

# TURKMENISTAN

## “Measures of persuasion”

### Recent concerns about possible prisoners of conscience and ill-treatment of political opponents

#### INTRODUCTION

Secretive, intimidating, repressive. In its barely four years as an independent state Turkmenistan has developed a political climate which stifles fundamental human rights. The government headed by President Saparmurad Niyazov *Turkmenbashi*<sup>1</sup> makes no secret of its disrespect for international human rights norms, arguing that certain individual rights and freedoms are expendable because they threaten the implementation of the President’s “10 years of stability” program, intended to resolve all of the country’s social and economic problems within the first decade of independence.

“Despondency and Fear” is how a recent headline to an article in the Russian newspaper *Ekspress Khronika* summed up the mood of those people in Turkmenistan who once sought to exercise fundamental human rights to freedom of expression and association.

In order to remain safe and at liberty inside Turkmenistan, people involved in initiatives to create opposition political organizations and a free press in the late 1980s and early 1990s have been forced to renounce these activities, and to refuse contact with people from outside the country. Many others have fled into exile. A recent isolated incident of organized protest was put down brutally by arrests and beatings.

This Amnesty International report features recent cases of possible prisoners of conscience in Turkmenistan: four men serving prison sentences in connection with an alleged plot to commit violent anti-state crimes, a plot which many sources claim never existed; some 20 people detained for six months following a peaceful anti-government protest; two men formerly active in the political opposition and now incarcerated in a psychiatric hospital, possibly without medical need. The report mentions cases of ill-treatment by police and by suspected government agents. It also outlines Amnesty International’s concerns about the continuing use of the judicial death penalty and about poor prison conditions amounting to gross ill-treatment.

This report is based on the findings of an Amnesty International delegation which visited Ashgabat, the capital of Turkmenistan, in September 1995; on interviews by Amnesty International representatives with Turkmen officials and Turkmen political exiles in the United States, Russia and Western Europe; on interviews with human rights activists; and on media reports.

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<sup>1</sup> *Turkmenbashi*, literally “Leader of the Turkmens”, is an honorary title bestowed on President Niyazov in 1993 by the country’s parliament.

### **Official reaction to AI's last report on Turkmenistan**

The fact that Amnesty International is compelled again to report on cases of possible prisoners of conscience, ill-treatment and the death penalty in Turkmenistan demonstrates the total absence of improvement in Turkmenistan's record of human rights observance since the last Amnesty International country report on Turkmenistan (AI Index: EUR 61/06/93), featuring similar concerns, was published in November 1993. In a detailed response in February 1994, the then Minister of Foreign Affairs of Turkmenistan rejected the report's conclusions and recommendations on the grounds that they were based not on "real facts" but on "free interpretations and emotions". He denied that people described in the report as prisoners of conscience had ever been arrested or detained for political reasons.

The Minister went on to criticize Amnesty International's report for drawing on "negative statements by five or six people who, disgruntled or discontented with the progress they have made professionally, or from other motives, attempt because of their personal sense of grievance to destabilize the socio-political situation or to incite inter-ethnic discord, in violation of the law". He continued: "Considering the need to consolidate the forces of society, we give such people the opportunity to change their minds. Usually, we try to avoid measures of persuasion".

The cases detailed below suggest that, on the contrary, authorities in Turkmenistan are all too ready to resort to arbitrary and violent "measures of persuasion" to silence and punish their critics.

## **POSSIBLE PRISONERS OF CONSCIENCE**

### **Mukhametkuli Aymuradov and Khoshali Garayev, alleged assassination plotters**

Mukhametkuli Aymuradov and Khoshali Garayev were arrested on or around 28 October 1994 in Tashkent, the capital of the neighbouring state of Uzbekistan, and were immediately deported to Turkmenistan. In June 1995 they stood trial in the Supreme Court of Turkmenistan, which found them guilty of offences including "attempted terrorism" and "organizing anti-state crimes". Mukhametkuli Aymuradov was sentenced to 15 years' imprisonment and Khoshali Garayev to 12 years' imprisonment.

There have been persistent allegations that the charges against these men are without foundation or are fabricated, and that they are being punished solely because of their association with exiled opponents of the Government of Turkmenistan. There is also compelling circumstantial evidence to support this.

Two other men, Bayram Vellekov and Yevgeny Starikov, stood trial with Mukhametkuli Aymuradov and Khoshali Garayev. Both residents of Ashgabat, they are former colleagues of Mukhametkuli Aymuradov. They were charged with having failed to turn Mukhametkuli Aymuradov in to the authorities while he was on the run after escaping

from pre-trial detention. They were found guilty of "concealing a crime" and each sentenced to two years' imprisonment. Amnesty International believes that they are also possible prisoners of conscience, based on the fact that the reasons behind the arrest and prosecution of Mukhametkuli Aymuradov may have been bogus and his detention therefore illegitimate, and also that sources have alleged that his "crime" of escaping from detention was an entrapment orchestrated by the authorities to provide further grounds to prosecute him. There is no indication that violence was used during this so-called escape.

### *About the prisoners*

**Mukhametkuli Aymuradov** was born in 1946 and is married with two grown-up children. He is a Turkmen citizen, and is a former manager with a civil engineering company in Ashgabat, but before his arrest he was resident in Moscow where he worked in a joint-stock company called "Basalt".

**Khoshali Garayev**, born in 1962, is a Russian citizen of ethnic Turkmen origin. He is married with two young children. He is a former officer in the Moscow police, but for around three years before his arrest he had his own small business in Moscow.

Little is known about **Bayram Vellekov** and **Yevgeny Starikov** except that they are former colleagues of Mukhametkuli Aymuradov in Ashgabat. Yevgeny Starikov's name suggests that he comes from the ethnic Russian minority in Turkmenistan.

### ***The origins of the case of Aymuradov and Garayev***

The authorities claim that Mukhametkuli Aymuradov and Khoshali Garayev were in Tashkent as part of a plot, orchestrated by other Turkmen exiles in Russia, to assassinate President Niyazov and senior government ministers with a view to overthrowing the Niyazov regime. It is alleged that they had been involved in the purchase of firearms and explosives. A member of Khoshali Garayev's family has publicly stated that the two men were in Tashkent on legitimate commercial business. An unofficial source associated with Mukhametkuli Aymuradov and Khoshali Garayev has given Amnesty International a third explanation. According to this version, the story behind their case began in August 1994, when members of the Turkmen political opposition living in exile in Russia formed a plan to organize a peaceful mass anti-government protest in Ashgabat. The chosen date was to be at the end of October 1994. Mukhametkuli Aymuradov and Khoshali Garayev were among Turkmen exiles who had arranged to rendezvous in Tashkent before travelling to Ashgabat to participate in

the demonstration. Neither Mukhametkuli Aymuradov nor Khoshali Garayev had previously been politically active, but they were sympathizers with the exiled opposition.

### **Arrest and extradition of Aymuradov and Garayev**

On 4 October 1994 a leading figure in the Turkmen exiled opposition, Murad Esenov, was attacked outside the Otradnoye metro station in Moscow, the Russian capital, by a group of men who are believed to have been from the Turkmen Committee for National Security (KNB). They knocked him to the ground and stole his briefcase, which included an address book containing the names of his associates. Apparently as a consequence of this, on 20 October an associate of Murad Esenov's, "Chary" (not his real name, which is being withheld at his request), was detained at his home in Ashgabat by KNB agents. He was held without charge for over two weeks, during which time he was reportedly tortured: he was allegedly severely beaten and on several occasions forcibly given injections, including pain-inducing injections in the back of his neck. Upon his release he was placed under house arrest.

Allegedly from information obtained from "Chary", the KNB learned that Mukhametkuli Aymuradov and Khoshali Garayev were in Tashkent. On 28 October Mukhametkuli Aymuradov and Khoshali Garayev were arrested by officers of the Uzbekistani National Security Service and were handed over immediately to Turkmen KNB officers. That same day they were flown back to Turkmenistan, without having been given an opportunity to appear before a court or any other tribunal and present arguments against their deportation. Reportedly, no arrest warrant was presented; unofficial sources claim that a warrant was not even written until a week after the arrest. On arrival in Ashgabat they were placed in detention in the investigation-isolation prison of the KNB headquarters, where it has been alleged that they were tortured during interrogation.

No demonstration took place in Ashgabat at the end of October. According to the source of the story about the planned demonstration, the organizers called it off on receiving news of the arrest of Mukhametkuli Aymuradov and Khoshali Garayev.

### **Related arrests in Moscow**

On 24 November officers of the Russian Federal Security Service (FSB) arrested Murad Esenov. The arrest order was signed by the acting Procurator General of the Russian Federation, who was responding to a request by his counterpart in Turkmenistan. On the following day FSB officers also arrested Murad Esenov's associate Khalmurad Soyunov, formerly a local government leader and member of parliament in Turkmenistan, who was visiting Moscow from his home in self-imposed exile in the Russian city of Nizhny Novgorod. They were held at the Petrovka detention centre in Moscow, where they were informed that they were being investigated for "preparing terrorist acts", plotting to overthrow the Government of Turkmenistan, and illegally purchasing weapons. Khalmurad Soyunov was told that he was being investigated additionally for corruption and for sexual harassment of a former colleague in Turkmenistan.

Khalmurad Soyunov, left, and Murad Esenov

Three weeks after their arrest Murad Esenov and Khalmurad Soyunov were questioned by a procurator from Turkmenistan. Murad Esenov was accused of leading a terrorist organization, and Khalmurad Soyunov was accused of being his deputy. Authorities in Turkmenistan reportedly sought their extradition. However, on 21 December the Russian authorities bowed to domestic and foreign pressure and released Murad Esenov and Khalmurad Soyunov from custody pending further investigation of the charges against them.

On 3 January 1995 newspapers in Turkmenistan published an interview with the deputy head of the investigations department at the Turkmen KNB, who was leading the investigation of the alleged assassination plot. In it he stated categorically that "as the person who carried out the investigation and who was informed of all the circumstances of the planned crime I do not have any doubts that the criminal case of Esenov and Soyunov and the case of their accomplices Aymuradov and Garayev are links in a single chain, and [these cases] must be combined".

Meanwhile, an investigator from the procuracy in Moscow who was despatched to Ashgabat to interview witnesses subsequently ruled that there was insufficient evidence against Murad Esenov and Khalmurad Soyunov. On 20 February 1995 the criminal case against them in Russia was formally dropped on the basis that there was no evidence of a crime having taken place. Both men have since been given political asylum in Sweden.

### ***Aymuradov, Garayev and others on trial***

Mukhametkuli Aymuradov, Khoshali Garayev, Bayram Vellekov and Yevgeny Starikov went on trial on 12 June 1995 in the Judicial Collegium for Criminal Cases at the Supreme Court of Turkmenistan. The trial was reportedly held *in camera*. Mukhametkuli Aymuradov and Khoshali Garayev were charged under Article 15/64 of the Turkmenistan Criminal Code - "attempted terrorist act", and Article 70 - "organizational activity directed towards the commission of especially dangerous anti-state crimes, and participation in an anti-government organization". In addition Khoshali Garayev was charged with large-scale extortion (Article 159, part 3) and Mukhametkuli Aymuradov was charged with "escaping from a place of confinement" (Article 209). Bayram Vellekov and Yevgeny Starikov were charged with "concealment of a crime" (Article 214) for having failed to turn Mukhametkuli Aymuradov in to the authorities following his escape.

Amnesty International has few details about this escape. According to unofficial sources the escape happened in February or March 1995 and was, according to a

commentary on the case in the Kazakstani newspaper *Karavan-blitz*, "the one and only escape from [the KNB investigation-isolation prison] in its entire history, including the Soviet period". Sources have alleged to Amnesty International that the escape was orchestrated by the authorities: the sources have variously claimed that prisoners who were working for the KNB were assigned to the same cell as Mukhametkuli Aymuradov and recruited him to an "escape plan", and that cell doors were mysteriously left unlocked. Mukhametkuli Aymuradov was reportedly at liberty for several days following the escape, spending most of this time at the Ashgabat home of his sister's former husband, Orazov (his first name is not known to Amnesty International). However, Orazov appeared at the trial as a witness rather than a defendant, and sources have implied that he agreed to testify against Mukhametkuli Aymuradov to escape prosecution himself. The sources noted the contrast between the treatment of Orazov and of Yevgeny Starikov, who was prosecuted after having sheltered Mukhametkuli Aymuradov in his home reportedly for only 20 minutes. There is nothing in the information currently available to Amnesty International to suggest that violence was used in this so-called "escape".

A statement in the United States Department of State report on human rights practices in Turkmenistan in 1995, if confirmed, would also place the escape attempt in February 1995, and possibly confirms allegations by Turkmen emigré sources about what happened to Mukhametkuli Aymuradov on recapture. The report states that in February Mukhametkuli Aymuradov was severely beaten while in the custody of police and required hospitalization with two broken arms. Emigré sources have alleged that police discovered Mukhametkuli Aymuradov hiding in the attic of a house in Ashgabat, and that he sustained broken limbs when they threw him from the attic to the street below.

The extortion charge against Khoshali Garayev related to a criminal case which Turkmen authorities had originally tried to bring against Abdy Kuliyeu, a former Minister of Foreign Affairs of Turkmenistan who resigned his post in 1992 and fled to Russia, where he became a leading figure in the exiled opposition to President Niyazov. Abdy Kuliyeu had been accused of extorting a large sum of money from a German businessman of ethnic Turkmen origin; Khoshali Garayev was accused of having been an accessory to this. The Turkmen authorities claimed that their discovery of the crime and the impending arrest of Abdy Kuliyeu had been the motive for his flight from Turkmenistan, but Abdy Kuliyeu and his supporters maintained that the allegations had been concocted to discredit him. In February 1995 it had been announced from the office of the Russian Federation Procurator General that there was no intention of instituting criminal proceedings into the alleged extortion. Reporting this, the Kazakstani newspaper *Karavan-Blitz* noted that the Russian Procuracy alone had the right to institute proceedings in this case, since the alleged extortion had taken place in Russia, not Turkmenistan.

The trial concluded on 21 June, when all four defendants were found guilty as charged. Mukhametkuli Aymuradov was sentenced to 15 years' and Khoshali Garayev to 12 years' imprisonment, to be served in a strict regime corrective labour colony. Bayram Vellekov and Yevgeny Starikov were each sentenced to two years' imprisonment in an

ordinary regime corrective labour colony<sup>2</sup>. There are also unconfirmed reports that Murad Esenov and Khalmurad Soyunov were tried at the same time *in absentia* for crimes under Article 15/64 and 70 of the Turkmenistan Criminal Code, pronounced guilty, and sentenced to death.

Before the trial Russian authorities reportedly lodged protests on behalf of Khoshali Garayev because of his Russian citizenship. According to the Russian newspaper *Trud*, the principal Russian objection was that he had been arrested "on the territory of a third state... and forcibly brought to Ashgabat without these actions having been agreed with Russia". The newspaper continued: "This, in the opinion of the Russian side, is grossly at variance with Turkmenistan's laws and its international obligations to abide by juridical-legal norms". Russia's Ambassador to Turkmenistan was quoted on 30 June by the Russian newspaper *Izvestiya* as saying: "It is obvious that the goal of the action undertaken by the Turkmen side is not so much to hold Garayev himself liable as to try by every possible means to find proof of the existence of some sort of terrorist group on Turkmenistan's territory."

Khoshali Garayev and Mukhametkuli Aymuradov are reported to be serving their sentences at a penitentiary in the city of Turkmenbashi (formerly Krasnovodsk), on the Caspian Sea coast. Their families have been refused permission to visit them. Amnesty International has no specific information about the conditions in which they or the other two prisoners are detained, but the US Department of State report for 1995 on human rights practices in Turkmenistan states: "Prisons are unsanitary, overcrowded and unsafe. Food is poor and facilities for prisoner rehabilitation and recreation are extremely limited" (see also below). Unofficial sources have called the Turkmenbashi penitentiary the worst in Turkmenistan. The place of confinement of Bayram Vellekov and Yevgeny Starikov is not currently known to Amnesty International.

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<sup>2</sup> In the penal system which independent Turkmenistan inherited from the former Soviet Union there are four types of corrective labour colony regime, which increase in severity: "ordinary", "reinforced", "strict", and "special".

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***Aymuradov, Garayev, Vellekov and Starikov as possible prisoners of conscience***

Unofficial sources claim that the charges against Mukhametkuli Aymuradov and Khoshali Garayev are a fabrication intended to punish them for being sympathizers with Turkmenistan's political opposition and to discredit the Turkmen opposition in exile. This claim is possibly supported by the fact that the request to extradite Murad Esenov and Khalmurad Soyunov to Turkmenistan to face the same charges was refused after Russian investigators assigned to the case found no grounds for such charges against them. Nor would it have been likely for a fabricated criminal charge against Mukhametkuli Aymuradov and Khoshali Garayev to have been exposed in trial proceedings: the 1995 US Department of State report on human rights practices in Turkmenistan comments that "In practice, adherence to due process rights is not uniform... Even when due process rights are observed, the authority of the prosecutor vis-à-vis the defence attorney is so great that it is very difficult for the defendant to receive a fair trial".

From the information available to Amnesty International there is no evidence that Mukhametkuli Aymuradov and Khoshali Garayev have used or advocated violence.

Therefore, Amnesty International believes that Mukhametkuli Aymuradov and Khoshali Garayev are possible prisoners of conscience. Amnesty International is calling for a judicial review of the case against them.

Amnesty International believes that Bayram Vellekov and Yevgeny Starikov are also possible prisoners of conscience, as they appear to have been imprisoned for conscientiously harbouring a possible prisoner of conscience following an escape allegedly orchestrated by the authorities.

***Further government moves against the exiled opposition: the case of Sherali Nurmuradov***

Sherali Nurmuradov, a writer and prominent opponent of the Government of Turkmenistan, has lived outside Turkmenistan since he was released in 1992 at the end of an 18-month prison sentence for "swindling". At the time of his imprisonment Amnesty International took him up as a possible prisoner of conscience on the grounds of credible allegations that the charge had been fabricated.

On 21 September 1995 Sherali Nurmuradov was arrested at his Moscow home by Russian law enforcement officials and charged with illegal possession of narcotics, a charge which his supporters claimed was also a fabrication organized by the Turkmen authorities. In mid-October, while Sherali Nurmuradov was free on bail, Amnesty International learned from unofficial sources that authorities in Turkmenistan had requested his extradition, claiming that he was involved in drug dealing within Turkmenistan. The sources claimed that this was also a fabrication. Treaties on cooperation in law enforcement between Turkmenistan and Russia apparently allow for criminal suspects to be extradited without facing a formal hearing at which objections to extradition by the person concerned or their



legal representative can be considered. Fearing that Sherali Nurmuradov would be at risk of grave violation of his human rights if forcibly returned to Turkmenistan, Amnesty International called on authorities in Russia not to permit his extradition. The case was resolved when the Russian authorities, without formally closing the criminal case against Sherali Nurmuradov, allowed him to travel to Sweden to take up an offer of six months' residence there which had been part of a Swedish literary award made to him shortly before his September 1995 arrest. The Russian authorities reportedly acceded to requests that Sherali Nurmuradov be allowed to travel to Sweden at this time on the grounds that he required medical treatment. Having arrived in Sweden on 26 October, Sherali Nurmuradov was subsequently granted political asylum there.

### **July 1995: Arrests following Ashgabat protest march**

Amnesty International delegates visiting Ashgabat in September 1995 heard allegations that incidents of popular protest, mostly in the form of spontaneous demonstrations by people in food queues, had been occurring in various locations in Turkmenistan in recent months because of food shortages and other economic problems.

The only protest that Amnesty International can confirm as having taken place was in Ashgabat on the morning of 12 July 1995, when hundreds of people marched peacefully to the city centre to protest against economic hardships. In contrast to the other alleged incidents, this protest was planned in advance, judging by reports. The march started at around 7am at two points on opposite sides of Ashgabat, one in the suburb of Keshi in the west and the other in a neighbourhood known as Khitrovka in the northeast. Reportedly the aim was for the two groups of marchers to meet in the city centre and march on the Presidential Palace. At the same time, other people connected with the demonstration reportedly drove through Ashgabat by car distributing from the car windows leaflets criticizing government policy and calling for new elections. 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 the President. 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 on Zhitnikov Street. 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 statements (see the case of Sukhanberdy Ishonov, below).

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. Information on the status of people detained after the demonstration was scarce, but the Amnesty International delegation in Turkmenistan in September learned that between 20 and 30 people were still in custody.

The people reportedly detained after the demonstration included brothers Azhdar and Alamurad Amanmuradov, identified as having been among the organizers of the demonstration, and journalists Mukhamed Muradly and Yovshan Annakurban. The two journalists are not known to have taken part in the demonstration, but were apparently accused of having instigated it. Their arrest came about because two sons of Mukhamed Muradly had been among the demonstrators and had been briefly detained, following which police searched the family home. There they reportedly found among Mukhamed Muradly's papers writings which appeared to echo the sentiments of the demonstrators. He was arrested on 18 July along with one of his sons, but his son was released soon afterwards. Yovshan Annakurban, an associate of Mukhamed Muradly's, was arrested on 25 July. Their detention was reportedly only confirmed at the end of August in an official response by the Turkmen authorities to inquiries by US diplomats.

### About the prisoners

Of the 27 people who were arrested following the July 1995 demonstration and who are reported to have stood trial in December, AI has information about only four of them. They are:

**Mukhamed Muradly**, born in 1944. It is not known whether he has any other children besides the two sons mentioned above, and Amnesty International has no further personal details about him. He formerly worked on a journal called "Diyar".

**Yovshan Annakurban**, born in 1960. He is married with three children. Yovshan Annakurban previously worked in the presidential press centre, and even accompanied President Niyazov on official trips abroad. However, in 1991 he lost his job because of his involvement in a group opposed to the August 1991 attempted coup d'état in Moscow against Soviet President Mikhail Gorbachev, which President Niyazov was believed to have supported.

**Azhdar Amanmuradov** and his brother **Alamurad Amanmuradov**. They are believed to be in their twenties and to be residents of the Khitrovka neighbourhood of Ashgabat. No other personal information is available about them.

### **Trial and limited amnesty of alleged protest organizers**

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 gone on trial on 27 December. Mukhamed Muradly and Yovshan Annakurban were convicted of "malicious hooliganism", and the other defendants were also convicted of unknown offences. All were given sentences of imprisonment, but on 13 January, 20 of them, including the two journalists, were released under an amnesty. The fact that seven were not released under this amnesty suggests that they had been convicted of a more serious charge, which sources suggest might have involved possession of narcotics. It is unknown whether the Amanmuradov brothers were among those amnestied.

Neither the trial nor the amnesty were the subject of official comment in Turkmenistan.

On first receiving news of the July demonstration Amnesty International issued an appeal expressing fear for the safety of those involved. It subsequently called for clarification of the charges under which people had been detained in connection with the demonstration, believing that they may have been prisoners of conscience. Amnesty International continues to seek information about the fate of Azhdar and Alamurad Amanmuradov, and about the charges under which the seven people who were not amnestied in January were convicted.

## **Possible abuse of psychiatry**

Amnesty International is concerned about allegations that two people previously active in an unregistered opposition political party, the Party of Democratic Development of Turkmenistan<sup>3</sup>, have been detained in a psychiatric hospital against their will and not for valid medical reasons, but solely in order to punish them for non-violent opposition to the Government of Turkmenistan.

Although there are suggestions that in at least one of the two cases the person concerned is, or has been, mentally unbalanced, **Amnesty International takes the view that the fact that a person is mentally unbalanced is not enough in itself to merit incarceration. The person would need to be judged to be a genuine risk to himself or herself, or to others. The information that Amnesty International has so far about the two people described below raises doubts about the validity of their incarceration, and fears that it was motivated by their activities in opposition to the Government of Turkmenistan.**

**Amnesty International is therefore** seeking further information about the basis for and nature of the detention of the two people described below. If it emerges that the reasons for their forcible hospitalization are political rather than medical, and that they did not pose a danger to themselves or to others at the time of their confinement, Amnesty International will regard them as prisoners of conscience.

### ***The case of Valentin Kopysov***

Valentin Kopysov, is believed to have been confined to a psychiatric hospital in the settlement of Geok-Tepe, about 100 kilometres from Ashgabat, since early 1994.

The reason for his confinement is alleged to be an individual political protest that he made against President Niyazov in January or February 1994, albeit sources vary as to what

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<sup>3</sup> *The Party of Democratic Development, previously known as the Democratic Party of Turkmenistan (it apparently changed its name after the ruling Communist Party renamed itself the Democratic Party in November 1991) was founded in December 1990, and in 1992 it claimed a membership of 1,500 people, the majority of its supporters reportedly coming from the rural population working in agriculture. Durdymurad Khodzha-Mukhammed, its co-chairman, was quoted in 1992 as saying that "the party's platform is that the land belongs to those who work it. We want land to be transferred into private hands free of charge". The party is now believed to be virtually non-existent.*

form this protest took, and whether it was peaceful in intent. Repeated requests for information by Amnesty International to authorities in Turkmenistan have yet to produce a response.

### About Valentin Kopysov

Valentin Nikolayevich Kopysov was born in 1937, and is of ethnic Russian origin. He lived in Ashgabat. Little other personal information is available about him, except that in 1993 he was known to be working as a night watchman for a power supply firm in Ashgabat called "Kebshir"; he also had an unspecified day job.

A former acquaintance of Valentin Kopysov provided Amnesty International with the following statement in which he describes one meeting at which Valentin Kopysov detailed a history of opposition to the Government of Turkmenistan, as follows:

"From the conversation with him I realised that he was a member of the unregistered Democratic Party of Turkmenistan... Valentin Nikolayevich had been a participant in the constituent assembly of that party.

"Apart from that, Valentin Nikolayevich told me that he had been detained for 10 days for a "fabricated" (his words) administrative violation... to prevent his travelling to Bishkek [the capital of Kyrgyzstan] to the conference 'Human Rights and the Fate of Nations' (5-7 December 1992), and that a few years ago he had come into conflict with the police...

"He did not say anything about the political program or the goals of his struggle. He only demonstrated to me his 'methods' of struggle with the leadership of the MVD [Ministry of Internal Affairs]... He had a packet of letters, or notes, such as: 'The [then] Minister of Internal Affairs Charyyarov is a butcher and the lackey of the President.' There followed his signature - legible - and his home telephone number..."

This same source also provides information about the reasons for Valentin Kopysov's detention:

"Information has leaked out from the security organs that the arrest of Valentin Kopysov was carried out after the authorities received a note with his signature in which he apparently announced his intention to prepare a terrorist act against the President of the country. Rumours went around that a criminal case was brought against him under the article "attempt on [the life of] the President" qualified under the article "preparation of a crime", but later it became known that he was in a psychiatric hospital."

**If Valentin Kopysov is confirmed as having made the death threat mentioned above, Amnesty International would not regard him as a prisoner of conscience.**

**This source (who is not medically trained) makes the assessment that**

**Valentin Kopysov did not seem to be entirely mentally stable. Similarly, the US Department of State report on human rights practices in Turkmenistan in 1994 mentions the detention of Valentin Kopysov and states that he had "a history of erratic behaviour". According to the US State Department report Valentin Kopysov was detained on 15 January 1994 (other sources say February) during a national referendum on extending the President's term in office after he tore up his ballot paper in the presence of election officials. It goes on to say that Valentin Kopysov "was placed in a psychiatric hospital pending determination of his mental state. After several months [he] was declared mentally ill and transferred to another hospital".**

### ***The case of Durdymurad Khodzha-Mukhammed***

Durdymurad Khodzha-Mukhammed, a former prisoner of conscience, is reported to have been placed against his will in the Geok-Tepe psychiatric hospital on 23 February 1996. Turkmen emigré sources claim that he is “absolutely healthy”, and insist that his incarceration is for political, not medical reasons.

The movements of Durdymurad Khodzha-Mukhammed for up to 19 months before that date are the subject of conflicting reports. Some sources alleged that he had been incarcerated at Geok-Tepe once before, in the second half of 1994, but Amnesty International has been unable to confirm this. Other sources reported that he had gone into hiding. Whatever the truth about his past whereabouts, immediately before being confined in a psychiatric hospital in February 1996 he was reported to be living openly in Ashgabat. He was reportedly apprehended at the library of the Academy of Sciences, where he went regularly to read.

#### ***About Durdymurad Khodzha-Mukhammed***

*Durdymurad Khodzha-Mukhammed was born in 1938. He is believed to be divorced, and it is not known whether he has any children. By profession he is described as a “technician”, but it is not known in what field.*

*Durdymurad Khodzha-Mukhammed is co-chairman of the unregistered Party of Democratic Development of Turkmenistan. He also worked as the editor-in-chief of an opposition newspaper “Ata Vatan”, which was published in Baku, Azerbaijan, and distributed clandestinely in Turkmenistan.*

*Durdymurad Khodzha-Mukhammed has suffered frequent harassment by the authorities, including short-term detention in 1992 for which Amnesty International recognized him as a prisoner of conscience (see AI Index: EUR 61/06/93). That same year he complained in a published interview that his telephone was tapped and he received threatening anonymous phone calls. In 1992 he went into exile in Azerbaijan, then spent periods in Russia and the Netherlands before returning in 1994 to Turkmenistan.*

## **ILL-TREATMENT OF POLITICAL OPPONENTS**

### ***Beaten in police custody: prisoner of conscience Gulnara Nurmuradova***

Gulnara Nurmuradova is an opposition activist and the daughter of the exiled dissident writer Sherali Nurmuradov (see above). At the beginning of May 1995, shortly after she had returned to Ashgabat from visiting her father in Moscow, she was taken in for questioning by police on suspicion of having brought banned literature into the country. She was detained for three days at the Azatlyk district police station in Ashgabat and questioned about her father's activities. She was a prisoner of conscience. Gulnara Nurmuradova alleged that in the course of questioning she was beaten by police officers. She subsequently fled Turkmenistan.

### ***Beaten in police custody, driven to suicide: anti-government protester Sukhanberdy Ishonov***

One of the people detained after the July 1995 Ashgabat demonstration (see above) was a young man named Sukhanberdy Ishonov, born in 1975, from the suburb of Keshi. Although held only briefly for questioning by police, he was one of the three demonstrators who were shown on state television testifying that they had been tricked into participating in the demonstration and had been under the influence of drugs and alcohol at the time. On 18 July, the day after being released from police custody, Sukhanberdy Ishonov hanged himself at home. As his body was being prepared for burial it was found to bear the marks of a severe beating, allegedly inflicted on him by police to force him to give away information about the organizers of the demonstration and to testify against the organizers on television.

Sources reported that on the day of the funeral police came to the Ishonov family home to serve Sukhanberdy Ishonov with a fine for having taken part in the 12 July demonstration.

Amnesty International is calling for an investigation into the alleged torture of Sukhanberdy Ishonov.

### ***Beaten in police custody for complaining out loud***

Turkmen emigré sources in October 1995 publicized the case of a young man, who did not wish to be named, whom they claimed had recently contacted them from inside Turkmenistan with a statement about treatment he had experienced in September at the hands of police. He recounted how he had been standing in a bread queue in Ashgabat, and had complained out loud: "If we are the new Kuwait<sup>4</sup>, why do we have to stand in line

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<sup>4</sup> *Turkmen leaders have stated that exploiting the country's huge natural gas reserves will make Turkmenistan as rich as Kuwait.*



like this for bread?" No sooner had he said this than two men in civilian clothes who had also been standing in the queue took him aside and escorted him to the district police headquarters in Ashgabat's Kopet-dag district. He alleged that there he was beaten while hung up by his arms.

***Abducted and assaulted by suspected government agents: former prisoner of conscience Durdymurad Khodzha-Mukhammed***

On the night of 26 June 1994 six unidentified assailants who were believed to be agents of the security services broke into Durdymurad Khodzha-Mukhammed's home in Ashgabat. They abducted him, beat him unconscious and left him wrapped in a carpet in a garbage dump on the city outskirts.

***Abducted and assaulted by suspected government agents: former prisoner of conscience Khudayberdy Khally***

Khudayberdy Khally is a known government opponent who has experienced harassment from the authorities including repeated short-term detention, for which Amnesty International recognized him as a prisoner of conscience. On 10 August 1995 he was grabbed by unknown men from a street in Ashgabat, bundled into a car, blindfolded, and driven to a location outside the city where he was beaten unconscious and dumped. The nature of the attack suggests that it was the work of people associated with the security organs.

Amnesty International is calling for an investigation into this assault on Khudayberdy Khally.

## **OTHER AI CONCERNS IN TURKMENISTAN**

### **Ill-treatment of criminal suspects and in penitentiaries**

#### ***Beatings of criminal suspects***

In addition to the beating of political opponents, the beating of criminal suspects by law enforcement officials is also reported to be widespread. The 1995 US State Department report on human rights practices in Turkmenistan cites the case of an unnamed man who was arrested in Ashgabat in June 1995 on suspicion of passing counterfeit money and who reportedly died from injuries sustained while in police custody. No official investigation was reported to have taken place into the man's death.

#### ***Prison conditions amounting to ill-treatment***

Overcrowded and unsanitary conditions are said to characterize the whole of the Turkmen prison system.

The Government of Turkmenistan reportedly admitted in 1995 that prisoners stifled to death in overcrowded cells without fresh air during the extreme summer heat. There are reports, so far unconfirmed, that such conditions sparked off a riot in August 1995 at a prison in Ashgabat, during which a number of prisoners were killed.

In August 1994 a cholera outbreak reportedly struck a corrective labour colony at Bayramaly, Mary Region, although it is unknown how many deaths this caused among inmates or staff. It has also been alleged that in early 1995 prisoners at Bayramaly and at another penitentiary in Chardzhou, Lebap Region, resorted to eating stray cats and dogs because of a lack of food.

## **The death penalty**

Turkmenistan retains the death penalty apparently for 14 offences<sup>5</sup>. It does not make statistics on the use of this punishment public, and very few individual cases come to light. However, Central Asian human rights activists, quoting a source whom they describe as a former employee of the state law-enforcement agencies in Turkmenistan, have given figures for the number of executions annually which are shockingly high, especially when considered per capita of the general population, which is only 4.5 million. This source has stated that 110 death sentences were passed in 1992, 114 in 1993, and 126 in 1994. None of these sentences was subsequently overturned on appeal or commuted by the President, and by mid-1995 all were said to have been carried out.<sup>6</sup>

If confirmed, these figures would place Turkmenistan among the top 10 countries in the world for the number of executions.

Authorities in Turkmenistan take the view that use of the death penalty is necessary to fight crime effectively. The then Minister of Foreign Affairs, in his February 1994 reply to Amnesty International's last report on Turkmenistan, declared that "each state, at a given

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<sup>5</sup> *In a letter to Amnesty International in February 1994 the then Minister of Foreign Affairs stated that there were 13 peacetime capital offences, not 18 as reported by Amnesty International in AI Index: EUR 61/06/93. The Minister stated that the death penalty had been abolished in 1991 for aggravated hijacking of an aircraft, and in 1993 for gross embezzlement of state and social property and for taking a bribe. According to the Minister the offences of organizing especially dangerous crimes against the state and especially dangerous crimes committed against another Working People's State were only punishable by death if committed in conjunction with another capital offence, and should not therefore be listed separately as capital offences. Since then, Amnesty International has not learned of any further repeal of capital offences, but has instead learned of death sentences passed for the offence of drug trafficking, which was not among the 13 offences referred to by the Minister. It is unclear to Amnesty International exactly when the death penalty in Turkmenistan was extended to drug trafficking.*

<sup>6</sup> *These compare, for example, to the figure of 1,791 executions in China, the highest number in the world in 1994. This is roughly 14 times higher than the unconfirmed 1994 figure for executions in Turkmenistan, but China's population is over 266 times higher than Turkmenistan's.*

stage of its development, and considering the crime situation and public opinion and the need to protect society from dangerous criminal infringements with grave consequences, must as a temporary measure provide for capital punishment”.

Amnesty International continues to point out to authorities in Turkmenistan the absence of evidence to support arguments for the death penalty’s deterrent effect. It continues to call for complete abolition of the death penalty in Turkmenistan

### ***Individual death penalty cases***

Amnesty International continues to call for commutation of all individual death sentences in Turkmenistan that come to its attention. Since publication of Amnesty International’s last report on Turkmenistan in November 1993 the organization has learned from media and private sources of 10 more death sentences, passed on the following people:

*Khanov* (first name unknown), sentenced to death for premeditated, aggravated murder (Article 106 of the Criminal Code) by a court in Ashgabat in mid-1994, after an allegedly unfair trial. He is confirmed as having been executed.

*Khamidilla Islamov*, an Uzbekistani citizen, sentenced to death for premeditated, aggravated murder in November 1994. An appeal against his death sentence was rejected by the Supreme Court in March 1995. His subsequent fate is currently unknown, but he is assumed to have been executed.

*Orazshyrat Bazhev, Vladimir Kozlov, Yuri Kopysev, Ovez Ovezov, Polubek Danatov* and *Rezhebmurat Atalanov*, convicted of offences including premeditated, aggravated murder, car theft and burglary, and sentenced to death on 25 November 1994. A report of the sentencing was carried by the government newspaper *Turkmenistan* in January 1995, by which time all six men were assumed to have been executed.

*M. Kadyrov* and *N. Lalakhanov* (first names unknown), sentenced to death probably in August 1995 by the Supreme Court of Turkmenistan for drug trafficking (Article 257 part 4 of the Criminal Code). Their current fate is unknown.

Execution is by shooting. A person under sentence of death is not permitted a final meeting with family members before execution is carried out, and the body of an executed person is not returned to the family for burial.

Despite repeated appeals and requests for information, Amnesty International has not received a single communication from authorities in Turkmenistan on the subject of the death penalty since the then Foreign Minister’s letter in February 1994.

## **AMNESTY INTERNATIONAL’S APPEALS TO THE GOVERNMENT OF TURKMENISTAN**

### ***1. Respect human rights law and standards***

Since becoming a member of the United Nations (UN) in 1992, Turkmenistan has acceded to the UN Convention on the Rights of the Child and the International Convention on the Elimination of all Forms of Racial Discrimination. While welcoming these accessions, Amnesty International is calling on the Government of Turkmenistan to accede also to other UN treaties on human rights, including the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention against Torture).

Until such time as Turkmenistan reaffirms its commitment to them, it remains bound as a successor state of the former USSR to those international human rights treaties to which the USSR was party, including the ICCPR and the Convention against Torture.

Amnesty International continues to call on the Government of Turkmenistan to respect the detailed human rights commitments of the Organisation for Security and Co-operation in Europe (OSCE), which it has voluntarily and expressly agreed to implement.<sup>7</sup>

## **2. Stop detaining people for peacefully exercising their rights to freedom of expression, opinion and association**

In keeping with its existing commitments under international human rights instruments, the Government of Turkmenistan must stop detaining people who seek peacefully to exercise their rights to freedom of expression, opinion and association. This detention includes the bringing of apparently fabricated criminal charges, and forcible incarceration in psychiatric hospital without medical need.

Regarding the specific cases featured in this report, Amnesty International is calling on the Government of Turkmenistan to do the following:

- Hold a judicial review of the case against Mukhametkuli Aymuradov, Khoshali Garayev, Bayram Vellekov and Yevgeny Starikov.
- Provide information about the fate of Azhdar and Alamurad Amanmuradov.
- Explain the charges against the seven persons convicted in connection with the July 1995 demonstration in Ashgabat who were not amnestied in January 1996.
- Explain the basis for and nature of the detention of Valentin Kopysov and Durdymurad Khodzha-Mukhammed in a psychiatric hospital.

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<sup>7</sup> Turkmenistan was admitted to the Conference on Security on Co-operation in Europe (CSCE), later restyled the Organisation for Security and Co-operation in Europe (OSCE) in January 1992.

### **3. Investigate and prevent torture and ill-treatment, including prison conditions amounting to ill-treatment**

In addition to urging Turkmenistan's accession to the Convention against Torture, Amnesty International calls on the authorities in Turkmenistan to ensure that the prohibition on torture or other cruel, inhuman or degrading treatment which is explicitly stated in Turkmenistan's own 1992 Constitution is upheld.

Additionally, Amnesty International calls on authorities in Turkmenistan to do the following:

- Conduct a full and independent investigation into all complaints of ill-treatment by law enforcement officers, the findings of which should be made public, and bring to justice any perpetrators identified by the investigation.
- Conduct a full and independent investigation into cases of assault on opposition figures by unknown assailants, and bring those responsible to justice.
- Acknowledge that Turkmenistan is obliged by international standards to protect the lives of prisoners as guaranteed by Article 6 of the ICCPR, to which Turkmenistan is bound by virtue of its status as a successor state of the USSR. As a means of doing so, authorities in Turkmenistan should implement their obligations under the UN Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules) to provide all prisoners with adequate accommodation, facilities for personal hygiene, food and medical care.

### **4. Abolish the death penalty**

Arguments about the deterrent effect of the death penalty are frequently put forward as a justification for retaining the death penalty, but Amnesty International rejects them. Scientific studies have consistently failed to find convincing evidence that the death penalty deters crime more effectively than other punishments. A survey of research findings on the relation between the death penalty and homicide rates, conducted for the United Nations in 1988, concluded that:

*"This research has failed to provide scientific proof that executions have a greater deterrent effect than life imprisonment. Such proof is unlikely to be forthcoming. The evidence as a whole still gives no positive support to the deterrent hypothesis".*

Similarly, the South African Constitutional Court, whose judges were appointed by President Nelson Mandela, in a ruling in June 1995 (State v. MaKwanyane and Mchunu, case No. CCT/3/94), expressly rejected the contention that the death penalty was an effective specific deterrent.

Amnesty International also maintains that the wrong message is given when a government itself violates human rights in the process of seeking to enforce law and order. Executing people to punish serious violent crime only serves to perpetuate a cycle of violence.

The majority of countries in the world have now abolished the death penalty in law or practice. Most recently these include some of Turkmenistan's partners in the Commonwealth of Independent States - Moldova, Ukraine and the Russian Federation - which have made an international commitment not to carry out executions. In addition, the United Nations Security Council, when it established the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, expressly ruled out the death penalty for the gravest of all crimes: genocide, other crimes against humanity, and serious violations of humanitarian law.

Therefore, Amnesty International continues to call on the Government of Turkmenistan to do the following:

- Commute all pending death sentences.
- Declare an immediate moratorium on further death sentences and executions pending a comprehensive review of the death penalty in Turkmenistan.
- If not ready to do the above, at least ensure that all legal proceedings in which a death penalty could be imposed conform to international minimum standards including those set forth in the ICCPR, the UN Economic and Social Council (ECOSOC) Safeguards guaranteeing protection of the rights of those facing the death penalty, annexed to Resolution 1984/50 of 25 May 1984, and ECOSOC Resolution 1989/64 of 24 May 1989 implementing those Safeguards.
- Publish comprehensive statistics for the application of the death penalty, in accordance with ECOSOC Resolution 1989/64. Point 5 of this resolution urges Member States "to publish, for each category of offence for which the death penalty is authorized, and if possible on an annual basis, information about the use of the death penalty, including the number of persons sentenced to death, the number of executions actually carried out, the number of persons under sentence of death, the number of death sentences reversed or commuted on appeal and the number of instances in which clemency has been granted".