its international commitments to refrain from arbitrary or unlawful interference in the privacy, family, home or correspondence of all persons including particularly human rights defenders, civil society activists, and journalists.

Torture and other ill-treatment

- Ensure safeguards against torture and ill-treatment are provided to all detainees from the outset of their detention including the right to legal counsel, medical examination by an independent doctor, to contact family members and to be informed of the reason for the arrest;
- Torture and other ill-treatment should be unreservedly condemned by the highest authorities, including the President, to demonstrate Turkmenistan's total opposition to torture and to make clear to all members of the police, military and other security forces that torture and other ill-treatment will never be tolerated;
- Address impunity for torture and other ill-treatment by ensuring prompt, thorough, independent and impartial investigations into all complaints of torture or other ill-treatment with the scope, methods and findings of such investigations made public and any state representatives responsible, including those with command responsibility, being brought to justice;
- Ensure that no statement obtained as a result of torture or other ill-treatment is used as evidence in trial proceedings, except as evidence against a person accused of torture or other ill-treatment;
- Ensure that convictions based exclusively or primarily on confession or testimonies of a third party allegedly extracted under torture are overturned and fabricated charges against such persons are dropped; any re-trials held should be in strict accordance with international fair trial standards;
- Ensure that victims of torture or other ill-treatment and their dependants should be entitled to obtain prompt reparation from the state including restitution, fair and adequate financial compensation and appropriate medical care and rehabilitation.

Access to detention facilities

- Accede to the Optional Protocol to the Convention against Torture, as committed to during the UPR process in April 2013, and ensure that the mandated Subcommittee has unrestricted access to all places of detention;
- Establish an independent monitoring system for detention facilities as a matter of priority;
- Grant full access to all detention facilities to independent national and international monitoring organizations.

Incommunicado detention following unfair trials

- End the practice of incommunicado detention, secret detention and enforced disappearances and ensure that all detainees can avail of effective judicial remedies and have regular access to relatives, lawyers and doctors;
- Immediately reveal the fate or whereabouts of all those currently being held in conditions amounting to enforced disappearance or secret and/or incommunicado detention, particularly those held since 2002-3 in connection with the alleged assassination attempt on former President Niyazov; allow them immediate access to lawyers and family members;
- Make public the names of all prisoners who died in custody; conduct thorough, impartial and independent investigations into the circumstances of their deaths, and publicize the results.

Cooperation with the UN human rights mechanisms

- Allow the UN Special Procedures listed below to visit Turkmenistan in line with their outstanding requests: Special Rapporteur (SR) on torture (requested in 2003, 2007); SR on education (requested in 2006); SR on the right to health (requested in June 2011, Renewed in July 2011); SR on human rights defenders (requested in 2003, reminder in 2004); SR on independence of judges and lawyers (requested in 96; reminders in 03 and 04); SR on the right to freedom of opinion and expression (requested in 2003); Working Group on arbitrary detention (requested in 2004 renewed in 2006 and 2009); SR on extrajudicial, summary or arbitrary executions (requested in 2003); SR on violence against women (requested in 2007; reminder 16/03/12); SR on freedom of association and assembly (requested on 6 September 2011).

ENDNOTES

¹ <http://www.osce.org/odihr/elections/86862>

² UN General Assembly, Human Rights Committee, 104th Session, 16 March 2012, at <http://www.un.org/News/Press/docs/2012/hrct743.doc.htm> (UN HRC, 104th Session).

³ 16th session of Universal Periodic Review of 22 May 2013, at: http://www.upr-info.org/IMG/pdf/a_hrc_wg.6_16_l.1_turkmenistan.pdf.

⁴ In September 2013, China concluded a deal with Turkmenistan for natural-gas which will boost annual gas deliveries to China to about 65 billion cubic meters by 2020.

⁵ FRIDE "EU –US cooperation in Central Asia: Parallel lines meet in infinity?" Policy Brief, Jos Boonstra and Marlene Laruelle. <http://fride.org/publication/1140/eu-us-cooperation-in-central-asia>.

⁶ The USA reportedly spent some 820 million dollars on military supplies in Turkmenistan in 2012. IWPR <http://iwpr.net/report-news/us-focus-fuel-not-freedom-turkmenistan>, 14 January 2013.

⁷ See, for instance, the communiqué issued by the European Council on the occasion of the 2009 EU-Turkmenistan human rights dialogue, available at http://europa.eu/rapid/press-release_PRES-09-203_en.htm.

⁸ Amnesty International most recently requested access to Turkmenistan on 29 January 2013. Amnesty International wrote to Rashid Meredov, the Minister of Foreign Affairs for Turkmenistan, requesting permission to visit the country to assess the implementation in practice of the newly introduced laws relating to political parties and media freedom. At the time of writing no reply had been received from the Turkmenistani authorities.

⁹ In December 2009, the international organization Medecins sans Frontieres closed down its operations in Turkmenistan, citing lack of cooperation by the Turkmenistani authorities.

¹⁰ Concluding observations of the Committee against Torture, Turkmenistan, CAT /C/TKM/CO/1, 15 June 2011, paragraph 14. <http://www2.ohchr.org/english/bodies/cat/docs/co/CAT.C.TKM.CO.1.pdf>.

¹¹ For example, a request by the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment for permission to visit the country has been pending since 2003. The UN Working Group on Arbitrary Detention has made repeated requests to visit since 2004, but has not been granted access to date.

¹² <http://www.corpwatch.org/article.php?id=15867> "Turkmenistan and Oman Negotiated to Buy Spy Software: Wikileaks by Pratap Chatterjee, CorpWatch September 4th, 2013 "Turkmenistan and Oman have been negotiating with a consortium of British, German and Swiss companies to buy "FinFisher" software to spy on phone calls and Internet activity of unsuspecting targets, according to a new trove of documents just released by Wikileaks, the global whistle-blowing organization."

¹³ Human rights observers and international observers report that corruption continues to be a major problem in Turkmenistan, and that while former President Niyazov instigated punishments for middle and lower level officials found to be taking bribes, bribe-taking has become more widespread during President Berdymukhamedov's rule. In August and September 2013 President Berdymukhamedov dismissed significant numbers of high level government officials from their posts in the Prosecutor's

office, as well as the Chief of Presidential staff and the deputy Prime minister. This may indicate that President Berdymukhamedov is hardening his line on corruption although some observers say it is more likely to be the result of wrangling over business interests. Global Witness reports that international companies frequently pay bribes in order to secure lucrative contracts in Turkmenistan. Turkmenistan was ranked 168 out of 177 of the most corrupt countries, alongside Uzbekistan and Syria, according to 2013 assessment by the NGO Transparency International: <http://www.transparency.org/country#TKM>.

¹⁴ Interview with Amnesty International in March 2013, interviewee wished to remain anonymous.

¹⁵ <http://iwpr.net/report-news/kindergarten-cops-turkmenistan>

¹⁶ <http://iwpr.net/report-news/kindergarten-cops-turkmenistan>

¹⁷ This so-called "exit visa" system was practised in the former Soviet Union. In Turkmenistan, it was re-introduced in the early 2000s, purportedly for the sake of combating crime and for national security.

¹⁸ As a party to the ICCPR, Turkmenistan is obliged to respect Article 12 which also recognises the right of all persons to leave any country including their own. While the right is subject to certain limitations, those limitations must be very narrowly defined (Article 12(3)).

¹⁹ Assurances made at the UN HRC UPR Review of Turkmenistan, 2008 and the 16th session of UN HRC UPR Review of Turkmenistan May 2013.

²⁰ UPR Review of Turkmenistan 16th session of UN HRC UPR Review May 2013.

²¹ Amended 31.3.2013

²² Article 24 Migration Act

²³ Article 30 lists reasons for temporary restrictions in exit permission which include : if the person has information about government secrets ; if a criminal case or punishment is outstanding against them ; if a court has imposed sanctions on them ; if they have been sentenced for serious or premeditated crimes or under the administrative punishment regime ; if they are eligible for military service ; if they are in danger of trafficking ; if they have violated laws of a foreign state previously ; if their leaving the country goes against the national security interests of Turkmenistan.

²⁴ For security reasons, his real name has not been used.

²⁵ Amnesty International: Turkmenistan: Human Rights Violations continue as recommendations in previous review go unheeded: 31 October 2012
<http://www.amnesty.org/en/library/info/EUR61/006/2012/en>

²⁶ From an interview with Turkmenistani human rights defender in exile, March 2013

²⁷ Some 4000 students from Turkmenistan are reported to be studying in Turkey.

²⁸ Unrest caused by mass protests against government policies in Turkey.

²⁹ In its General Comment 32, the UN Human Rights Committee stated that "the right to equality before the courts and tribunals and to a fair trial is a key element of human rights protection and serves as a procedural means to safeguard the rule of law" <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/437/71/PDF/G0743771.pdf?OpenElement> para 2

³⁰ Article 4 Constitution of the Republic of Turkmenistan

³¹ The Constitution of the Republic of Turkmenistan, Article 102: Judges of all courts are appointed by

the President for terms of five years. The manner of appointment and dismissal of judges is determined by law. Until the expiration of her or his established term of office, a judge may be dismissed from office without her or his consent only by decision of a court and for a reason enumerated in the law.

³² UN CAT Concluding observations on Turkmenistan 15 June 2011 CAT/c/TKM/CO/1

³³ Alternative Turkmenistan News (ATN) is an independent media initiative bringing news from Turkmenistan and to Turkmenistan. (www.facebook.com/adalat.seeker)

³⁴ Alternative Turkmenistan News report 5/8/2013

³⁵ <http://www.freedomhouse.org/report/nations-transit/2012/turkmenistan>; <http://www.chrono-tm.org/en/2013/07/the-corruption-level-in-turkmenistan-remains-one-of-the-highest-in-the-world/>

³⁶ The Constitution of Turkmenistan: Article 110: In Turkmenistan, the General Procurator of Turkmenistan and those procurators subordinate to her or him are assigned supervision over the exact and uniform adherence to laws and to acts of the President, organs of state government, the leadership of the Armed Forces, and local self-government by participants in industrial and commercial activity, organizations and institutions, social associations, officials, and private citizens.

³⁷ The Constitution of Turkmenistan. Article 111: The Procuracy supervises the legality of law enforcement investigative activity, criminal investigations, and investigative materials.

³⁸ <http://www.icj.org/new-icj-report-highlights-the-challenges-faced-by-the-legal-profession-in-central-asia/>.

³⁹ <http://www.icj.org/new-icj-report-highlights-the-challenges-faced-by-the-legal-profession-in-central-asia/>.

⁴⁰ See Amnesty International "Submission to the UN Human Rights Committee" February 2012. Index EUR 61/003/2012

<http://www.ccprcentre.org/doc/HRC/Turkmenistan/104%20HRCttee%20AI%20submission%20Turkmenistan.pdf>

⁴¹ As a state party to the International Covenant on Civil and Political Rights (ICCPR), Turkmenistan is bound under Article 14 to respect the minimum guarantees to a fair trial. In its General Comment 32, the UN Human Rights Committee stated that "the right to equality before the courts and tribunals and to a fair trial is a key element of human rights protection and serves as a procedural means to safeguard the rule of law". According to Article 14 (3)(e) everyone is entitled "to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him". In the same General Comment, the Human Rights Committee stated that "this guarantee is important for ensuring an effective defence by the accused and their counsel and thus guarantees the accused the same legal powers of compelling the attendance of witnesses and of examining or cross-examining any witnesses as are available to the prosecution"⁴¹. The right to call and examine witnesses ensures that the defence has an opportunity to question witnesses who will give evidence on behalf of the accused and to challenge evidence against the accused. The questioning of witnesses by both the prosecution and the defence provides the court with an opportunity to hear evidence and challenges to that evidence, and serves as a cornerstone of judicial fairness.

⁴² <http://www.freedom-now.org/campaign/maksat-kakabaev-and-murad-ovezov/>; <http://www.eurasianet.org/node/65025>; http://www.rferl.org/content/turkmen_rappers_flip_script_on_repression/24482978.html

⁴³ http://www.forum18.org/archive.php?article_id=1877

⁴⁴ The Constitution of Turkmenistan (Article 27) provides for the right to freedom of assembly although the law does not allow spontaneous assemblies, meetings and demonstrations, and will not permit any events which can be perceived to threaten public order or safety. The severity of the climate of repression inevitably means that in practice people rarely try to exercise their rights to freedom of assembly because of the obvious risks involved. The Criminal Code (Article 223) punishes violation of the law of assembly by fines of between 5-10 times the average salary, one year's correctional work or 6 months imprisonment; the Code on Administrative offences also punishes violation of the law on assembly in Article 204/1 which prescribes liability for evading registration of a public association and for participation in a non-registered public association. Organizers of assemblies are required to apply, in writing, for permission to the executive authority at least 10 days in advance and provide the purpose, route, time of the proposed event as well as the names and addresses of the organizers. They receive an answer within five days which they can appeal. Public meetings and events which pose a risk to public order or safety are not permissible. Those who do, for example, members of religious groups, are subjected to raids, fines and harassment including beatings.
http://www.forum18.org/archive.php?article_id=1749 Forum 18 "Multiple fines for unregistered worship meeting".

⁴⁵ ICCPR Article 22

⁴⁶ UPR Geneva 22 April – 3 May 2013 A/ HRC/ WG.6/16/TKM/1

⁴⁷ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/106/04/PDF/G1310604.pdf?OpenElement>

⁴⁸ A/HRC/24/3/Add.1.Turkmenistan_R.doc

⁴⁹ Law on Public Associations of Turkmenistan Article 17.3

⁵⁰ OSCE ODIHR Comments on the Law of Turkmenistan on Public Associations: June 2010
www.legislationline.org/documents/id/16059

⁵¹ Law on Public Associations, <http://turkmenistan.gov.tm/?rub=12>

⁵² Law on Public Associations, Article 21

⁵³ F18News 23 May 2013 http://www.forum18.org/archive.php?article_id=1840.

⁵⁴ Law on Public Associations, Article 22

⁵⁵ Turkmenistan reported to the UN Human Rights Council that these changes gave "Turkmen citizens [...] equal rights and equal opportunities to form political parties and participate freely in their activities".

⁵⁶ A/HRC/WG.6/16/TKM/1

⁵⁷ Geldimurat Nurmuhammedov served as Minister of Tourism and Culture in Turkmenistan from 1992 to 1995. Before his detention he worked as a lawyer, advising international companies.

⁵⁸ The International Declaration on the Right and Responsibilities of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms
<http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>

⁵⁹ Adopted by General Assembly resolution 53/144 of 9 December 1998. While not itself a legally binding instrument, the Declaration contains rights that are recognized in many legally binding

international human rights instruments, including the ICCPR, and was adopted by consensus by the General Assembly, representing States" strong commitment towards its implementation.

⁶⁰ In September 2010 President Gurbanguly Berdymukhamedov called on the Ministry of National Security 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."

⁶¹ <http://www.eurasianet.org/node/67573>

⁶² In August 2010, the UN Working Group on arbitrary detention concluded that they had been arbitrarily detained and called on the Turkmenistani authorities to release them and award them compensation.

⁶³ Amnesty International (AI): "Turkmenistan: Environmentalist arrested in Turkmenistan", 27 October 2009, at

<http://www.amnesty.org/en/library/asset/EUR61/006/2009/en/4263acff-37e8-42ad-9b16-058ad5d3fe87/eur610062009en.html>,

⁶⁴ Turkmen Initiative for Human Rights ; Radio Free Europe/Radio Liberty

⁶⁵ Turkmen service of Radio Free Europe/ Radio Liberty

⁶⁶ Such interference is prohibited under international and Turkmenistani law. ICCPR Article 17.1 states "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation". Article 23 of the Constitution of Turkmenistan states that «Every citizen has the right to be protected from arbitrary interference in her or his personal life, from infringement on written, telephone, or other communications, and, likewise, from infringements on her or his honour or reputation."

⁶⁷ UN Committee against Torture – Concluding observations on Turkmenistan CAT/C/TLM/CO/1

⁶⁸ Constitution of Turkmenistan, Article 26

⁶⁹ Ibid, Article 36

⁷⁰ Law on Mass Media Turkmenistan, Article 4 <http://www.turkmenistan.gov.tm/?id=3063>

⁷¹ Journalists have the right to join unions and use pseudonyms (Article 30); to protect their sources (Article 31) ; to receive information from government bodies on issues of public interest (Article 37) ; the public can access foreign media (Article 59).

⁷² TIHR Newsletter No. 187, 29 October 2013 [Turkmen laws are strict but censorship is stricter](#)

⁷³ http://fr.rsfsf.org/IMG/pdf/classement_2013_gb-bd.pdf/

⁷⁴ TIHR Newsletter No. 187, 29 October 2013 [Turkmen laws are strict but censorship is stricter](#)

⁷⁵ <http://www.eurasianet.org/node/66900>

⁷⁶ Elena Myatieva was also a member of the Dashoguz Ecology Club headed by Farid Tukhbatullin, former prisoner of conscience who was imprisoned from 2002 to 2003. Following the arrest of Farid Tukhbatullin, Elena Myatieva and her husband were reportedly put under surveillance.

⁷⁷ Telephone interview with Muhammad Tahir, Turkmen Service director, RFE/RL September 2013

⁷⁸ Criminal Code Article 287.2

⁷⁹ Forum 18 <http://www.forum18.org/analyses.php?region=32>

⁸⁰ A/HRC/24/3/Add.1

⁸¹ Article 23 Constitution of Republic of Turkmenistan "No one may be subjected to torture or cruel, inhumane, or degrading treatment or punishment, or, likewise, be subjected without her or his consent to medical or other experiments"

⁸² The Constitution of Republic of Turkmenistan, Article 45.

⁸³ A/HRC/24/3, recommendations 113.1-113.6 (Mexico, France, Switzerland, Costa Rica, Estonia, Montenegro, Romania), 113.58 (Czech Republic) 113.69 (United States of America).

⁸⁴ The Law of Turkmenistan on Amending the Criminal Code. Article 182 (1) "Torture , that is, the intentional infliction by officials or persons acting in an official capacity , or with their consent or acquiescence, of severe pain or physical or mental suffering on a person for the purposes of obtaining from him or a third person information or a confession, punishing him for an act or suspected act committed by him or a third person, as well as intimidating or coercing him or a third person , or for any reason based on discrimination of any kind , shall be punished by three to eight years imprisonment with a ban on holding certain positions or engaging in certain activities for a term up to three years.

⁸⁵ Interviewed by AI in March 2013

⁸⁶ UN CAT Concluding observations on Turkmenistan CAT/ C/ TKM/ CO/1 , paragraph 6.

⁸⁷ Garabayev v. Russia, European Court of Human Rights (Application no. 38411/02) judgement of 30 January 2008; Ryabikin v. Russia, European Court of Human Rights (Application no. 8320/04) judgement of 19 June 2008; Soldatenko v. Ukraine, European Court of Human Rights (Application no. 2440/07) judgement of 23 October 2008; Kolesnik v. Russia, European Court of Human Rights (Application no. 26876/08) judgement of 17 June 2010.

⁸⁸ Ryabikin v. Russia, European Court of Human Rights (Application no. 8320/04) judgement of 19 June 2008.

⁸⁹ UN CAT Concluding observations on Turkmenistan CAT/ C/ TKM/ CO/1

⁹⁰ UN CAT Concluding observations "The Committee is deeply concerned that allegations of torture and ill-treatment by State officers are seldom investigated and prosecuted, and that there appears to be a climate of impunity resulting in the lack of meaningful disciplinary action or criminal prosecution against persons of authority accused of [such] acts"... CAT/C/ TKM/CO/ 1

⁹¹ http://www.forum18.org/archive.php?article_id=1801

⁹² Homosexuality between men is a criminal act in Turkmenistan, and is punishable by two years imprisonment. Homosexuality between women is not criminalized in legislation.

⁹³ Amnesty International is unable to give more details about this case as the people involved fear reprisals if their identities are established.

⁹⁴ TIHR reports that equipment to block cell phone signals is being installed in penitentiary institutions in Turkmenistan. Cell phones were sometimes used by prisoners to contact relatives, despite being

banned from prisons. <http://www.chrono-tm.org/en/2013/07/news-by-the-committee-for-protecting-persecuted-citizens-of-turkmenistan/>

⁹⁵ TIHR and RLA Turkmenistan's Penitentiary Facilities February 2010 <http://archive.chrono-tm.org/uploaded/1266867677.pdf>; According to data from the Turkmen Independent Lawyers' Association (ILA) and Turkmen Initiative for Human Rights (TIHR), some 26.720 persons are in prison, which is 3.3 times more than the country's official prison capacity. See also Norwegian Helsinki Committee «Turkmenistan Dashoguz women's colony 2011 <http://nhc.no/no/nyheter/New+report+from+the+NHC.9UFRvSZv.ips>

⁹⁶ Who requested to remain anonymous.

⁹⁷ ATN No. 133 www.facebook.com/adalat.seeker; www.vk.com/adalat.seeker

⁹⁸ <http://www.un.org/News/Press/docs/2012/hrct743.doc.htm>

⁹⁹ See Office of High Commissioner for Human Rights, General Comment 20, 44th Session 10 March 2012, paras 8, 14, 15 at: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/6924291970754969c12563ed004c*ae5?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/6924291970754969c12563ed004c*ae5?Opendocument)

¹⁰⁰ The UN CAT commented in its Concluding Observations on Turkmenistan in June 2011 on the absence of an independent national human rights institute CAT/C/TKM/CO/1

¹⁰¹ <http://www.un.org/apps/news/story.asp?NewsID=45022#.UmTwNx9-Tc>

¹⁰² <http://archive.chrono-tm.org/uploaded/1305837190.pdf>

¹⁰³ Alternative NGO report to the Committee against Torture – Turkmen Initiative for Human Rights (TIHR) and Turkmenistan's Independent Lawyer Association (ILA) <http://archive.chrono-tm.org/uploaded/1305837190.pdf>

¹⁰⁴ Presidential Decree No. 11019 of 31 March 2010 "On approval of Decree on the Supervisory Committee to strengthen control of the legality of the activities of the bodies responsible for the execution of sentences, and for working with people who have been released from prison and are registered as risk groups for crime".

¹⁰⁵ UN Human Rights Committee dialogue with Turkmenistan, March 2012.

¹⁰⁶ UN CAT Concluding Observations June 2011 CAT/ C/ TKM/ CO/1

¹⁰⁷ UN CAT Concluding Observations June 2011 CAT/ C/ TKM/ CO/1

¹⁰⁸ According to the authorities opposition supporters carried out an armed attack on the President's motorcade in the capital Ashgabat in an attempt to assassinate him and to overthrow the constitutional order. The alleged assassination attempt left the then President unharmed and led to a new wave of repression. Dozens of people were subjected to enforced disappearance, at least 59 people were convicted in unfair trials between December 2002 and January 2003, including Boris Shikhmuradov, Foreign Minister from 1995 until 2000, his brother Konstantin Shikhmuradov, and Batyr Berdyev, Foreign Minister from 2000 until 2001 and a former representative of Turkmenistan to the Organization for Security and Co-operation in Europe. They received sentences ranging from five years to life imprisonment for their alleged involvement in the assassination attempt. Many of them were labelled as "traitors to the motherland". In most cases the charges brought included "conspiracy to violently overthrow the government and/or change the constitutional order", "attempting to assassinate the President", and "setting up or participating in a criminal organization". Boris Shikhmuradov was

sentenced to 25 years' imprisonment in a closed trial on 29 December 2002. The People's Council (Khalk Maslakhaty) reportedly increased his sentence to life imprisonment the next day. His brother Konstantin Shikhmuradov was sentenced to a prison term of 17 years and Batyr Berdyev was sentenced to 25 years' imprisonment.

¹⁰⁹ However, it is possible that Gulgeldy Annaniyazov was convicted of other additional offences as Turkmen law does not prescribe 11 years imprisonment for the use of invalid travel documents

¹¹⁰ A/ HRC/ WG/ AD2013 of 8 November 2013

TURKMENISTAN

An “Era of Happiness” or more of the same repression?

In 2012, six years after President of Turkmenistan Gurbanguly Berdymukhamedov came to power, the Turkmenistani state press declared an official “Era of Might and Happiness”.

However, the systematic state harassment of dissenting figures, journalists and human rights defenders, persistent reports of torture and other ill-treatment by security forces of people in detention and the wide-spread denial of the rights to freedom of expression, association and assembly for all citizens of Turkmenistan paint a different picture.

Since the break-up of the Soviet Union, the Turkmenistani authorities have been extremely successful in preventing information about human rights violations from reaching the international community by refusing entry to international observers, imposing limits on freedom of information and expression and preventing human rights activists from operating openly inside the country. The climate of intimidation and suppression and the limited information available on real living conditions inside the country are reasons why Turkmenistan faces comparatively little criticism internationally despite its dire human rights record; substantial business interests, particularly in Turkmenistan’s rich oil and gas reserves, is another.

Despite recent superficial reforms to strengthen media freedom and allow rival political parties, and promises to take more effective steps against torture, there is still no genuine opposition political party, no independent media and not a single independent human rights organization operating freely inside the country.

This report provides an overview of human rights violations in this closed and tightly controlled country.

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