

TURKMENISTAN

The "Ashgabat Eight": Two Years On, Time for the Truth

Introduction

It is two years since Ashgabat, Turkmenistan's capital, was the scene of an unprecedented organized anti-government protest. The highly repressive Turkmenistan Government tolerates no political opposition, and the demonstration on 12 July 1995 was quickly suppressed by law enforcement personnel by means of beatings and mass arrests.

As a result of criminal prosecutions arising from the demonstration, two years on eight people are still serving prison sentences. Amnesty International regards these people as political prisoners, and has a range of concerns including possibly unfair trials and continuing ill-treatment.

Amnesty International has previously highlighted concerns about arrests and ill-treatment of people in connection with the July 1995 demonstration in appeals to authorities in Turkmenistan¹ and in country reports². Amnesty International members continue to lobby Turkmen authorities for a full disclosure of the facts about the arrest, trial and imprisonment of the eight men whom the organization refers to here as the "Ashgabat Eight".

There has been no response from any Turkmen official to Amnesty International's appeals and statements. The authorities appear to have adopted a position of silent disdain towards Amnesty International, its requests for information and its campaigns for improvements in Turkmenistan's abysmal human rights record (albeit, significantly, this means that for at least the past two years they have made no denial of Amnesty International's documented analysis of the human rights situation in Turkmenistan). With this new report, Amnesty International is seeking to raise the profile internationally of its concerns for the "Ashgabat Eight", and to extend the circle of people who are lobbying for the truth about them to be made known. Amnesty International is seeking thereby to elicit a full disclosure about the cases of the "Ashgabat Eight" from the authorities in Turkmenistan, with a view to confirming whether Amnesty International's strong suspicions of human rights violations in these cases are correct. It is also Amnesty International's hope that, faced with international concern for the "Ashgabat Eight", the Turkmen authorities will be prompted to redress violations of these prisoners' human rights.

¹ See Urgent Action 173/95 (AI Index: EUR 61/04/95, 14 July 1995 and AI Index: 61/05/95, 21 July 1995), and the appeal for Mukhamed Myradly and Yovshan Annakurban (AI Index: EUR 61/07/95, 15 November 1995).

² See in particular *Turkmenistan: Measures of Persuasion - Recent concerns about possible prisoners of conscience and ill-treatment of political opponents*, AI Index: EUR 61/03/96, March 1996.

The "Ashgabat Eight" as political prisoners

These eight men (see the opposite page for their names and available biographical data) have apparently been convicted of criminal offences, some of them involving violence. Nevertheless, because of the political context of the event which led to their arrests, namely the demonstration of 12 July 1995, Amnesty International considers these men to be political prisoners. At this stage, Amnesty International is seeking information about the basis for and conduct of the prosecution of these men, in an attempt to determine whether they received a fair trial. It is also seeking assurances that they have not been, and are not being currently, ill-treated in detention.

Amnesty International uses a broad interpretation of the term "political prisoner", so as to cover all cases with a significant political element, for example criminal offences committed with a political motive or within a clear political context. Amnesty International does not call for the release of all political prisoners within this definition, nor does it call on governments to give political prisoners special conditions. Governments are, however, obliged to ensure that such prisoners receive a fair trial in line with international standards, and Amnesty International opposes the use of torture and the death penalty in all cases - both political and criminal - without reservation.

The July 1995 Ashgabat protest and its aftermath

Who are the "Ashgabat Eight"??*

Turkmenistan - The "Ashgabat Eight": Time for the Truth

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1. **Amanmyrat AMANDURDYEV.** Born 1958. Unemployed at time of arrest. Sentenced to five years' imprisonment under the then Criminal Code† Art. 257-1 ("illegal carrying, keeping, acquiring, making or marketing of narcotics") and Art. 236 part 2 qualified by Art. 17 ("complicity in malicious hooliganism"). Believed to be the brother of Khudayberdi and Charymyrat Amandurdyev, below.
2. **Khudayberdi AMANDURDYEV.** Born 1971. Unemployed at time of arrest. Sentenced to five years' imprisonment (including first two years in maximum security prison) under Art. 236 part 2 qualified by Art. 17 ("complicity in malicious hooliganism"). Believed to be the brother of Amanmyrat Amandurdyev, above, and Charymyrat Amandurdyev, below.
3. **Charymyrat AMANDURDYEV.** No personal information available, but believed to be the brother of Amanmyrat and Khudayberdi Amandurdyev, above. Reportedly arrested in February 1996 apparently after going on the run. No information about trial or sentence.
4. **Gulgeldi ANNANYAZOV.** Born 1960. Unemployed at time of arrest. Sentenced to 15 years' imprisonment under Art. 106 parts 4 and 6, qualified by Art. 15 ("preparation to commit murder"); Art. 257-1 part 1 ("illegal carrying, keeping, acquiring, making or marketing of narcotics"); Art. 259-3 ("organizing a narcotics den"); Art. 87 part 1 ("violating hard currency rules"); Art. 236 part 2 qualified by Art. 17 ("complicity in malicious hooliganism"); Art. 249 ("illegal carrying, keeping, acquiring, making or marketing of firearms"); and Art. 117 part 1 ("assault").
5. **Charymyrat GUROV.** Born 1967. Unemployed at time of arrest. Sentenced to 10 years' imprisonment (including first two years in a maximum security prison) under Art. 259-3 ("organizing a narcotics den") and Art. 236 part 2 qualified by Art. 17 ("complicity in malicious hooliganism").
6. **Begmyrat KHOJAYEV.** Born 1962. Director of a private firm. Sentenced to five years' imprisonment under Art. 236 part 2 qualified by Art. 17 ("complicity in malicious hooliganism").
7. **Kakamyrat NAZAROV.** Born 1965. Sentenced to five years' imprisonment under Art. 236 part 2 qualified by Art. 17 ("complicity in malicious hooliganism"), and one other offence (sources vary as to whether it was Art. 257-1 part 1 - "illegal carrying, keeping, acquiring, making or marketing of narcotics", or Art. 249 - "illegal carrying, keeping, acquiring, making or marketing of firearms").
8. **Batyr SAKHETLIYEV.** Born 1968. Sentenced to four years' imprisonment under Art. 249 ("illegal carrying, keeping, acquiring, making or marketing of firearms") and Art. 236 part 2 qualified by Art. 17 ("complicity in malicious hooliganism").

**To Amnesty International's knowledge, the arrest, trial and sentencing of these men has never been publicly acknowledged by authorities in Turkmenistan. This information has been compiled with the help of human rights monitors based in Moscow, and Turkmen political exiles.*

†The Criminal Code then in force was that of the former Turkmen Soviet Socialist Republic, with amendments. A new Criminal Code was adopted on 12 June 1997.

On the morning of 12 July 1995 hundreds of people marched peacefully to the centre of

Ashgabat to protest against economic hardships³. In contrast to other alleged incidents of anti-government protest⁴, this protest was planned in advance, judging by reports. Sources in Ashgabat told Amnesty International that the authorities appeared to have had advance warning about the march, and police dispersed some of the marchers before they reached the city centre. However, around 200 marchers managed to proceed along Ashgabat's main thoroughfare, Magtymguly Avenue, as far as an open space and review stand normally used for official rallies. There, surrounded by police, they were allowed to continue their protest for almost an hour, chanting slogans against President Saparmyrat Niyazov. Reportedly after calls to disperse were ignored, police moved in and detained at least 80 of the demonstrators, bundling them into police vehicles, and taking them to the nearby city police headquarters. There were reports that some people were beaten by police while being detained, and also that detainees were beaten at the police headquarters.

In reaction to foreign reporting of the 12 July demonstration, the Turkmen authorities put out a statement saying that the demonstration had not been a political protest but an "anti-social provocation" by people "high on drugs and alcohol". Officials claimed that fewer than 80 people had taken part, and the press attaché at Turkmenistan's Moscow embassy stated that the organizers were "local drug barons who oppose the government's tough policy against drug trafficking and use". To support this version of events, in the days immediately after the demonstration state television showed three young men, participants in the demonstration, giving testimony that they had been lured to a party on the night of 11-12 July where they had been given alcohol and drugs, and on the following morning had taken part in the demonstration without being fully conscious of what they were doing. There is evidence to suggest that the young men were coerced into making these statements⁵.

³ Information about the Ashgabat protest was compiled by Amnesty International from interviews conducted in Ashgabat in September 1995, as well as interviews with Turkmen political exiles, consultations with other international human rights monitors, and by reference to media reports. A fuller account of the events of 12 July 1995 and their aftermath is given in *Turkmenistan: Measures of Persuasion - Recent concerns about possible prisoners of conscience and ill-treatment of political opponents*, AI Index: EUR 61/03/96, March 1996.

⁴ During interviews conducted by representatives of Amnesty International visiting Turkmenistan in 1995, and subsequently from unofficial sources outside Turkmenistan, the organization has heard allegations that incidents of popular protest, mostly in the form of spontaneous demonstrations by people in food queues, have been occurring relatively frequently in various locations in Turkmenistan because of food shortages and other economic problems.

⁵ Amnesty International's March 1996 report on Turkmenistan featured the case of Sukhanberdi Ishonov, one of the demonstrators who had testified on television. He committed suicide on 18 July 1995, a day after being released from police custody. His body was found to bear the marks of a severe beating allegedly inflicted on him by police.

Most of those detained were released shortly afterwards, but in the following days police called many people back for further questioning or made new detentions of people identified from photographs and video footage taken by police during the demonstration. Also detained during this period were two journalists, Mukhamed Myradly and Yovshan Annakurban, who are not known to have taken part in the demonstration, but were apparently accused of having instigated it.

There was no further concrete news of the fate of people arrested following the demonstration in Ashgabat until January 1996, when it emerged from sources in Turkmenistan that a total of 27 people had recently gone on trial⁶. Initially it was unclear on what charges the defendants had been convicted, and only much later did unofficial information emerge that they had been convicted of various offences including hooliganism, illegal currency transactions, drug possession or trafficking, and "preparing to commit murder" (Amnesty International has received no reports of violence on the part of the demonstrators on 12 July 1995). All were given sentences of imprisonment, but on 13 January 1996, 20 of them convicted of relatively minor offences, including the two journalists, were released under an amnesty⁷. Neither the trial nor the amnesty were the subject of official comment in Turkmenistan.

Five defendants convicted of more serious crimes were not amnestied. Moreover, for reasons which are unclear, two defendants convicted apparently only of the minor offence of "malicious hooliganism", Khudayberdi Amandurdyev and Begmyrat Khojayev, were not amnestied alongside all the other defendants convicted solely of this offence. It is not known whether any of those who were not amnestied had the opportunity to appeal against their sentences. These are seven of the "Ashgabat Eight".

⁶ In Amnesty International's March 1996 report it is stated that the trial of these 27 people took place on 27 December 1995. However, information from sources received since publication of that report states that the trial took place about a week later, on 4 January 1996. Amnesty International has not been able to confirm which of these dates is correct.

⁷ In addition to Yovshan Annakurban and Mukhamed Myradly, the other 18 people have been identified by unofficial sources as Annamyrat Amandurdyev, Aman Amanov, Annamyrat Annakuliyev, Yusup Annamamedov, Amanmyrat Annamuradov, Merdan Atayev, Tedzhenmyrat Bayramurdyev, Azat Gelenov, Annanur Gurbangeldiyev, Dmitry Kolakovsky, Rashit Kurbanmammedov, Yagshimyrat Kurbanmuradov, Kurbanmyrat Mammednazarov, Mukhammedmyrat Nepesov, Mergen Ovezgildiyev, Tachmukhammed Ovezgeldiyev, Allanur Tashliyev and Baymyrat Tashliyev. All were reportedly convicted of "complicity in malicious hooliganism" except Amanmyrat Annamuradov and Rashit Kurbanmammedov, who were convicted of "illegal hard currency operations". (Amnesty International's March 1996 report mentions two detainees identified as Azhdar and Alamurad Amanmuradov. No persons so named have been identified by unofficial sources as defendants in the trial at the end of 1995 - although among the 27 prisoners at least four similar names appear - so the information on the basis of which Amnesty International reported these two names appears to have been incorrect.)

The eighth is Charymyrat Amandurdyev, who is believed to be the brother of Khudayberdi Amandurdyev and another of the "Eight", Amanmyrat Amandurdyev. According to the US Department of State Report on Human Rights Practices in Turkmenistan for 1996, Charymyrat Amandurdyev was arrested in February 1996 in connection with the demonstration; his subsequent fate is unclear but he is believed still to be detained. This limited information is consistent with anecdotal information received by Amnesty International during the latter part of 1995 that among the people identified as the chief organizers of the demonstration were three brothers, two of whom had been arrested but the third of whom had evaded arrest and was on the run from the authorities.

Concerns about possibly unfair trials

There have been allegations that the trial which resulted in the conviction of seven of the "Ashgabat Eight" was held in secret or behind closed doors (there is no available information about the eighth, Charymyrat Amandurdyev, having been put on trial). If true, this is a violation of international standards for fair trial, including Article 14(1) of the International Covenant on Civil and Political Rights (ICCPR), to which Turkmenistan is bound as a successor state of the Soviet Union pending accession in its own right. Nothing is known about whether other provisions in Article 14 of the ICCPR were respected, including whether the defendants had the opportunity to present a legal defence, or whether they had the right to appeal against their sentences to a higher court. Amnesty International is also seeking assurances that defendants were not coerced into testifying against themselves and confessing guilt (see below).

President Niyazov is reported to have made on 3 April 1997 the astonishing admission that Turkmenistan's courts often fail to sentence real criminals and instead prosecute "innocent people". Announcing the dismissal of the Procurator General, the President is said to have complained of widespread incompetence and corruption among Turkmenistan's law enforcement officials. Amnesty International believes that this statement underscores the organization's concerns about fair trial in the cases of the "Ashgabat Eight".

Concerns about ill-treatment

The beating of participants in the July 1995 demonstration by law enforcement officials both at the time of arrest and while in preliminary detention has been widely alleged. Amnesty International is therefore concerned to receive assurances from the Turkmen authorities that the eight defendants who remain in prison in connection with the demonstration were not tortured or ill-treated while in pre-trial detention. In particular, Amnesty International is seeking assurances that the eight men were not compelled, by force or threats, to testify against themselves and confess guilt.

At the beginning of 1997, Central Asian human rights monitors alleged that one of the eight, Gulgeldi Annanyazov, was being held at a maximum security prison

(believed to be the prison in the city of Turkmenbashi, formerly Krasnovodsk) alongside violent criminals, deliberately to put him at risk of physical assault. There were unsubstantiated allegations that authorities in Turkmenistan had even incited Gulgeldi Annanyazov's fellow prisoners to harm him.

During the period when there were large numbers of prisoners of conscience in the Soviet Union (of which Turkmenistan was a part), Amnesty International learned of numerous instances when prisoners of conscience were subjected to physical attack by criminal prisoners, acting with the connivance or protection of the authorities. The organization fears that in the case of Gulgeldi Annanyazov a similar practice has persisted in Turkmenistan. Gulgeldi Annanyazov has reportedly made repeated protests against his conviction, and unofficial sources have alleged that the authorities incited his fellow prisoners to violence against him to punish him for this and silence him.

These allegations were put to authorities in Turkmenistan by Amnesty International in February and March 1997⁸. There was no response.

⁸ See Urgent Action 53/97, AI Index: EUR 61/02/97, 19 February 1997.

Finally, Amnesty International is concerned for the physical well-being of all of the "Ashgabat Eight" in the light of persistent reports of appalling conditions throughout Turkmenistan's prison system. The government has reportedly admitted chronic overcrowding in cells which has led to prisoners being stifled to death in extreme summer heat. Other reports have mentioned severely insanitary conditions leading to outbreaks of diseases such as cholera, and severe food shortages for prisoners. At least twice since mid-1995 there have been reports of riots in prisons apparently provoked by the terrible conditions.⁹

Amnesty International's appeals to authorities in Turkmenistan on behalf of the "Ashgabat Eight"

Amnesty International is calling on authorities in Turkmenistan to do the following:

1. Make a full disclosure of the fate of all persons arrested following the 12 July 1995 demonstration in Ashgabat, including the charges brought against each individual, the sentences passed on them, whether they benefitted from an amnesty, and the current whereabouts and conditions of detention of all those who have not been amnestied.
2. Provide information about the conduct of the trial of all those who are still serving sentences after being arrested in connection with the demonstration, specifically whether international standards for the conduct of a fair trial were observed, including:
 - whether the defendants were able to present a legal defence, including through access to a defence lawyer of their own choosing, the calling of defence witnesses and the right of cross-examination;
 - whether the trial was open, and not held in secret or behind closed doors;
 - whether there were any complaints by defendants that they had been compelled, by force or threats, to testify against themselves and confess guilt, and if so, whether the complaints were investigated, and what was the outcome;
 - whether the convicted persons had the right to appeal against their sentences, and if such appeals have been heard, by what court and what was the outcome.
3. Disclose whether, in the light of President Niyazov's admission in April 1997 of widespread judicial error and malpractice, there have been moves to re-examine the cases of people arrested after the July 1995 Ashgabat demonstration.

⁹ See *Turkmenistan: Measures of Persuasion - Recent concerns about possible prisoners of conscience and ill-treatment of political opponents*, AI Index: EUR 61/03/96, March 1996, and the Turkmenistan entry in *Amnesty International's Concerns in Europe, July-December 1996*, AI Index: EUR 01/01/97.

4. Give assurances that these eight prisoners have not been tortured or ill-treated, or placed at risk of violence from fellow inmates.