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Turkmenistan:

A summary of Amnesty International's concerns

(Briefing for government delegations at the 59th session of the United Nations Commission on Human Rights)

INTRODUCTION

The human rights situation in Turkmenistan has been appalling for years. It has deteriorated even further following the November 2002 attack on President Saparmurat Niyazov, which triggered a new wave of repression in the country. In his March 2003 report Prof. Emmanuel Decaux, who was appointed rapporteur on Turkmenistan by the Organization for Security and Co-operation in Europe (OSCE) in January 2003, called on the international community, in particular the United Nations, to urgently address the serious human rights situation in Turkmenistan. According to him "Any new delay in taking action would not only be a moral abdication but also a collective complicity."¹

In view of the extremely serious human rights situation in the country coupled with an apparent lack of a favourable response by the authorities of Turkmenistan to approaches made by members of the international community, including by the OSCE, Amnesty International would strongly welcome your government's support of a resolution on Turkmenistan that addresses the issues outlined under "Recommendations" on page 26.

This paper focuses on the recent escalation of human rights violations following the November 2002 attack. However, it also addresses human rights violations in the years prior to the attack, thus demonstrating that the recent developments cannot be regarded as isolated, but reflect the harsh human rights practices that Turkmenistan has seen for many years.

Brief outline of the human rights situation in Turkmenistan

Since Turkmenistan became independent following the break-up of the Soviet Union in 1991, it has been dominated by President Niyazov, the self-proclaimed Turkmenbashi (Father of all Turkmen), who has been declared President-for-Life and is both head of state and head of government. There is no full separation of powers in Turkmenistan (see below). In 2001 the *Rukhnama* (Book of the Soul) was published; the book was drafted by President Niyazov and is reportedly meant to take a place next to the Bible and the Koran. Everybody who is employed by the state, for example teachers and doctors, have to know passages of the book by heart. When prisoners refuse to swear an oath on *Rukhnama*, they face beatings and, in many cases, have been denied release upon completion of their sentence.

The government is known to be extremely intolerant of dissent, and it has severely limited civil and political liberties. Opponents of the regime have been forced into exile or faced imprisonment and persecution, and no independent political parties can openly operate

¹ OSCE Rapporteur's Report on Turkmenistan, (by Prof. Emmanuel Decaux); issued 13 March 2003

in Turkmenistan. Civil society activists have also faced persecution, and imprisonment, and no independent human rights groups are able to function in the country. Religious freedom has been severely curtailed and ethnic minorities have been targets of harassment and discrimination. The authorities in this virtually closed country have retained tight control of the media. In a press release issued in April 2002 the OSCE Representative on Freedom of the Media condemned Turkmenistan for what he called "absolute lack of any freedom of expression."²

Amnesty International has for years documented cases of political prisoners imprisoned following unfair trials, and of prisoners of conscience imprisoned solely for peacefully exercising their right to freedom of expression or conscience. The organization has documented and brought to the attention of the authorities of Turkmenistan many reports of



The 12-metre high golden statue of the President on top of the 63-metre high Arch of Neutrality in Ashgabat rotates with the sun.

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the torture and ill-treatment of detainees by law enforcement officers. No steps have been taken by the authorities to effectively counter routine impunity of the perpetrators.

Human rights violations have escalated following an armed attack on President Niyazov's motorcade on 25 November 2002 in the capital city of Ashgabat. The President remained unharmed. The attack was regarded by the authorities as a failed assassination and coup attempt aimed at seizing power and overthrowing the constitutional order. At an extraordinary cabinet meeting convened the same day, the President blamed four exiled government critics who had defected from senior government posts in recent years for the attack: Nurmukhamed Khanamov, ex-ambassador to Turkey; Khudayberdy Orazov, the former head of Turkmenistan's central bank; Boris Shikhmuradov, the former Foreign Minister; and Saparmurat Yklymov, the former Deputy Minister of

Agriculture. Immediately after the attack the authorities began to detain scores of men, women and children. Many were apparently targeted by the authorities because of their family relationship with known or perceived government opponents. In addition, scores of family members of those implicated by the authorities in the attack have been evicted from their homes and have faced harassment. At the time of writing, 59 people had been convicted to sentences ranging between five years' imprisonment and life imprisonment for their alleged involvement in the November 2002 attack; three of them were sentenced *in absentia* and their prison sentences were increased to life imprisonment by the People's Council (*Khalk Maslakhaty*), which consists of representatives of the legislative, the executive and the judicial branches of power (see below). The defendants were convicted in closed trials that

² Freimut Duve: Free media non-existent in Turkmenistan; issued 30 April 2002; www.osce.org/news/generate.php3?news_id=2429

failed to meet international fair trial standards. Many of those detained were reportedly tortured or ill-treated to force them to 'confess' to their involvement in the November attack or to incriminate their relatives and others. Reports of torture and ill-treatment have continued after the trials. The family members of many of those convicted are apparently to date denied access to their relatives and have not been informed where they are kept. Many relatives of those convicted and imprisoned reported that they have been refused permission to pass on food parcels and medicine to their relatives. Jaap de Hoop Scheffer, the chairman-in-office of the OSCE, stated following his meeting with President Niyazov in Ashgabat on 4 March 2003 that the President had told him that the law prohibited visits during the first five years in the case of life imprisonment, but that "in other cases provisions for such visits could be made".³ However, Amnesty International has received allegations that the situation with regard to prisoners' visits has not changed since then.

TURKMENISTAN'S INTERNATIONAL HUMAN RIGHTS COMMITMENTS

The United Nations

Turkmenistan has ratified the International Covenant on Civil and Political Rights (ICCPR), including its first and second Protocols, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of the Child.⁴ However, it has not submitted a single report to the UN treaty bodies, nor has the government responded to communications sent by the special mechanisms of the Commission on Human Rights. The Turkmen authorities have so far not accepted that a needs assessment be conducted despite repeat offers by the Office of the High Commissioner for Human Rights. In its concluding observations issued on 21 May 2002 the Committee on the Elimination of Racial Discrimination "strongly urges the Government of Turkmenistan to avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights, with the aim of

³ www.osce.org/news/generate.php3?news_id=3097

⁴ Turkmenistan acceded to the ICCPR, its first Optional Protocol, the Covenant on Economic, Social and Cultural Rights, and the Convention on the Elimination of All Forms of Discrimination against Women on 1 May 1997. It acceded to the Convention on the Rights of the Child on 20 September 1993, to the Convention on the Elimination of All Forms of Racial Discrimination on 29 September 1994, to the Convention against Torture on 25 June 1999, and to the second Optional Protocol of the ICCPR on 11 January 2000.

drawing up and submitting as soon as possible a report drafted in accordance with the reporting guidelines.”⁵

The Organization for Security and Co-operation in Europe

As a member of the OSCE Turkmenistan is bound to uphold the organization's commitments with regard to the “human dimension”, which include the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, freedom from arbitrary arrest or detention, the right to a fair trial, freedom of thought, conscience, religious or belief, freedom of movement and freedom of expression, free media and information.

The OSCE centre in Ashgabat was opened in January 1999. However, Turkmenistan has not signed a Memorandum of Understanding with the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and subsequently the Centre is limited in its activities.

Several OSCE member states expressed concern about reported human rights violations following the November 2002 attack. On 12 December 2002, for example, the EU and the United States called upon the Turkmen authorities to provide within 10 days a written response on the whereabouts of Batyr Berdyev, the former Ambassador of Turkmenistan to the OSCE and Foreign Minister, and Leonid Komarovskiy, who holds Russian-US citizenship, as well as the other detainees, in accordance with the commitments undertaken by OSCE participating states under the Vienna 1989⁶ and Moscow 1991⁷ documents. Having concluded that the response from the Turkmen authorities confirmed the existence of conflicting reports with regard to the investigation of the 25 November attack, on 20 December 10 participating states of the OSCE -- Austria, Canada, Germany, Greece, Ireland, Italy, Norway, Sweden, the United Kingdom and the United States -- invoked paragraph 12 of the Moscow document, providing for the establishment of a fact-finding mission of rapporteurs to investigate matters of concern with regard to the conduct of the investigations following the November attack, and to report about the findings.

On 15 January 2003 the 10 OSCE member states appointed the French international law professor Prof. Emmanuel Decaux as the first rapporteur. Contrary to the procedure outlined in the Moscow 1991 document, Turkmenistan refused to appoint a second rapporteur and to invite the mission established under the Moscow mechanism into the country for a fact-finding mission. In replies to concerns raised by the OSCE the Turkmen authorities repeatedly stressed their country's adherence to its international obligations. For example, according to a statement of the Foreign Ministry of Turkmenistan on 31 January 2003, the “investigation of this criminal case was conducted in strict accordance with the law, and with norms of international law.” However, at the time of writing, the Turkmen authorities had

⁵ CERD/C/60/CO/15; [www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CERD.C.60.CO.15.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CERD.C.60.CO.15.En?Opendocument)

⁶ Concluding document of Vienna – The Third Follow-up Meeting, 15 January 1989; http://www.osce.org/odihr/documents/osce_hdc.php3

⁷ Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, 3 October 1991; http://www.osce.org/odihr/documents/osce_hdc.php3

apparently not responded in detail and in substance to the concerns raised by the OSCE and the human rights violations documented in Prof. Decaux's report. In his report that was published following its discussion at the Permanent Council meeting of the OSCE on 13 March, the rapporteur appealed to the UN to address the serious human rights situation in Turkmenistan. His recommendations to the Turkmen authorities included the "creation of an independent Constitutional Court, which would be the guardian of the primacy of international law over domestic law, of separation of powers and of the review of the constitutionality of laws"; the necessity to "review, either by appeal or through new trials" the "political trials" following the 25 November; to "respect ... the rights of individuals belonging to civil society" and to release the civil society activist Farid Tukhbatullin; to "guarantee freedom of movement inside the country and freedom to leave the country for all Turkmen nationals, as well as for foreigners"; to "abandon discriminatory discourses or practices, based on a conception of 'racial purity'"; and to meet the country's obligations as a member of the UN and a party to many major human rights treaties, and as a member of the OSCE.

CLAMPDOWN ON POLITICAL DISSENT

As a party to major international human rights treaties, including the ICCPR and the Convention against Torture, the country has taken upon itself, for example, to ensure that "no one shall be subjected to arbitrary arrest or detention" (Article 9, 1; ICCPR); that "everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law" (Article 14; ICCPR); that "everyone shall be entitled ... to defend himself in person or through legal assistance of his own choosing" (Article 14, 3d; ICCPR); that no one should "be compelled to testify against himself or to confess guilt" (Article 14, 3g; ICCPR); and that "Everyone shall have the right to freedom of expression" (Article 19, 2; ICCPR).

In violation of its international obligations, the authorities of Turkmenistan have conducted several waves of repression against political opponents since the country became independent in 1991. Many political opponents have been forced into exile; many have faced detention, imprisonment following unfair trials, house arrests, and torture and ill-treatment by law enforcement officers. Several of those that were later released had to publicly repent on television, promising not to engage in political activities and in many cases had to swear an oath of loyalty to the President. Several waves of politically motivated purges lead to the demotion, dismissal or imprisonment of numerous senior officials in recent years. The 25 November 2002 attack on the President triggered another large-scale clampdown on political dissent as described above.

There was concern that the broad and imprecise definition of high treason in the decree of the People's Council "On the declaration of different illegal acts as high treason and about measures of punishment for traitors", published in the newspaper *Neytralny Turkmenistan* (Neutral Turkmenistan) on 5 February 2003, could provide justification for further clampdown on dissent. For example, according to the decree, the following acts can be

considered to be high treason: “fleeing abroad to avoid punishment after committing a crime, slandering one’s own state, revealing state secrets ... attempts of persons holding a state office, an office in central or local executive authorities, to put their personal interests higher than those of the nation ... any efforts to spread doubts among people about the interior and foreign policy of the first and permanent President of Turkmenistan, the Great Saparmurat Turkmenbashi, abuse of their official function, as well as attempts to create contradictions between people and state.” The decree further stipulates that a person can be found guilty of high treason by the People’s Council as well as by the Supreme Court and life sentences – that are not envisaged by the Criminal Code of Turkmenistan – can be handed down on them. According to Article 45 of the Constitution of Turkmenistan, the People’s Council is the “supreme representative body of popular power”. The fact that the Council is authorised to establish the guilt of a person reflects the absence of a division of powers in Turkmenistan as representatives of the Council include deputies of the Parliament (*Mejlis*); representatives of the regions; the chairperson of the Supreme Court; the General Procurator; members of the cabinet of ministers; and relevant heads of the administration. According to the decree, people convicted of high treason are not subject to amnesties or pardons; neither suspended sentences nor conditional release before the end of the prison term or commutation to a more lenient punishment are applicable to them.

Apparently, internal exile has been one of the tools to repress political as well as religious dissent.⁸ There have been reports that this form of punishment may be applied to those implicated by the authorities in the November 2002 attack and their families. Prior to the armed attack, on 18 November 2002, the President issued a decree stipulating that “those who disturb tranquillity in society with their immoral behaviour and inflict damage to the unity of the working population [and who have] lost the trust of others and deserve general condemnation” should be sent to remote areas, in particular to the lands of Oguzhan of Mary Region, to Bereket District and the town of Garabogaz of Balkan Region to be “re-educated through work”. On 4 January 2003 Turkmen TV reported that the President had urged the country’s law enforcement and military bodies to speed up the implementation of the November decree and to make “effective use of land in Dashoguz, Lebap and Ahal regions.” There are reports that the authorities have threatened family members of known or perceived government critics to resettle them to areas with particularly harsh living conditions.

Apparently, in reaction to the November 2002 attack, President Niyazov ordered severe restrictions on the freedom of movement of those wishing to leave or enter the country. There was concern that these measures are being used, among other things, to further curtail civil and political liberties including freedom of expression and freedom of association. At a 21 February 2003 meeting of the cabinet of ministers broadcast on the first channel of Turkmen television the same day, President Niyazov explained: “It should be known exactly how long he [the visitor] is going to stay. Someone should be put in charge of the visitor [...] The Interior Ministry and the National Security Ministry have to control him.” He added: “If

⁸ Refer to the cases of the four Baptists Batyr Nurov, Babamurat Gayebov, Umit Koshkarov and Shokhrat Piriyevev, of Shagildy Atakov’s family and of Mullah Hoja Ahmet Orazgylych in the section “Violations of the right to freedom of religion”.

[a Turkmen citizen] goes abroad three or more times, then find out if he has any relative in that country. Then there is a need to identify them closely. This task is to be performed jointly by [...] the National Security Ministry, the Interior Ministry and the State Border Service [...] in fact a majority of those going abroad are drug dealers or those running away after they committed theft here.” In any case, the President added, “traditionally, Turkmen do not travel much because they are fond of their homeland.”

The freedom of movement inside the country has also reportedly been further restricted following the 2002 attack. The number of police check-points in Turkmenistan has reportedly increased significantly in recent months to closely monitor the movement of people. Many of those released after questioning in connection with the November 2002 attack had their passports confiscated and had to sign an undertaking not to leave the city where they had been detained.

Please find below several case examples of the clampdown on political dissent in Turkmenistan.⁹

Scores convicted in unfair trials following the November 2002 attack

Fifty-nine people have to date been convicted in closed trials by the Supreme Court and Ashgabat City Court, which lack judicial independence, accused of involvement in the November 2002 attack. Prof. Emmanuel Decaux, the OSCE rapporteur, described the conditions in which the trials took place as “appalling” and “in breach of all the most elementary principles of the rule of law”.¹⁰ Eight were given sentences of life imprisonment -- three of them were sentenced *in absentia* -- and 51 were sentenced to terms of imprisonment ranging from five to 25 years. Official sources claim 67 people were detained in connection with the attack; unofficial sources believe the figure to be much higher. The Turkmen authorities did not disclose comprehensive information about those detained, including their whereabouts and the charges brought against them, and only on 31 January 2003 was an official list of names, charges and sentences of 56 defendants published in the *Adalat* newspaper. According to the newspaper, those convicted to prison terms of between 20 and 25 years have to serve the first three to five years in prison, and the remaining years in a strict-regime colony. Almost all verdicts included the confiscation of property (see also the section “Targeting of family members as part of the clampdown on dissent”). At the time of writing most if not all of those convicted were believed to be held incommunicado and many relatives reported that they had not been able to pass on food parcels to their relatives or did not know whether the guards had passed them on.

Four of those convicted were opposition figures **Boris Shikhmuradov, Nurmukhammet Khanamov, Khudayberdy Orazov, and Saparmurat Yklymov**. The men

⁹ For further examples on the clampdown on dissent, refer to the entry on Turkmenistan in Amnesty International's *Annual Reports*: <http://www.amnesty.org/ailib/aireport/index.html>

¹⁰ OSCE Rapporteur's Report on Turkmenistan, (by Prof. Emmanuel Decaux); issued 13 March 2003; p. 20.

were reportedly sentenced to 25 years' imprisonment at a closed trial of the country's Supreme Court on 29 December. The latter three were sentenced *in absentia*. The sentences were increased to life imprisonment the following day by the People's Council. Reportedly, none of the defendants was represented by an independent lawyer. Boris Shikhmuradov's wife, Tatyana Shikhmuradova, told Amnesty International: "It is impossible to find out whether the lawyers were allowed to speak, whether any witnesses were questioned [and] who chaired the hearing." Nurmukhammet Khanamov, Khudayberdy Orazov and Saparmurat Yklymov told Amnesty International that they had not been notified of the trial in advance and only learnt about it through the media. In Boris Shikhmuradov's televised 'confession' that was first broadcast on 29 December and that was believed to have been dictated to him, he stated: "I and my allies ... are not opposition members but ordinary criminals and drug addicts ... there is not a single decent person among us; we are all thugs ... I am not a man able to rule a state ... I am a criminal able only to destroy the state." According to official sources, Boris Shikhmuradov -- who had been in exile since he defected in November 2001-- entered the country shortly before the attack on the President and Turkmen secret police detained him on 25 December. According to a declaration entitled "Boris Shikhmuradov's statement", dated 24 December and posted on the website of Boris Shikhmuradov's opposition group on 26 December, he had returned to Turkmenistan in September to organize demonstrations and denied involvement in the November attack.¹¹

Another 55 people were convicted in a series of closed trials that were believed to have opened on 13 January.¹² As noted above, numerous violations of fair trial standards have been reported. The defendants were not represented by independent lawyers. In many cases the defendants' lawyers were given little or no notice before the court hearings began. Some lawyers representing the defendants in court reportedly began their plea with the words "I am ashamed to defend a person like you...". The defendants were reportedly forced to sign a document saying they were familiar with the documentation of their criminal case and the indictment, without being given the chance to study these documents. Representatives of embassies and the OSCE who requested to observe the trials were not given access to the

¹¹ You find the opposition group's website on: www.gundogar.org. The statement is on: www.gundogar.org/ruspages_8/1178.htm

¹² The 55 are: **Gurbangeldy Akmammedov, Annageldy Akmuradov, Dzhumamukhammet Annageldyev, Annadurdy Annasakhedov, Aram Atanesyan, Arslan Babaev, Batyr Berdyev, Orazmukhammet Berdyev, Aman Buriev, Esen Buriev, Rovshen Dovletov, Vekil Durdyev, Dzhumageldy Durdyklychev, Chary Dzhumaev, Guvanch Dzhumaev, Rozy Dzhumaev, Rustem Dzhumaev, Timur Dzhumaev, Dovlet Gaibov, Atamurat Garaev, Guvandyk Garataev, Isa Garataev, Murat Garataev, Yazgeldy Gundogdyev, Bazar Gurbanov, Soltan Ilamanov, Akmurat Kabulov, Yusup Khaidov, Tagandurdy Khallyev, Amangeldy Khatamov, Annamurad Khatamov, Paltakgul Khatamov, Nepes Khemraev, Annamurat Khodzhamuradov, Suleyman Khummaev, Yury Lyaskin, Mukhammetberdy Movlyamov, Saparmurat Mukhammedov, Dovletkuly Nazargulyev, Vladislav Novozhilov, Redzhepgeldy Nurgeldyev, Nurmukhammet Orazgeldyev, Aleksandr Pavlinov, Serdar Rakhimov, Dzhora Reimov, Khonsaid Safarov, Saparmurat Seidov, Ashir Serchaev, Vepa Shagalov, Konstantin Shikhmuradov, Edzhegul Tashlieva, Amanmukhammet Yklymov, Orazmammed Yklymov, Ovezmurad Yazmuradov, and Yklym Yklymov.**

court hearings. Amnesty International received reports that many of the defendants were tortured and ill-treated in pre-trial detention (see the section "Torture and ill-treatment"). Apparently, the authorities did not launch thorough and independent investigations into these allegations.

Long-standing political prisoner Mukhametkuli Aymuradov

Mukhametkuli Aymuradov was convicted in 1995 of anti-state crimes including "attempted terrorism", and sentenced to 12 years' imprisonment after a reportedly unfair trial. He remains in the maximum security prison of the Caspian port Turkmenbashi (formerly Krasnovodsk). His supporters claim that the case against Mukhametkuli Aymuradov was fabricated solely to punish him for his association with exiled opponents of the government. In December 1998 he was sentenced to an additional 18 years' imprisonment in connection with an alleged prison escape attempt. Mukhametkuli Aymuradov's co-defendant Khoshali Garayev died in September 1999 in Turkmenbashi maximum security prison under suspicious circumstances (refer to the case of Khoshali Garayev in the section "Torture and ill-treatment"). His death heightened Amnesty International's concern for Mukhametkuli Aymuradov's safety. Mukhametkuli Aymuradov is reported to have been denied appropriate medical treatment for a heart attack, a gastric ulcer and recurring inflammation of the kidneys, bladder and gall bladder. His wife reported that he looked very ill and was extremely thin when she visited him in April 2002. Unofficial sources have also said that Mukhametkuli Aymuradov's eyesight has deteriorated. A regulation, reportedly in force since January 2002, permitted his wife to visit him once every three months for 20 minutes. Amnesty International is calling for the release of long-standing political prisoner Mukhametkuli Aymuradov on the grounds that repeated calls for a fair retrial of his case have gone unheeded and there does not appear to be a prospect of his being given a fair trial. In addition, the organization is concerned about reports that Mukhametkuli Aymuradov's state of health continues to be very poor and that he is denied appropriate medical treatment.

Prisoner of conscience Nurberdi Nurmamedov released after repenting on state TV

Nurberdi Nurmamedov, co-chair of the opposition movement *Agzybirlik*, was kept in detention from 5 January to 23 December 2000, when he was released under a presidential amnesty. He was reportedly arrested on 5 January by officers of the Security Service in plain clothes and his house was searched without a warrant. He was initially kept incommunicado, with no access to a lawyer. On 25 February 2000 he was sentenced to five years' imprisonment by Giyaversky district court in Anau, near the capital Ashgabat. The sentence was upheld in March by Akhalsky regional court in Anau.

Amnesty International believes that the charges of "hooliganism" and "threatening to murder" brought against Nurberdi Nurmamedov – one of the few opposition figures in Turkmenistan who openly criticized President Niyazov's politics – were fabricated for political reasons. In December 1999 he had announced that *Agzybirlik* would boycott the

parliamentary elections on 12 December, calling them “undemocratic”. He also criticized President Niyazov’s appointment as “President-for-Life” on 28 December 1999.

There were allegations that Nurberdi Nurmamedov was ill-treated in detention and that his health suffered badly from the harsh prison conditions. When he was transferred from Bezmein prison colony near Ashgabat to the maximum security prison in Turkmenbashi in August 2000, he was reportedly not able to walk unaided, and was carried out of a prison block on a stretcher.

Before his release in December 2000 Nurberdi Nurmamedov had to repent on state television, to swear an oath of loyalty to President Niyazov, and promise to “redeem his guilt” by working for his “motherland, the Turkmen people and the President”.

CLAMPDOWN ON CIVIL SOCIETY

Despite Turkmenistan’s obligations under international human rights law, including its commitment to ensure freedom of expression (Article 19, 2; ICCPR) and freedom of association (Article 22, 1; ICCPR), the authorities of Turkmenistan have severely controlled the activities of civil society activists and have dramatically narrowed the space in which civil society groups can operate in the country. No human rights groups can openly function in Turkmenistan. The civil society community is relatively small, not least because its activists have had to take great personal risks in order to carry out their activities. Civil society activists have been frequent targets of imprisonment, detention, persecution and harassment, including routine summoning to the Security Service. Several civil society activists have told AI that even when they managed to obtain official permission to leave the country they were thoroughly questioned by the Security Service about their activities and the content of their meetings abroad following their return.

Amnesty International has received information from reliable sources that the authorities have in many instances prevented civil society activists, journalists, opposition supporters and others from meeting representatives of foreign governments and international organizations, including intergovernmental organizations such as the UN and the OSCE on their visits to Turkmenistan. They have in many cases been warned by the Security Service not to attend such meetings or not to address any issues that may shed a negative light on the authorities, and threatened that non-compliance would have serious repercussions. In addition, in many cases the telephones of activists were apparently disconnected throughout the time of the visit of a foreign delegation.

Amnesty International is currently particularly concerned about the imprisonment of the ecological activist Farid Tukhbatullin, whom Amnesty International regards as a prisoner of conscience. The general crackdown following the November 2002 attack may have emboldened the authorities to arrest Farid Tukhbatullin and to further curtail freedom of expression and the work of civil society activists in general.

Prisoner of conscience Farid Tukhbatullin

Farid Tukhbatullin, co-chair of the Ecological Club in his home town Dashoguz (Northern Turkmenistan), was arrested on 23 December 2002. He was flown to Ashgabat the same day and taken to the Ministry of National Security (MNB), where he continues to be kept. On 26 December Farid Tukhbatullin was reportedly charged with illegally crossing the border from Uzbekistan into Turkmenistan (Article 214 part 1 of the Criminal Code of Turkmenistan) and concealing a serious criminal act (Article 210 part 1). The first charge relates to an incident when Turkmen border guards for unknown reasons failed to stamp his passport upon his return from Uzbekistan. The latter charge referred to his participation in a conference, held at the beginning of November 2002 in Moscow that had been organized by human rights groups. He was accused of refusing to disclose information about plans of exiled opposition groups to carry out an armed coup that, according to the authorities, were discussed at the conference. Amnesty International -- whose delegate attended the conference -- believes that the charges against Farid Tukhbatullin were brought solely to punish him for exercising his internationally recognized right to freedom of expression and for his peaceful work as a civil society activist. Amnesty International regards Farid Tukhbatullin as a prisoner of conscience and calls for his immediate and unconditional release.



**The ecological activist and
prisoner of conscience Farid
Tukhbatullin**
© Amnesty International

Pressure had mounted on Farid Tukhbatullin in the weeks following his return to Turkmenistan after the conference. Two weeks before his arrest Farid Tukhbatullin had been summoned to the regional branch of the MNS in Dashoguz and questioned about his participation at the conference in Moscow. A senior official told him: "We cannot forbid you to take part in conferences like that, but I hope you know what that can lead to."

In a meeting on 3 March in Ashgabat with Jaap de Hoop Scheffer, the chair-in-office of the OSCE, Turkmen President Niyazov promised that Farid Tukhbatullin "will be released soon." However, the next day Azadlyk district court in Ashgabat sentenced him to three years' imprisonment in an unfair trial. The authorities denied access to the trial to family members and local and international trial monitors. At the time of writing, an appeal lodged by Farid Tukhbatullin's lawyer was pending with the Supreme Court.

Before the trial, Farid Tukhbatullin's lawyer had been denied access to his client under various pretexts four times, and thus did not see him for more than a month. On 26 February, for example, the lawyer was told that he could not see Farid Tukhbatullin because of "repair work" at the Ministry of National Security.

TORTURE AND ILL-TREATMENT

By ratifying the ICCPR and the Convention against Torture Turkmenistan has committed itself to ensure, among others, that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” (Article 7, ICCPR); that it “shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction” (Article 12; Convention against Torture); and that it “shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made” (Article 15, Convention against Torture).

However, although Turkmenistan is an almost closed country it has been possible to document many cases of torture and ill-treatment in recent years and to Amnesty International’s knowledge no steps have been taken by the authorities to effectively counter routine impunity of the perpetrators. The reports received included torture and ill-treatment in pre-trial detention as well as following the trial, both in cases of ordinary criminals and those with a political or religious background. Many of the case information received by Amnesty International has not been published as the sources asked to keep the information confidential for fear of repercussions.

Please find below examples of torture and ill-treatment in Turkmenistan.¹³

Reports of torture, ill-treatment and cruel, inhuman or degrading treatment following the November 2002 attack

Amnesty International received credible reports that many of those detained following the 25 November attack were tortured or ill-treated in pre-trial detention. Many if not all of those detained were held incommunicado, which heightened concerns for their safety. Saparmurat Yklymov told Amnesty International at the beginning of December 2002: “It is virtually impossible to find out where most of my relatives are kept. I am very worried that they may be tortured.” The torture and ill-treatment was reportedly aimed at forcing the detainees to ‘confess’ to their involvement in the attack or to incriminate their family members and other detainees. Several detainees were pressurized to ‘confess’ publicly or to publicly denounce their parents. In many if not all cases the detainees have been denied appropriate medical treatment. To Amnesty International’s knowledge, no investigations have been carried out into any of these allegations. There were also reports that those already convicted continued to be at risk of torture and ill-treatment. The family members of many of those convicted in December and January still have no access to them.

¹³ For further case examples refer to the cases of Mukhametkuli Aymuradov and Nurberdi Nurmamedov, and the cases illustrating the clampdown on dissent following the November 2002 attack in the section “Clampdown on dissent”. Also refer to the cases of Batyr Nurov, Babamurat Gayebov, Umit Koshkarov, and Shokhrat Piriyevev and the case of Shagildy Atakov in the section “Violations of the right of freedom of religion”, and see the case of Dmitry Melnichenko in the section “Conscientious objection”.

Twenty-one-year-old student **Aili Yklymov**, for example, and his elder brother **Esenaman**, who are relatives of Saparmurat Yklymov, were arrested on the day of the attack on the President. According to reliable sources, Aili Yklymov was beaten so severely in the basement of the Ministry of National Security in Ashgabat on 5 December that he was unable to walk and had to be taken to questioning on a stretcher. **Esenaman Yklymov** was allegedly ill-treated in custody the day he was arrested and his ears were bleeding as a result. When he was released the following day he was said to have been unable to hold a pen in order to write. Both brothers received no treatment for their injuries while in custody. **Esenaman Yklymov** was rearrested shortly afterwards and had to publicly denounce his parents on television at the beginning of January. Reportedly, he was sentenced by a court in Ashgabat to five years' imprisonment in the first half of January for "illegal possession of ammunition".

Saparmurat Yklymov's eldest brother **Amanmukhammet Yklymov**, who -- as reported by the *Adalat* newspaper -- was sentenced to 20 years' imprisonment on 19 January, is said to have been tortured in the Ashgabat city police building following his arrest on 25 November. His family claim that as a result of the torture, he lost sight on his left eye and the hearing in his left ear. His left arm was reportedly broken and he was hardly able to move. Sources allege that a plastic bag was put over his head to restrict his breathing, and that he was suspended by his arms, and forced to wear a gas mask, to which the air supply was cut off. The court reportedly ignored Amanmukhammet Yklymov's allegations that he was tortured in custody. His brother Saparmurat Yklymov told Amnesty International from exile in Sweden: "Amanmukhammet was already ill before they arrested him. I'm afraid he may not survive." (See also the section "Scores convicted in unfair trials following the November 2002 attack").

Orazmamed Yklymov -- a brother of Saparmurat and Amanmukhammet Yklymov -- reportedly confessed that he was involved in the attack on the President following threats by law enforcement officers that his son would be tortured if he did not 'confess'. There were reports that Orazmamed Yklymov appeared in court with a dislocated arm and a swollen eye, and was unable to hear in one ear. He was reportedly sentenced to 20 years' imprisonment on 19 January. (See also the section "Scores convicted in unfair trials following the November 2002 attack").

Yklym Yklymov, another brother, went into hiding following the 25 November attack. His girlfriend, **Olga Prokofyeva**, her sister **Svetlana** and their mother were reportedly tortured using electric shocks, and beaten with rubber truncheons and plastic bottles filled with water, in order to force them to disclose Yklym Yklymov's whereabouts. Reportedly, Olga and Svetlana Prokofyeva were later sentenced to five years' imprisonment each, accused of concealing a criminal act (Article 210 part 1 and 2 of the Criminal Code of Turkmenistan).

The sisters **Guncha and Lachin Babaeva** were reportedly ill-treated by police in the Sixth Department of the Ministry of the Interior (MVD) in Ashgabat on 20 and 21 December respectively in order to coerce them to disclose information about another one of the Yklymov brothers, the father of Lachin Babaeva's 18-months-old son Kayum. Guncha Babaeva was reportedly beaten to such an extent that she could hardly move her arms and legs for one week. Police officers reportedly kicked her and an officer reportedly tore her

beret from her head in such a brutal way that he also tore out some of her hair. Lachin Babaeva was reportedly beaten on her head by an officer in the MVD. Her sister Guncha told the German radio station *Deutsche Welle* in February 2003: "During the interrogation my sister was beaten. In the breaks, she had to draw off her own milk because she was still breast-feeding her son.

Davlatgeldi Annannyyazov, the brother of former political prisoner Gulgeldi Annannyyazov, was detained on 30 November in Ashgabat. He was reportedly ill-treated by agents of the Security Service. Gulgeldi Annannyyazov told Amnesty International from exile in Norway on 6 December: "When they detained Davlatgeldi the officers beat him and ridiculed him in front of his wife and children. Then they took him to the Interior Ministry and beat him there. I received information that they ill-treated him to force him to denounce me and that they recorded his words on a tape recorder."

There were reports that **Batyr Berdyev**, former Ambassador of Turkmenistan to the OSCE and Foreign Minister, was ill-treated in detention following his arrest on 8 December. Three officers of the Ministry of National Security reportedly beat him after they had attached him to a door with handcuffs. Batyr Berdyev was sentenced to 25 years' imprisonment in an unfair trial. The verdict was reportedly pronounced on 21 January. (See also the section "Scores convicted in unfair trials following the November 2002 attack").

Ayna Shikhmuradova, the wife of Boris Shikhmuradov's brother Konstantin Shikhmuradov, who was sentenced to 17 years' imprisonment in January 2003, and their **15-year-old son Aman** were detained and kept at Ashgabat city police on 21 February 2003 for approximately 10 hours. Aman Shikhmuradov was reportedly present throughout the interrogation of his mother and witnessed how she was verbally abused and threatened that she would be beaten if she did not disclose the whereabouts of her nephew Begench Beknazarov, who went into hiding following the November 2002 attack. The officers reportedly also wanted her to confess to complicity in a murder; Ayna Shikhmuradova claimed she was innocent and that she did not even know the person who was allegedly murdered. A police officer reportedly told her: "You want to pass on warm clothes and medicine to your husband and his brother? They don't need anything anymore!" At one point Aman Shikhmuradov was reportedly taken to another office and threatened that his mother would be put into prison and he would never see neither her nor his father anymore. When they were released shortly after midnight Aman Shikhmuradov was reportedly in a state of shock and began to speak with a stammer.

Amnesty International also received allegations that **Guvandyk Karataev**, **Nurmukhammet Orazgeldyev**, **Khonsaid Safarov**, **Ata Yklymov**, and **Yklym Yklymov** were tortured or ill-treated after having been detained in the context of the 25 November attack.

By the time of writing, in most cases that Amnesty International received information on, the authorities continued to deny access of relatives and independent lawyers to those convicted. Due to the continuing lack of transparency with regard to the situation of those detained, it has not been possible to verify allegations that people continued to be subjected to

torture and ill-treatment after their trial and that several had already died as a result. Nurmukhammet Khanamov told Amnesty International on 13 March that he was informed by a source who had seen **Boris Shikhmuradov** that he was in particularly poor health and regularly beaten. He was reportedly kept in a basement cell without windows and ventilation, which had a size of 2 x 1,5 m. There were reports that those kept in detention received very scarce food rations and suffered from hunger.

The death in custody of political prisoner Khoshali Garayev

Khoshali Garayev, a political prisoner and oppositionist, died in September 1999 in the maximum security prison in Turkmenbashi (formerly Krasnovodsk). Khoshali Garayev's family were informed of his death on 10 September 1999. They received no death certificate and no official written explanation of his sudden death, and were apparently allowed neither to view the body nor to have an autopsy conducted. According to prison authorities, Khoshali Garayev hanged himself after he was put in solitary confinement following a fight in his cell. In a letter to his family shortly before his death, however, he had appeared hopeful that he would benefit from an upcoming presidential amnesty and that he would be back with his family in the year 2000.

He and his co-defendant Mukhmetkuli Aymuradov had been convicted in 1995 of anti-state crimes, including "attempted terrorism", and sentenced to 12 years' imprisonment. In December 1998 both men were sentenced to an additional 18 years' imprisonment in connection with an alleged prison escape attempt (see also the case of Mukhametkuli Aymuradov in the section "Clampdown on dissent").

TARGETING OF FAMILY MEMBERS AS PART OF THE CLAMPDOWN ON DISSENT

For many years Amnesty International has received credible reports that the authorities of Turkmenistan have targeted persons because of the known or perceived political or religious activities of their relatives. Family members of known or perceived government critics have faced detention, harassment, eviction from their homes and demolition of their houses. There have also been reports that family members have been convicted and imprisoned on fabricated charges that were allegedly brought because of their family relations with a known government critic. Many have been dismissed from their jobs and there have been reports that children were harassed at school or in some cases prevented from attending.

Public statements made by officials or in state-controlled media explicitly advocated the targeting of family members or provided grounds for their harassment and intimidation. For example, one day after the 25 November 2002 attack, Presidential spokesman Serdar Durdiyev was quoted by *Agence France-Presse* as saying that Saparmurat Yklymov's "entire family is caught up in this." The *Adalat* weekly stated in its 31 January 2003 edition: "Whatever you [Boris Shikhmuradov] have been -- minister or diplomat -- there is filth in you from your ancestors, from your filthy father. Like father, like son ... You are the son of an

executioner, capable of trampling over corpses ... Your whole family has been blood-thirsty and in your veins there is the blood of an executioner.”¹⁴ Prior to the November 2002 attack similar notions about collective punishment had been voiced by the President and senior officials. In the President’s speech at the opening of the 12th People’s Council on 8 August 2002, President Niyazov stated: “I propose, that if any member of a family commits such a crime, then we should cut off the gas and electricity supply to that family for one year.”¹⁵ On 2 February 2002 President Niyazov stated in a speech at the cabinet of ministers: “Recently several leaders (руководители) ... have committed illegal acts for their own selfish aims ... We force them to return what they have stolen; we forgive them what they have done and send them into the province (на места в этрапы) ... They have to work and live there with their families. Otherwise they would be there and the families here and they would stay one week here and one week there. Nobody could control that.”¹⁶

Case examples:¹⁷

Targeting of family members following the November 2002 attack

Following the 25 November 2002 attack, scores of family members of known or perceived government critics who were implicated by the authorities in the attack on the President were detained. Amnesty International received information from credible sources that many of them were tortured and ill-treated by law enforcement officers to force them to incriminate their relatives or others (see the section “Reports of torture, ill-treatment and cruel, inhuman or degrading treatment following the November 2002 attack”). Some sources alleged that in several cases of those convicted in the January 2003 trials the charges of involvement in the November 2002 attack were brought solely because of their family relations with government opponents and that they were not involved in any political opposition activities themselves (see also the section “Scores convicted in unfair trials following the November 2002 attack”).

In addition, many family members were evicted from their homes and their property was confiscated. Most court verdicts handed down in December 2002 and January 2003 in relation to those implicated in the November 2002 attack included the confiscation of

¹⁴ Boris Shikhmuradov’s father Oraz Shikhmuradov worked in the Secret Service (NKVD) in the Turkmen Soviet Socialist Republic of the 1930s.

¹⁵ Niyazov refers to an incident at the Uzbek-Turkmen border where six men, intending to smuggle petrol across the border, allegedly attacked border guards.

¹⁶ On 18 March 2003 the first channel of Turkmen television aired a speech by Gurbanbibi Atadzhanova, the General Procurator of Turkmenistan, where she states that currently 34 people were serving their sentences in “prescribed residence areas”, i.e. in internal exile. According to her, the 34 included former senior ministry officials and heads of the regional administration and their families who were “sent to certain areas and given the chance to expiate their guilt by honest work”. To AI’s knowledge, Gurbanbibi Atadzhanova was referring to cases unrelated to the November 2002 attack.

¹⁷ Also refer to the case of the internal exile and harassment of the family of Baptist Shagildy Atakov and the case of the four Baptists Batyr Nurov, Babamurad Gayebov, Umit Koshkarov and Shokhrat Piriyeu in the section “Violations of the right to freedom of religion”.

property. However, in many cases the confiscation of property was believed to have been carried out weeks before the verdicts were pronounced and reportedly severely affected family members.

Edzhebay Yklymova, Saparmurat Yklymov's 75-year old mother, for example, who is confined to a wheelchair and several children that belong to the Yklymov family were evicted from their house on Rustaveli street in the capital Ashgabat on 27 November 2002. Reportedly, they had to leave most of their possessions, which were also confiscated, in the house. Saparmurat Yklymov's mother and the children went to live in the homes of other relatives and lived in constant fear of another eviction or that they could be sent into internal exile. On 26 March 2003 law enforcement officers reportedly came to the house where Edzhebay Yklymova was staying and forcibly took her out of the house. Reportedly, she found refuge with other relatives.

In another case, the house of **Konstantin Shikhmuradov**, Boris Shikhmuradov's brother, was sealed on 22 December and his wife **Ayna Shikhmuradova** and their **15-year-old son Aman** had to move into an annex building where they were still staying at the time of writing. Relatives of **Guvanch Dzhumaev** were reportedly also evicted from their homes. The house of the family of **Amanmukhammet Yklymov** was reportedly confiscated on 28 or 29 November 2002.

Many relatives of those convicted in connection with the 25 November 2002 attack were dismissed from their jobs and children reportedly faced harassment and intimidation at school. Many family members of known or perceived government critics who were released after questioning in connection with the November 2002 attack had their passports confiscated and had to sign an undertaking not to leave the city where they had been detained.

Official statements such as those cited above have encouraged harassment and discrimination of family members of known and perceived government critics in all spheres of life. For example, **Guncha Babaeva** told the Germany-based radio station *Deutsche Welle* in February 2003: "My sister [**Lachin Babaeva**] just had the bad luck of falling in love with a man with the surname Yklymov ... Honestly, we want to give the baby a new name so that he won't be called Yklymov anymore. Perhaps then he can live quietly ... Many of my friends and good acquaintances have turned away from me since I've become 'black-listed'." In another case, **Ayna Shikhmuradova** turned to a doctor to ask her to prescribe medicine to treat the flu of her 15-year-old son **Aman**. The doctor refused to give them the prescription, claiming that she could not do this for a relative of those convicted in connection with the November 2002 attack.

Targeting of family members of opposition leader Avdy Kuliev

As described above, the targeting of family members to suppress dissent has already been used by the authorities of Turkmenistan in the years before the November 2002 attack. For example, many of the family members of Avdy Kuliev, the exiled leader of the United Turkmen Democratic Opposition, have faced harassment and intimidation by the authorities for many years. Many of his relatives were dismissed from their work places and when they

tried to open their own businesses to make a living, they were reportedly prevented from doing so. **Sakhat Kuliev**, for example, the son of Avdy Kuliev's cousin, who was working part-time as a teacher of Russian language and literature at Ashgabat university and in a Turkish firm, was dismissed from the firm and a senior manager reportedly told him: "We received a direction from above about your dismissal." Later, in 2000, he was also dismissed from his job at the university and Avdy Kuliev told Amnesty International on 26 March 2003: "There is no doubt that he was dismissed because he is my relative." Kuliev added: "None of the children of my relatives can receive university education in Turkmenistan because there is an order not to accept them at university." In 2002 the house of Sakhat Kuliev as well as five more houses that belonged to Avdy Kuliev's relatives were demolished in the Kopetdag district of Ashgabat. The authorities claimed that the houses had to be bulldozed to modernize Ashgabat in accordance with the President's reconstruction plan. However, reportedly no other houses in the same neighbourhood were demolished at the time. The families reportedly did not receive adequate compensation.

VIOLATIONS OF THE RIGHT TO FREEDOM OF RELIGION

According to Article 18 of the ICCPR, that Turkmenistan is a party to, "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."

Article 11 of the Constitution of Turkmenistan stipulates that "Everyone has the right independently to determine her or his own religious preference, to practice any religion alone or in association with others, to practice no religion, to express and disseminate beliefs related to religious preference, and to participate in the performance of religious cults, rituals, and ceremonies."

However, under the Law on Freedom of Conscience and Religious Organizations, religious congregations are required to register with the government and since re-registration of religious organizations was made compulsory in early 1997 only two groups – the Russian Orthodox Church and Sunni Muslims – obtained registration. Religious groups are required to have at least 500 Turkmen citizens who are over the age of 18 as adherents in order to submit an application for registration. There were reports that even in cases where religious minorities were able to gather the required number of signatures, names were deliberately struck off the list by the authorities to deny them registration. In addition, Amnesty International has learnt of cases where people who supported the application of a religious group by giving their signature, were pressurized and threatened that they would lose their job or would face difficulties at school or university if they support the application. A member of a religious minority group who asked to stay anonymous for security reasons told Amnesty International in March 2003: "The President does not want religious minorities to have any

legal status in the country and he gave orders to regional and local authorities that they cannot under any circumstances be registered.”

Those belonging to religious groups that are not officially sanctioned, such as the Armenian Apostolic Church, Baha'i, Buddhists, Hare Krishna devotees, Jehovah's Witnesses, and Jews, have been denied any public religious activities and have faced imprisonment, deportation, internal exile, house eviction and harassment for years. Many have faced harassment by the authorities also for religious activities carried out in private, for example, when holding services in private homes. Amnesty International has documented many cases in which members of religious minorities were tortured or ill-treated by law enforcement officers. Many foreign missionaries have been deported from Turkmenistan in recent years and several ethnic Turkmen followers who advocated a religious belief other than those officially sanctioned have been forced into exile or have been sent into internal exile.

In addition, the Russian Orthodox Church and the Sunni Muslim community are under strict state control and members of registered religious groups have apparently also been targeted and punished when daring to express any kind of dissent.

Below you find several case examples of the clampdown on religious dissent in recent years.

The case of the Baptists Batyr Nurov, Babamurat Gayebov, Umit Koshkarov and Shokhrat Piriyeu

The Baptist pastor **Shokhrat Piriyeu** was listed by the *Adalat* weekly on 24 September 1999 among a number of religious minority leaders “involved in such criminal activities as illegal delivery and distribution of [imported religious books and videos] and conducting regular meetings in private flats.” According to Keston News Service, his car was confiscated during a raid on a Protestant house church in Bezmein near Ashgabat on 23 February 2000.¹⁸ In a raid of his home on 7 March 2000 officials of the Security Service were said to have seized private religious literature, confiscated his passport and temporarily taken him to a holding centre for those without proper documentation. On 12 March the KNB raided the home of Shokhrat's brother Batyr Piriyeu, with whom the family were staying, and again confiscated religious literature.

Shokhrat Piriyeu and three members of his congregation, **Batyr Nurov, Babamurat Gayebov** and **Umit Koshkarov**, were reportedly detained and severely tortured in November 2000 because of their religious beliefs. They were arrested after the KNB found Protestant videos in their car. The car had been written off in a road accident on 21 November, near the capital, Ashgabat. Three of the men were detained when they returned to the car wreck the following morning, and the fourth was detained at his home later that day. The four were released but were reportedly summoned several times to the KNB building in Anau, near the

¹⁸ Keston News Service, 13 March 2000.

capital, where they were severely beaten and subjected to electric shocks; at one point a bag was held over Shokhrat Piriyeu's head until he blacked out.

The four men were reportedly told on 24 November that they would not have to serve prison terms. Instead they were forced to state in writing that they "voluntarily donated" everything they owned as a "gift to the President of Turkmenistan". The ownership papers for their homes and cars, and all their identity documentation, were subsequently confiscated. Some of the men also had to sign undertakings to leave Ashgabat and go into internal exile. Six days later they were called to the KNB office again and reportedly subjected to repeated ill-treatment.

According to information received by Keston News Service, three of the men and their families were evicted from their homes in December. The KNB reportedly gave Shokhrat Piriyeu, his wife and two children just one day to vacate their home in Bagyr village, near Ashgabat, and ordered them to move to his home town of Turkmenabad. Batyr Nurov, his wife and their four-month-old son were evicted from their Ashgabat home with one hour's notice. Umit Koshkarov, his wife and 15-month-old son were also evicted from their home although officials apparently never obtained his wife's written agreement to surrender the property, which was registered in her name, to the government. The four men and their families reportedly managed to leave the country to escape further persecution.

The case of Shagildy Atakov and his family

The Baptist and possible prisoner of conscience **Shagildy Atakov** spent some four years in detention. He had been charged with "fraud" and sentenced to two years' imprisonment in an ordinary-regime corrective labour camp (the least severe category), and additionally fined a sum equivalent to some \$12,000 (average wages are said to be around \$30 a month) by Kopetdag district court in Ashgabat in March 1999, a sentence that was increased in August to four years' imprisonment with the same stiff fine following an appeal against the sentence by the procuracy. There were strong indications that the reason for his arrest and imprisonment was to punish him for his religious affiliation. Shagildy Atakov was reportedly tortured and ill-treated in pre-trial detention as well as after the trial and his family faced harassment and internal exile. Shagildy Atakov was released from prison in the Caspian port of Turkmenbashi on 8 January 2002.

Shagildy Atakov's wife **Artygul Atakova and their children** were harassed by the authorities in order to pressurize them to denounce their faith and to put pressure on Shagildy Atakov while he was in prison. Artygul Atakova and her five children were deported from the town of Mary, to the village of Kaakhka some 200 kilometres from Mary on 3 February 2000 and were put under "village arrest". According to the non-governmental Baptist organization *Missionswerk Friedensstimme* (Voice of Peace Mission), the family were pressurized by the mullah, administration officials and officers of the KNB in Kaakhka to convert to Islam. Artygul Atakova was reportedly also warned that the family home would be confiscated if Baptists continued to meet there. At one point, the local authorities reportedly threatened to deprive Artygul Atakova of her parental rights because her children refused to take part in the

daily school ceremony - the reading of the oath of allegiance to President Niyazov and the kissing of the Turkmen national flag by all pupils.

Muslim cleric sent into internal exile

The Sunni Muslim cleric Mullah Hoja Ahmed Orazgylych was sent into internal exile in 2000. In an interview with Radio Free Europe/Radio Liberty's Turkmen service, he had reportedly criticized an invitation by President Niyazov at the end of 1999 for children to celebrate the new year by dancing around a Christmas tree in Ashgabat and chanting a prayer to the President. Hoja Ahmed Orazgylych, 72, questioned any relationship between Islam and greeting the new year with a Christmas tree. He was arrested on 7 February 2000 and accused of "fraud" under Article 228 of the Criminal Code. Around a month later, on 3 March, Hoja Ahmed Orazgylych was said to have been among a group of prisoners taken to a session of the cabinet where he met President Niyazov. The cleric reportedly asked forgiveness, and President Niyazov replaced a possible prison term with internal exile in Hoja Ahmed Orazgylych's home region of Tedjen, although it appears that at that point Hoja Ahmed Orazgylych had not actually been tried and sentenced. Hours after the meeting with Niyazov bulldozers reportedly destroyed his house in Ashgabat and the mosque in which he was working.¹⁹ Reportedly, when he arrived in the region of Tedjen Hoja Ahmed Orazgylych had to build himself a house from clay.



Allegations of fabricated charges against the Jehovah's Witness Kurban Zakirov

Twenty-year-old **Kurban Zakirov**, a Jehovah's Witness, is serving a prison sentence of eight years in particularly harsh conditions in a labour colony in the Caspian port of Turkmenbashi. He was sentenced to one year's imprisonment in May 1999 for refusing to serve in the army on religious grounds. Since then, he has been allegedly twice denied release because of his refusal on conscientious grounds to swear an oath of allegiance to President Niyazov, first when he was pardoned in

The Jehovah's Witness Kurban Zakirov, adopted by Amnesty International as a prisoner of conscience
© Private

December 1999 and again upon completion of his sentence around April 2000. Following his second refusal, a new criminal case was brought against him and he was sentenced to an additional eight years' imprisonment. There is reason to believe that this

case was fabricated to punish him for his religious beliefs. According to Jehovah's Witnesses inside Turkmenistan, a prison official ripped a shoulder strap from his own uniform in the presence of other officials, and accused Kurban Zakirov of having attacked him. The exact charge or charges for which he was convicted are currently not known to Amnesty International. Kurban Zakirov is serving his sentence in a strict regime labour colony in the

¹⁹ See for example Keston News Service of 22 February 2000 and RFE/RL's report of 13 March 2000: "Turkmenistan: Cleric facing internal exile over criticism."

city of Turkmenbashi, in particularly harsh conditions. Reportedly, the prison administration is constantly pressurizing Kurban Zakirov and other prisoners of minority religions to renounce their faith. Amnesty International regards Kurban Zakirov as a prisoner of conscience and calls for his immediate and unconditional release.

CONSCIENTIOUS OBJECTION

Another area where conscience has clashed with the state in Turkmenistan is over the issue of military service, which is compulsory. There is no civilian alternative for young men whose conscientiously-held beliefs preclude them from carrying out compulsory military service, and those who refuse conscription face imprisonment under criminal law. According to Article 38 of the Constitution, military service is the obligation of male citizens and Article 219 part 1 of the Criminal Code of Turkmenistan stipulates that the “evasion of call-up to military service in the absence of legal grounds to an exemption from this service, is punished by corrective work of up to two years or imprisonment of up to two years.” Amnesty International has received information about several young men sent to prison on these grounds in recent years, and at least two are reported to be imprisoned at the time of writing. Amnesty International has documented cases, where young men have been repeatedly sentenced for their conscientious objection to military service. Most cases of conscientious objectors that have come to the attention of Amnesty International have been Jehovah’s Witnesses, whose religious beliefs do not permit them to bear arms for a secular power or to swear oaths, including that of allegiance required of army conscripts in Turkmenistan.

Amnesty International considers a conscientious objector to be any person liable to conscription for military service who refuses to perform armed service for reasons of conscience or profound conviction. Their profound conviction may arise from religious, ethical, moral, humanitarian, philosophical, political or similar motives. But regardless of the conscientious base to their objection, the right of such individuals to refuse to carry weapons or to participate in wars or armed conflicts should be guaranteed. This right also extends to those individuals who have already been conscripted into military service, as well as to soldiers serving in professional armies who have developed a conscientious objection after joining the armed forces. Amnesty International does not question the right of governments to conscript individuals into the armed forces, nor does it agree or disagree with the motives of individual conscientious objectors, but it urges governments that all those liable to conscription are given the opportunity to perform an alternative to armed service on the grounds of their conscience or profound conviction. Wherever such a person is detained or imprisoned solely because they have been refused their right to register a conscientious objection or to perform a genuinely alternative service, Amnesty International will adopt that person as a prisoner of conscience and call for their immediate and unconditional release. In addition, Amnesty International calls for the development of law and procedure which make adequate provision for conscientious objectors, that is for alternative service to be purely civilian in nature, of non-punitive length, and open to all with a conscientious objection whether prior to conscription or during military service. Cases of conscientious objectors that

Amnesty International has documented include the following (also see the case of Kurban Zakirov in the section "Violations of the right to freedom of religion"):

Repeat imprisonment of Jehovah's Witness Nikolay Shelekhov

Twenty-one-year-old **Nikolay Shelekhov**, a Jehovah's Witness, is imprisoned in the prison colony of Turkmenabad (formerly Chardzhev) near the border with Uzbekistan, to punish him for his repeat objection to serve in the army on religious grounds. He was sentenced to 18 months' imprisonment by President Niyazov district court in the capital of Ashgabat on 2 July 2002. Appeals lodged against his sentence with Ashgabat city court and the Supreme Court were turned down in August and October respectively. He had previously been imprisoned for the same offence -- "evasion of military call-up"-- and was still suffering from illnesses, including kidney problems, contracted while serving the previous prison term, between August 2000 and December 2001. Amnesty International regards Nikolay Shelekhov as a prisoner of conscience and calls for his prompt and unconditional release.

The case of the Baptist Dmitry Melnichenko

On 15 May 2001 18-year-old **Dmitry Melnichenko**, a Baptist, was reportedly detained and tortured at the offices of the Committee for National Security in the town of Serdar (formerly Kizyl-Arvat), some 200 kilometres northwest of Ashgabat after refusing to carry arms and to swear an oath of military allegiance on grounds of conscience. According to *Missionswerk Friedensstimme* (Voice of Peace Mission), Dmitry Melnichenko was "beaten on the knees, on the buttocks and on the head with a truncheon. He was insulted and humiliated in an attempt to force him to swear an oath [of allegiance]. When he continued to refuse to swear the oath they took a dynamo from a field telephone and forced him to hold the ends of the wires. Next they fastened the wires to his ears and sent the current through his head. His face was distorted and the saliva in his mouth became frothy and acrid. Then they put a hood over his head... and beat him about the face and neck. At about 8.00 pm they took him to the guardroom, where he was kept overnight...". On 1 June Dmitry Melnichenko was reportedly transferred to a different military unit in Serdar on the orders of the Ministry of Defence. The following day he was apparently brought before the local prosecutor's office, where the Deputy Procurator told him that criminal charges would be brought against him if he did not swear the oath of military allegiance by 10 June. Reportedly, Dmitry Melnichenko agreed to serve in the army's medical unit in the town of Serdar, and no criminal charges were brought against him.

Dmitry Melnichenko had reportedly before been harassed and ill-treated for his religious beliefs. During a December 1999 crackdown on Protestant churches, he was apparently beaten severely and threatened with false criminal charges. KNB agents allegedly told him that when he reached 18, the age at which Turkmenistani men are called up for compulsory military service, he would be "repaid for his faith in Jesus".

RECOMMENDATIONS

Amnesty International urges you to ensure that the following issues be addressed in a resolution by this year's United Nations Commission on Human Rights.

Turkmenistan should:

- Promptly undertake fundamental reforms of domestic law and institutions to implement the country's obligations under the UN human rights treaties that Turkmenistan is a party to;
- Immediately and unconditionally release Farid Tukhbatullin and all other prisoners of conscience;
- Initiate impartial and thorough investigations into all allegations of torture and ill-treatment, in particular of persons detained following the 25 November 2002 attack; publish the scope, methods and findings of these investigations and bring to justice those found responsible;
- Ensure that all those charged in connection with the November 2002 attack are tried in proceedings which meet international standards and to which international trial observers have access, and that those already convicted are retried in procedures which meet international standards of fairness;
- Ensure the protection of the human rights of the family members of known or perceived government opponents;
- Ensure respect for the human rights of civil society activists and ensure that human rights groups and other non-governmental organizations are able to carry out their peaceful activities free from harassment and persecution;
- Ensure that everyone in Turkmenistan is able to exercise peacefully their right to freedom of religion without threat of imprisonment, detention or harassment;
- Introduce legislative provisions to ensure that a civilian alternative of non-punitive length is available to all those whose conscientiously-held beliefs preclude them from performing military service.

Turkmenistan's UN human rights obligations

The resolution should:

- Welcome that Turkmenistan has ratified the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or

Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, and other human rights treaties;

- Express grave concern that Turkmenistan has not submitted a single report to the UN treaty bodies nor has the government responded to communications sent by special rapporteurs of the Commission on Human Rights;
- Urge the Turkmen authorities to submit all due reports to all treaty bodies without delay and to ensure full and prompt implementation of their recommendations; and respond to all outstanding communications of the UN Special mechanisms;
- Urge the Turkmen authorities to cooperate with the Office of the High Commissioner for Human Rights by accepting the technical assistance offered by the Office, which the country has declined to date;

The office of the High Commissioner for Human Rights

The resolution should:

- Request that the High Commissioner and the thematic mechanisms undertake visits to Turkmenistan to investigate reports of human rights violations; and request that the High Commissioner present an interim report to the 58th Session of the General Assembly in 2003 and a final report to the 60th Session of the Commission in 2004.