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Turkmenistan

The clampdown on dissent and religious freedom continues

Introduction

“Many people are highly critical of the regime. The reason why most remain silent is usually not because they are afraid of the consequences this may have for them personally. They know that if the authorities find out they are likely to punish their entire family.” Civil society activist, 2005¹

“Without the work of dissidents the international community would have no idea what is going on in Turkmenistan. There would be no hope for change.” Civil society activist, 2005²

Amnesty International is concerned about the grave human rights situation in Turkmenistan.

Civil and political rights are severely restricted. Independent civil society groups are unable to operate openly and independent political parties do not exist. Religious minorities are under tight state control. Civil society activists, political dissidents, members of religious minority groups as well as their families have been subjected to human rights violations including harassment, arbitrary detention, torture and ill-treatment, and imprisonment after unfair trials. At least one man has been forcibly confined to a psychiatric hospital solely to punish him for peacefully exercising his right to freedom of expression. Many dissidents, members of religious minorities and their families have been forced into exile in recent years and thousands are believed to be on a “black list” preventing them from leaving the country. According to credible reports, Turkmen Secret Service agents have in many cases tracked down exiled dissidents, in particular in Russia, to silence them by way of intimidation and assaults.

The authorities have taken a series of measures to curb access to independent sources of information about Turkmenistan within the country and to prevent critical information from coming to the attention of the international community. All media is state-controlled. Turkmen journalists affiliated with foreign media outlets, that are perceived by the authorities as critical of the regime, risk being subjected to harassment, arbitrary detention, beatings and being forced to emigrate. Foreign journalists have in many cases been denied visas to visit the country. Turkmenistan remains closed to independent human rights monitors, and in the past the Turkmen authorities deported several human rights monitors.³ In addition, the authorities

¹ The activist’s identity has to be kept confidential for security reasons.

² The activist’s identity has to be kept confidential for security reasons.

³ For example, an Amnesty International delegation was deported from Turkmenistan in 1992; a delegate from Human Rights Watch and two human rights monitors and journalists from Russia were deported in February and March 1999 respectively.

have targeted relatives of exiled dissidents in an attempt to stop those in exile from criticizing government policies and speaking out about human rights abuses in Turkmenistan.

The widespread violations of civil and political rights are not limited to those exercising or wishing to exercise their rights to freedom of expression, association, assembly and religion, and their families. According to information available to Amnesty International, torture and ill-treatment are widespread, in particular in pre-trial detention, and those targeted include detainees accused of ordinary crimes. Reportedly, no one has ever been brought to justice in Turkmenistan for carrying out torture or ill-treatment. According to available information, prison conditions fall far short of international standards. Overcrowding and unsanitary conditions are said to be common and to provide a fertile ground for the spreading of diseases.

Amnesty International is also concerned that failed asylum-seekers forcibly returned to Turkmenistan might be at risk of being regarded as “traitors” simply because they left the country and applied for asylum abroad. As a result they would be at risk of arbitrary detention, torture, ill-treatment and imprisonment following unfair trials, to punish them for their actual or imputed political opinion.

Freedom of movement inside the country has been severely restricted. For example, since the year 2000 Turkmen citizens have had to obtain special permission from the police to travel to the regions bordering on neighbouring Uzbekistan. Procedures to obtain permission were tightened in September 2004 after a relative of an exiled opposition politician managed to obtain permission to enter the border regions and then fled to Uzbekistan.⁴

Amnesty International is also concerned about serious violations of social, economic and cultural rights in Turkmenistan.

Ethnic minorities such as Uzbeks, Russians and Kazakhs are discriminated against including through dismissal from their workplaces and through denial of access to higher education. President Niyazov stated in a speech broadcast in December 2002 that in “order to weaken the Turkmen, the blood of the Turkmen was diluted in the past. When the righteous blood of our ancestors was diluted by other blood our national spirit was low... Every person has to have a clean origin. Because of that it is necessary to check the origin up to the third generation.” Over the last few years scores of senior officials belonging to ethnic minorities have been removed from their positions. Reportedly, people applying to institutions of higher education are checked to ensure that for the last three generations of their family there has been no non-ethnic Turkmen relative. It is practically impossible for anyone with a non-Turkmen relative in their family to be admitted to university.

The organization is concerned that government measures have led to a severe deterioration of the education system including through a heavy emphasis on state ideology

⁴ For further information on recent developments refer to the news report *Turkmenistan: control of travel to border regions reinforced*, issued by the Moscow-based Memorial Human Rights Centre on 28 October 2004.

and the President's personality cult in the school curriculum.⁵ Mandatory education was reduced from ten to nine years in 2002. Child labour continues to be used in the cotton harvest and further reduces the time spent in school.⁶ Since 2000 classroom instruction at universities has been reduced to two years. Since 1998 no master's degrees or doctorates have been granted in Turkmenistan. Access to study programs abroad is severely restricted. In February 2005 President Niyazov announced a large-scale closure of public libraries including all libraries in rural communities. *Prima-News* agency reported him as saying: "No one reads books in our country, and people don't go to libraries. Let's keep the Central Library and students' libraries in institutions of higher education; everything else has to be closed." According to the Turkmenistan Initiative for Human Rights, in early March the city library of Dashoguz in the east of Turkmenistan was closed down as well as 13 of its branches and eight libraries in the districts of Dashoguz region.⁷

In recent years Turkmenistan's health care system has been subjected to drastic cutbacks, with some 12,000 medical personnel laid off two years ago, and another 15,000 in 2004 who were replaced by conscripts, reportedly in an effort to cut costs. In February 2005 President Niyazov announced that all hospitals apart from those in the capital city Ashgabat should be closed saying that they were not needed as any citizen requiring health care could travel to Ashgabat and obtain treatment there. If his announcement is implemented, the health system would become not affordable to most people and inaccessible to many requiring medical treatment in emergency situations.⁸

On several occasions the authorities forcibly evicted people from their homes for government architectural projects or to implement apparently arbitrary presidential decisions. Reportedly, little notice was given and residents received little or no compensation.

This report focuses on the clampdown on dissent and religious freedom in Turkmenistan with the aim of updating Amnesty International's September 2003 document *Turkmenistan: Clampdown on dissent. A background briefing* (AI Index: EUR 61/015/2003).⁹ This report documents that the government's clampdown has continued unabated beyond the wave of repression that followed the November 2002 alleged assassination attempt on the President.

Small steps to fend off criticism of the country's human rights record failed to adequately address concerns raised by human rights groups and intergovernmental bodies including the Organization for Security and Co-operation in Europe (OSCE), the United Nations (UN) Commission on Human Rights, and the UN General Assembly in recent years.

⁵ Refer to the July 2004 report *Education in Turkmenistan* by the Turkmenistan Helsinki Initiative (THI). (The THI was renamed to Turkmenistan Initiative for Human Rights at the end of 2004): <http://www.eurasianet.org/turkmenistan.project/index.php?page=resource/hrights/tuhi&lang=eng>

⁶ Refer to the report *The curse of cotton: Central Asia's destructive monoculture*, issued by the International Crisis group on 28 February 2005: <http://www.crisisgroup.org>

⁷ Refer to: [http://www.eurasianet.org/turkmenistan.project/files2/050303Librariesarebeingclosed\(eng\).doc](http://www.eurasianet.org/turkmenistan.project/files2/050303Librariesarebeingclosed(eng).doc)

⁸ For further information refer to: http://www.iwpr.net/index.pl?archive/rca2/rca2_356_3_eng.txt

⁹ Refer to: <http://web.amnesty.org/library/Index/ENGEUR610152003?open&of=ENG-TKM>

Key to the failure to address impunity or counter the widespread abuse of human rights is the subordination of executive and legislative powers to the President, and the ruthless repression of any forms of dissent. This domination by President-for-life Saparmurat Niyazov over all aspects of life in the country is reflected in the personality cult the self-proclaimed *Turkmenbashi* (Father of all Turkmen) has surrounded himself with. The President's portrait and quotations from his books and poems are omnipresent in the country. State employees, such as teachers and doctors, have to know passages of the President's book *Rukhnama* (Book of the Soul)¹⁰ -- a core element of his personality cult -- by heart. Pupils are not admitted to university unless they successfully pass a test on *Rukhnama*. When prisoners refuse to swear an oath on *Rukhnama*, they reportedly face beatings and, in many cases, have been denied release upon completion of their sentence. Prisoners have reportedly been held in punishment cells in particularly harsh conditions for 10 days or longer after failing to recite parts of *Rukhnama*.

Many foreign companies appear to fuel the personality cult, for example, by presenting President Niyazov with translations of the *Rukhnama* in the languages of their countries of origin.¹¹ The French construction firm Bouygues has been engaged in the construction of a series of monumental buildings which reinforce the President's personality cult, such as a mausoleum in his native village of Kipchak for the December 2004 reburial of the alleged remains of the President's parents and two brothers.

In the absence of a transparent and independent legislative branch of power, presidential statements have in the past in many cases been sufficient to result in *ad hoc* enforcement. In April 2004, for example, during a ceremony at Niyazov Agricultural University in Ashgabat, President Niyazov spoke out against gold teeth. The next day university staff reportedly checked the students' teeth and told them to only return to their classes once they had had their gold crowns replaced with white ones.

Turkmenistan's appalling human rights record is in stark contrast with its commitment to uphold key human rights principles that it made when ratifying a series of important international human rights treaties. The country is a party to 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

¹⁰ *Rukhnama* was published in 2001. According to the President, the book was "born in my heart [...] through the will of the Almighty and Most Gracious Allah" and deals with the "spiritual realization of the goals and mission of the nation." On 12 September 2004 the second volume of *Rukhnama* was published. On 12 February 2005, 35 judges including from the Supreme Court took part in a contest about the content of the second volume of *Rukhnama*. The winners were reportedly awarded valuable prizes. A government website dedicated to *Rukhnama* can be found on www.turkmenistan.gov.tm/ruhnama/ruhnama-index.html

¹¹ The following companies were among those that reportedly translated *Rukhnama* into the languages of their countries of origin: Culligan-Italiana (Italy), Finnish Electric and Technical Group Ensto (Finland), DaimlerChrysler (Germany). The company Zeppelin Baumaschinen GmbH reportedly translated the second volume of *Rukhnama* into German.

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.¹²

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.

As Turkmenistan pursues a policy of denying access to independent human rights monitors to the country, Amnesty International has been unable to conduct a fact-finding mission to Turkmenistan to obtain information for this report. None of the UN special mechanisms who have requested to visit the country have so far been able to do so and Professor Emmanuel Decaux, who was the rapporteur on Turkmenistan appointed by the OSCE in 2003, was refused a visa. Amnesty International is still awaiting a reply from the Turkmen authorities to its letter dated 21 December 2004 requesting to visit Turkmenistan. This report is therefore based on information published or made available to the organization by a wide range of sources including Turkmen civil society activists, journalists, exiled opposition politicians, members of religious minorities, relatives of prisoners, governmental sources, and representatives of the diplomatic community.

Scrutiny by intergovernmental organizations and Turkmen government reaction

"I am sure that if there was no reaction by the international community the situation would be much worse. International attention prevents our authorities from even more fatal excesses." Civil society activist from Turkmenistan, January 2005¹³

Allegations of massive human rights violations in the course of the investigation into the 25 November 2002 alleged assassination attempt on the President formed a turning point with regard to international attention to human rights violations in Turkmenistan. Shortly afterwards, 10 OSCE member states invoked the OSCE's so-called Moscow mechanism that led to the appointment of an independent rapporteur to look into the situation in

¹² 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.

¹³ The activist's identity has to be kept confidential for security reasons.

Turkmenistan.¹⁴ In 2003 the UN Commission on Human Rights¹⁵ and the UN General Assembly¹⁶ adopted their first ever resolutions on the human rights situation in Turkmenistan. Both UN bodies adopted a second resolution in April and December 2004 respectively.¹⁷

Other international institutions also added their voices. On 23 October 2003, for example, the European Parliament issued a resolution deploring that the “already appalling human rights situation in Turkmenistan has deteriorated dramatically recently, and [that] there is evidence that this Central Asian state has acquired one of the worst totalitarian systems in the world”.¹⁸

According to the European Union’s Annual Report on Human Rights 2004, covering July 2003 to June 2004, representations to Turkmenistan raising human rights violations were made. However, the report does not specify the content of the representations.¹⁹

The European Bank for Reconstruction and Development raised concern about the “deterioration of the situation with regard to the protection of human rights and the rule of law” in its strategy on Turkmenistan adopted in July 2004.

Organization for Security and Co-operation in Europe

In the face of the deteriorating human rights situation following the November 2002 events, on 15 January 2003, 10 OSCE member states appointed the French international law professor Prof. Emmanuel Decaux to examine human rights concerns in the context of the investigation into the alleged assassination attempt. Contrary to OSCE procedure,

¹⁴ For further information on the so-called Moscow mechanism invoked by OSCE participating states in relation to Turkmenistan, see the Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, 3 October 1991 (<http://www.osce.org/docs/english/1990-1999/hd/mosc91e.htm>), and AI’s *Concerns in Europe and Central Asia* covering the period from July-December 2002 (AI Index: EUR 01/002/2003).

¹⁵ Refer to:

[http://www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.RES.2003.11.En?Opendocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.RES.2003.11.En?Opendocument)

¹⁶ Refer to: <http://www.un.org/News/Press/docs/2003/ga10223.doc.htm>

¹⁷ Refer to: http://ap.ohchr.org/documents/sdpage_e.aspx?b=1&se=4&t=11 (2004 UN Commission on Human Rights resolution) and <http://www.un.org/News/Press/docs/2004/ga10321.doc.htm> (2004 UN General Assembly resolution).

¹⁸ Among other issues, the Parliament called on the authorities of Turkmenistan to “stop the attacks on, and torture and ill-treatment of, political opponents”; to “conduct impartial and thorough investigations into all [...] reports of [...] deaths in custody” and of “torture and ill-treatment of persons held in custody”. It also urged the authorities to promptly and unconditionally “release all prisoners of conscience, including Nikolay Shelekhov and Kurban Zakirov and the political prisoner Mukhametkuli Aymuradov”; to ensure a fair retrial of all those “convicted in connection with the events of 25 November 2002 [and] all other political prisoners”; and to guarantee civil and political rights, in particular the freedoms of expression, association, religion and movement. Website:

<http://www2.europarl.eu.int/omk/sipade2?PUBREF=-//EP//TEXT+TA+P5-TA-2003-0467+0+DOC+XML+V0//EN&LEVEL=3&NAV=X>

¹⁹ No representations on Turkmenistan were mentioned for the previous year. Refer to: http://europa.eu.int/comm/europeaid/projects/eidhr/documents_en.htm#eu-reports

Turkmenistan refused to appoint a second rapporteur. It also denied Prof. Emmanuel Decaux access to the country for a fact-finding mission.

In his 13 March 2003 report based on information from a large number of independent sources, Prof. Emmanuel Decaux described the conditions in which the trials of those implicated in the November 2002 events took place as “appalling” and “in breach of all the most elementary principles of the rule of law”.²⁰ He recommended that the Turkmen authorities, among other things, “[create] 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”; “review, either by appeal or through new trials” the “political trials” following the 25 November events; “respect ... the rights of individuals belonging to civil society”; “guarantee freedom of movement inside the country and freedom to leave the country for all Turkmen nationals, as well as for foreigners”; “abandon discriminatory discourses or practices, based on a conception of ‘racial purity’”; and meet the country’s obligations as a member of the United Nations (UN) and a party to many major human rights treaties, and as a member of the OSCE.

There has been a lack of consistent follow-up to the invocation of the Moscow mechanism and the rapporteur’s report. While the UN Commission on Human Rights and the UN General Assembly have passed resolutions, there is little evidence of bi-lateral diplomatic measures by OSCE participating states to ensure implementation of the rapporteur’s recommendations.

The Turkmen authorities have turned down requests by OSCE officials to meet with **Batyr Berdiev**, the former head of Turkmenistan’s delegation to the OSCE, who was sentenced to 25 years’ imprisonment on 21 January 2003, accused of involvement in the November 2002 alleged assassination attempt on President Niyazov. There were reports that Batyr Berdiev was ill-treated in detention following his arrest on 8 December 2002. Three officers of the Ministry of National Security reportedly beat him after they had attached him to a door with handcuffs. He is held incommunicado, allegedly in solitary confinement.

The Turkmen authorities turned down offers by the OSCE to monitor the December 2004 parliamentary elections. In the absence of independent political parties, the elections were won by the President’s party.

The OSCE has a presence in Ashgabat in the form of a centre which was opened in January 1999. However, the centre has been limited in its activities because Turkmenistan has still not signed a Memorandum of Understanding with the OSCE Office for Democratic Institutions and Human Rights (ODIHR), which would define the role and activities of the centre.

In July 2004 Paraschiva Badescu, Ambassador of the OSCE centre in Ashgabat since January 2002, had to leave her post after the Turkmen authorities refused to extend her accreditation for another six months. The authorities of Turkmenistan did not publish any

²⁰ Refer to: http://www.osce.org/documents/odihr/2003/03/1636_en.pdf

explanation of their refusal and did not review their decision following calls by the EU and the USA to extend the accreditation of the Romanian diplomat.

United Nations Commission on Human Rights

On 16 April 2003 the UN Commission on Human Rights adopted a resolution on Turkmenistan, expressing “grave concern” about the human rights situation, including “the persistence of a governmental policy based on the repression of all political opposition activities”, “the suppression of independent media and freedom of expression”, “restrictions on the exercise of the freedom of thought, conscience and religion”, “the heavy prison sentences given to objectors to compulsory military service on religious grounds [...] and the lack of alternative service compatible with the reasons for conscientious objection”. With regard to the investigation into the 25 November 2002 events, the Commission, for example, deplored “[t]he treatment of accused individuals in violation of the International Covenant on Civil and Political Rights”, “the harassment of family members of the accused and the arbitrary confiscation of their homes and property”, the “conduct of the Turkmen authorities with regard to the lack of fair trials of the accused, the reliance on confessional evidence which may have been extracted by torture or the threat of torture, the closed court proceedings [...] and the refusal to allow diplomatic missions or international observers [...] access to the trials as observers.” The Commission called upon the authorities of Turkmenistan, among other issues, to “grant urgently access by independent bodies, including the International Committee of the Red Cross, to the persons detained following the events of 25 November 2002”, “to ensure that those responsible for human rights violations are brought to justice”, to “remove restrictions on the activities of non-governmental organizations, particularly human rights non-governmental organizations, and other civil society actors”, and to “immediately and unconditionally [...] release all prisoners of conscience”. In addition, the Commission requested several UN Special Rapporteurs, the Working Group on Arbitrary Detention, and the Special Representatives of the Secretary-General on internally displaced persons and on human rights defenders to seek invitations from the authorities of Turkmenistan to visit the country.

On 15 April 2004 the UN Commission on Human Rights, at its 60th session, again adopted a resolution on the human rights situation in Turkmenistan. It reiterated most of its concerns and added several new concerns, including calls on the authorities to “remove the new restrictions on the activities of public organizations ... stipulated in the new Law on Public Associations adopted on 21 October 2003”.

Amnesty International was dismayed that the UN Commission on Human Rights did not review the human rights situation in Turkmenistan at its 61st session in March and April 2005. The organization was concerned that the failure to adopt another resolution to follow-up from its previous resolutions sent the wrong signal to the Turkmen authorities. It is now particularly crucial that the international community press for implementation of its previous resolutions and recommendations in a consistent and principled way, including through the General Assembly which had adopted resolutions on the human rights situation in Turkmenistan since 2003.

United Nations General Assembly

On 22 December 2003, at its 58th Session, the UN General Assembly adopted a resolution by a large majority expressing “grave concern” about the country’s human rights record. Among other issues, the General Assembly called on the authorities of Turkmenistan to “implement fully” the measures set out in the April 2003 resolution of the UN Commission on Human Rights and the recommendations made in the March 2003 report by the Special Rapporteur on Turkmenistan who had been appointed by the OSCE in January 2003; to “grant immediate access [to detainees] by independent bodies, including the International Committee of the Red Cross, as well as lawyers and relatives of detained persons”, and to “release immediately and unconditionally all prisoners of conscience”.

On 20 December 2004, at its 59th Session, the UN General Assembly adopted its second resolution on Turkmenistan reiterating concerns raised in its 2003 resolution as well as in resolutions adopted by the UN Commission on Human Rights in 2003 and 2004. The resolution “express[ed] [...] grave concern at the continuing and serious human rights violations occurring in Turkmenistan”.

Turkmen government reaction to international pressure

Turkmen government officials have typically bluntly denied that there were any problems regarding the protection of human rights in the country. On 11 December 2003 the first channel of Turkmen TV broadcast a speech by President Niyazov at a government meeting in which he stated “regardless who is saying what about us, here in Turkmenistan we are not oppressing people. Individual rights and liberties are well protected in Turkmenistan. Nobody is being persecuted, no private premises are being searched [...] No democracy can be better than ours. Of course, there are various outsiders trying to instruct us what to do. But let them look at themselves first. We have done nothing to be ashamed of.”

Speaking at the inauguration ceremony of a paper mill near Ashgabat on 21 May 2004 President Niyazov was reported by the first channel of Turkmen TV as saying: “There is no problem here with democracy and human rights. No one is being discriminated against and no-one is being persecuted; no one is put in prison for his beliefs or political views or for criticism.”

On 23 March 2005, while Ukraine’s President Viktor Yushchenko was visiting Turkmenistan, President Niyazov was reported by *Interfax* as saying that in Turkmenistan “nobody is arrested on political grounds. There is a group of several people, wanted criminals, who live abroad under the guise of refugees spreading dirty rumours.”

In reaction to the resolution adopted by the UN Commission on Human Rights in April 2004, the Foreign Ministry of Turkmenistan issued a statement expressing “extreme bewilderment” at the adoption of the resolution which it termed “biased”. According to the Foreign Ministry, “there has not been a single cases (sic) of arrest or conviction on political motives or beliefs of citizens”.

Speaking before the Third Committee of the UN General Assembly on 9 November 2004, the Minister of Foreign Affairs of Turkmenistan urged Member States to vote against

the draft resolution on the human rights situation in Turkmenistan that was being debated by the Committee. He stated there “were no cases of arrest or conviction on political grounds or for religious beliefs” and that Turkmenistan had “created guarantees for the realization of personal, political, economic, social and other rights of its citizens”.

At the same time the Turkmen authorities made a number of small concessions aimed at silencing international criticism of the country’s human rights record. These measures did not address the fundamental nature of the concerns raised by human rights groups and intergovernmental bodies. However, despite the limited nature of the measures, they demonstrate that the Turkmen authorities are far from immune to international pressure.

For example, on 2 April 2003 **Farid Tukhbatullin**, civil society activist and co-chair of Dashoguz Ecological Club, was released following an international outcry against his imprisonment. Amnesty International believes Farid Tukhbatullin was a prisoner of conscience, imprisoned solely to punish him for peacefully exercising his right to freedom of expression. The release took place approximately one month after Jaap de Hoop Scheffer, then Chairman-in-Office of the OSCE, had raised Farid Tukhbatullin’s case on a visit to Turkmenistan and shortly before the UN Commission on Human Rights voted on its first resolution concerning the human rights situation in Turkmenistan (see above). Amnesty International and other organizations had called for Farid Tukhbatullin’s unconditional release. However, prior to his release, Farid Tukhbatullin had to sign a “confession”, repenting his “guilt” and promising not to engage in any “illegal activity” in the future; the “confession” was published in Turkmen newspapers the day he was released. The authorities made it impossible for Farid Tukhbatullin to continue his work as a civil society activist. For example, a senior official at the Ministry for the Protection of the Environment contacted several ecological groups and urged them “to exclude Tukhbatullin from the ecological community”; he also urged members of Dashoguz Ecological Club to exclude him from his organization. Farid Tukhbatullin had to emigrate in June 2003.

In early January 2004 President Niyazov abolished a requirement introduced in March 2003 according to which residents had to obtain government permission to leave the country. The lifting of the requirement was said to have been the result of international pressure, in particular by the US. According to the so-called Jackson-Vanik amendment, a US cold-war-era mechanism that mandates the annual review of compliance with freedom of emigration obligations, restrictions may be imposed on bilateral trade relations if compliance is deemed insufficient. In June 2004 the US extended “normal trade relations” with Turkmenistan for another year. However, the Turkmen authorities continued to prevent many dissidents and their relatives from leaving the country on the basis of an unpublished “black list” that reportedly includes thousands of names. Freedom of movement inside the country, in particular for travel to the regions bordering Uzbekistan, also remains severely curtailed.²¹

²¹ For further information on recent developments refer to the news report *Turkmenistan: control of travel to border regions reinforced*, issued by the Moscow-based Memorial Human Rights Centre on 28 October 2004.

In 2004 and 2005 the Turkmen authorities took a number of steps in response to international pressure, in particular to avoid being classified as a “country of particular concern” under the USA’s International Religious Freedom Act. Such classification can lead to the USA taking measures ranging from diplomatic protest to targeted trade sanctions. The steps taken by the Turkmen authorities included the release of six conscientious objectors in June 2004, the release of four in April 2005, the *de jure* loosening of previously imposed restrictions on registering religious communities, and the registration of several religious minority congregations. Amnesty International welcomed the release of the conscientious objectors. However, the organization was concerned that these steps did not indicate a policy change with regard to conscientious objection as the refusal to serve in the army on conscientious grounds remained a criminal offence. Harassment and intimidation of registered and unregistered religious minorities continued. (For further information see the chapter “Religious freedom stifled”).

It was believed that the March 2004 releases of the writer and *Radio Liberty* contributor **Rakhim Esenov**, his son-in-law **Igor Kaprielov** and *Radio Liberty* contributor **Ashirkuli Bayriev** (see the chapter “Silencing independent media”), who had reportedly been arbitrarily detained, was a result of international pressure. However, Igor Kaprielov received a five-year suspended sentence, the charges against the other two men were not dropped, and the men are said to have been under close surveillance since their release. There were allegations that a key reason for the transfer in December 2004 of Annageldy Gummanov from his post as Minister of National Security to the Ministry of Internal Affairs, where he served as Deputy Minister, was to punish him for his “soft handling” of the three men’s case.²² (For further information see the chapter “Silencing independent media”).

On 2 November 2004, just one week before the Third Committee of the UN General Assembly was due to debate the draft resolution on the human rights situation in Turkmenistan, the President annulled the 2003 law criminalizing activities of unregistered non-governmental organizations. However, other restrictive legislation remains in force and it continues to be impossible for independent civil society groups to function openly. (For further information see the chapter “Clampdown on civil society”).

In its resolutions of 2003 and 2004 the UN Commission on Human Rights called on Turkmenistan to develop a constructive dialogue with the UN High Commissioner for Human Rights and his Office as well as to fully cooperate with all the mechanisms of the UN Commission on Human Rights. In particular, the resolutions called on Turkmenistan to “submit reports to all relevant United Nations treaty bodies and to ensure full implementation of their recommendations”. It also called upon a number of special procedures including the Special Rapporteurs on the independence of judges and lawyers; on torture; on freedom of opinion and expression; and on freedom of religion and belief, to seek invitations from the Government of Turkmenistan to visit the country.

²² According to reports, Annageldy Gummanov was detained in early March 2005. The circumstances of his arrest were not clear at the time of writing.

In August 2004 Turkmenistan submitted its first to fifth overdue periodic reports to the Committee on the Elimination of Racial Discrimination (CERD) in one combined report. The report is to be considered by the CERD at its forthcoming August 2005 session. In November 2004 Turkmenistan submitted its combined first and second report to the Committee on the Elimination of Discrimination against Women (CEDAW). In March 2005 Turkmenistan submitted its first report to the Committee on the Rights of the Child (CRC). These reports had been between six and 10 years overdue. Turkmenistan still has six overdue reports, including reports to the Committee against Torture and the (UN) Human Rights Committee.

By the time of writing the Turkmen authorities had not granted access to the country to any of the UN special procedures that had applied for invitations to visit Turkmenistan.

Securing significant improvement of Turkmenistan's human rights record – a collective responsibility

Despite the adoption by the international community of a series of resolutions as outlined above and the invocation of the Moscow mechanism by the OSCE, Turkmenistan has not shown any political will to significantly improve its human rights record and fully implement its obligations under international human rights treaties and standards.

It is therefore crucial that the international community focuses its efforts on establishing an effective mechanism for encouraging and monitoring implementation of the recommendations for protection of human rights in Turkmenistan that would report back to both the UN Commission on Human Rights and the UN General Assembly.

Such an approach would build on the momentum created by recent reports of the UN High-level Panel on Threats, Challenges and Change,²³ as well as that of the UN Secretary-General, "In larger freedom: towards development, security and human rights for all",²⁴ to the Millennium Summit in September 2005. Both reports stressed the need for strengthening the human rights mechanism of the UN. The High-level Panel noted in its report that the capacity of the UN Commission on Human Rights has been "undermined by eroding credibility and professionalism" and the Secretary-General has recommended that the UN's main human rights body be given a "more authoritative position". Moreover, in her statement to the opening session of the 61st session of the UN Commission on Human Rights in March 2005, the UN High Commissioner for Human Rights noted that the state continues to be the main actor responsible for realizing human rights and where a particular state is unwilling or unable to protect human rights within its jurisdiction or control, the international community bears the collective responsibility for promoting and protecting human rights.²⁵

²³ Refer to: <http://www.un.org/secureworld/>

²⁴ Refer to: <http://www.un.org/largerfreedom/>

²⁵ Refer to: <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/527ED2F6E7DD06ADC1256FC400406C8D?opendocument>

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” (ICCPR Article 9(1)); that “everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law” (ICCPR Article 14); that “everyone shall be entitled ... to defend himself in person or through legal assistance of his own choosing” (ICCPR Article 14(3d)); that no one should “be compelled to testify against himself or to confess guilt” (ICCPR Article 14(3g)); and that “Everyone shall have the right to freedom of expression” (ICCPR Article 19(2)).

In violation of their international obligations, the authorities of Turkmenistan have subjected political opponents to several waves of repression since the country became independent in 1991. Many political opponents have been forced into exile; many have faced house arrest, arbitrary detention, imprisonment following unfair trials, and torture and ill-treatment by police and officers of the Ministry of National Security. 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. Reportedly, many of those who remain in the country are under close surveillance. In many cases the family members of dissidents have been targeted as well including through harassment, arbitrary detention and dismissal from their workplaces. Thousands of dissidents and their relatives are included in a “black list” of people banned from leaving the country.

The authorities have carried out politically motivated demotions, dismissals from workplaces and have imprisoned numerous senior officials in recent years. For example, the prisoner **Geldy Kyarizov**, former director of the Government Association *Turkmenatlary* (Turkmen Horses), was reportedly caught up in the clampdown on senior government officials. There are allegations that the charges against him were fabricated, and that the true reason for targeting him was that he fell out of the President’s favour. He was sentenced to six years’ imprisonment by Ashgabat city court in April 2002 on charges including “abuse of office” and “negligence”. Amnesty International is concerned at reports that his health has dramatically deteriorated due to dismal prison conditions. Reportedly, he lost 30 kilograms while in prison, suffered a heart attack, and has been denied appropriate medical treatment. He is currently held in a prison colony in the eastern town of Seydi.

Alleged coup plotters still held incommunicado

In December 2002 and January 2003 at least 59 people were convicted in unfair trials to sentences ranging between five years’ imprisonment and life imprisonment for their alleged involvement in what the authorities described as an assassination attempt on the President in November 2002; three of them were sentenced *in absentia*.²⁶ Amnesty International received

²⁶ The 59 people are: **Gurbangeldy Akmammedov, Annageldy Akmuradov, Dzhumamukhammet Annageldiev, Annadurdy Annasakhedov, Aram Atanesian, Arslan Babaev, Batyr Berdiev, Orazmukhammet Berdiev, Aman Buriev, Esen Buriev, Rovshen Dovletov, Vekil Durdiev,**

credible reports that many of the defendants were tortured and ill-treated in pre-trial detention.²⁷ No investigation has been opened into these allegations and it is believed that no one has been brought to justice for these alleged human rights violations.

All these prisoners continue to be held incommunicado, without access to families, lawyers, or independent bodies such as the International Committee of the Red Cross. According to unconfirmed reports, the large majority of them are held in the new maximum-security Ovadan Depe prison near Ashgabat while those sentenced to life imprisonment and possibly also those sentenced to particularly long prison terms continue to be kept in cells at the Ministry of National Security in Ashgabat. In April 2004 the Foreign Ministry of Turkmenistan informed the Office of the UN High Commissioner for Human Rights that no access would be granted to any of these prisoners for five years.

The lack of access heightens Amnesty International's concern that the prisoners continue to be at risk of torture and ill-treatment. There are strong indications that at least two prisoners -- **Tagandurdy Khalliev** and **Amanmukhammet Yklymov** -- died in custody in 2003 as a result of torture, ill-treatment and harsh prison conditions. There have been allegations of further deaths. However, in the absence of any reaction by the government to any allegations of deaths in custody it has been impossible to verify such reports.

Scores of family members of government critics whom the authorities implicated in the alleged assassination attempt on the President faced detention, harassment and eviction from their homes shortly after the November 2002 events. Many of them were reportedly targeted solely because of their family relations with government opponents. Many of those released after questioning had their passports confiscated and had to sign an undertaking not to leave the city where they had been detained. Virtually all family members of those accused of involvement in the November 2002 events were dismissed from their work places. **Maral Yklymova**, the 26-year-old daughter of Saparmurat Yklymov, who was sentenced to life imprisonment *in absentia* in December 2002, has been barred from leaving the country to be reunited with her parents who have refugee status in Sweden.

Dzhumageldy Durdyklychev, Chary Dzhumaev, Guvanch Dzhumaev, Rozy Dzhumaev, Rustem Dzhumaev, Timur Dzhumaev, Dovlet Gaibov, Atamurat Garaev, Guvandyk Garataev, Isa Garataev, Murat Garataev, Yazgeldy Gundogdiev, Bazar Gurbanov, Soltan Ilamanov, Akmurat Kabulov, Yusup Khaidov, Tagandurdy Khalliev, Nurmukhammet Khanamov (tried *in absentia*), Amangeldy Khatamov, Annamurad Khatamov, Paltakgul Khatamov, Nepes Khemraev, Annamurat Khodzhamuradov, Suleyman Khummaev, Yury Lyaskin, Mukhammetberdy Movlyamov, Saparmurat Mukhammedov, Dovletkuly Nazargulyev, Vladislav Novozhilov, Redzhepgeldy Nurgeldiev, Nurmukhammet Orazgeldiev, Khudayberdy Orazov (tried *in absentia*) Aleksandr Pavlinov, Serdar Rakhimov, Dzhora Reimov, Khonsaid Safarov, Saparmurat Seidov, Ashir Serchaev, Vepa Shagalov, Boris Shikhmuradov, Konstantin Shikhmuradov, Edzhegul Tashlieva, Amanmukhammet Yklymov, Orazmammet Yklymov, Ovezmurad Yazmuradov, Saparmurat Yklymov (tried *in absentia*) and Yklym Yklymov. The three that were tried *in absentia* currently reside in European countries where they received asylum.

²⁷ Refer to Amnesty International's bi-annual report entries on Turkmenistan for the periods from July to December 2002 (AI Index: EUR 01/007/2002) and January to June 2003 (AI Index: EUR 01/016/2003; <http://web.amnesty.org/library/Index/ENGEUR010162003?open&of=ENG-TKM>)

According to unconfirmed reports, four citizens of the Russian Federation -- three Chechens and one Armenian -- who were detained in connection with the November 2002 events are still being kept in detention in Turkmenistan without trial. Seven other foreigners -- six Turkish and one US citizen -- have been handed over to their countries of origin.

There were reports that the authorities have continued to target people for their alleged involvement in the November 2002 events. For example, **Atamyrad Moviev**, deputy Minister of Internal Affairs from 1995 to 1998, and his sons **Merdan** and **Mergen Moviev** were said to have been called to the Ministry of National Security in December 2004 to question them about the November 2002 events. Reportedly, Merdan Moviev refused to sign a "confession" statement and maintained his family's innocence. In order to force Merdan Moviev to "confess" and extract information from him, Secret Service agents reportedly beat up and insulted his father in his presence. The three were released the same day and warned that the investigation would continue. After his release, Merdan Moviev committed suicide. Secret Service agents reportedly urged the family to tell other people he had died of a drug overdose. According to unconfirmed reports, Atamyrad Moviev was later sentenced to 14 or 17 years' imprisonment accused of financial crimes. The circumstances of the trial and the exact charges were unknown at the time of writing.

Mukhametkuli Aymuradov: Serving tenth year in prison after unfair trial

Mukhametkuli Aymuradov, aged 59, was convicted in 1995 of anti-state crimes, including "attempted terrorism", and sentenced to 12 years' imprisonment after a reportedly unfair trial. There were reports that the case against Mukhametkuli Aymuradov and his co-defendant Khoshali Garaev was fabricated solely to punish them for their association with exiled opponents of the government. In December 1998 both men were sentenced to an additional 18 years' imprisonment in connection with an alleged prison escape attempt. Khoshali Garaev died in September 1999 in Turkmenbashi maximum-security prison under suspicious circumstances.

In November 2003 Mukhametkuli Aymuradov was transferred to Tedzhen prison colony in southern Turkmenistan in accordance with his verdict that stipulated the transfer to a less harsh prison regime after having served the first part of his sentence in the maximum-security prison.

However, in May or June 2004 Mukhametkuli Aymuradov was transferred back to the maximum-security prison in the Caspian port of Turkmenbashi (formerly Krasnovodsk), where he was placed in a cell with 14 other prisoners who had been sentenced for serious crimes. It is believed that he was sent back to Turkmenbashi prison, where prison conditions are known to be particularly harsh, for three years. The authorities did not inform his family about the transfer and when his wife heard rumours about it and went to the prison in Turkmenbashi on 25 June she was not told the exact reasons for the transfer. Later Amnesty International was informed that while in Tedzhen Mukhametkuli Aymuradov had been accused of having violated prison rules and transferred to Turkmenbashi as a punishment. There were allegations that the charges relating to the violation of prison rules were fabricated. Reportedly, the prisoner had been extremely cautious not to violate any prison rules so as to

avoid any conflict with the authorities. After his transfer his family was not allowed to visit Mukhametkuli Aymuradov for several months. His wife is now permitted to visit him for some 30 minutes four times a year. When she visits him they talk on the phone and see each other through a glass screen. Their conversations are monitored by prison guards.

Amnesty International is seriously concerned about Mukhametkuli Aymuradov's health. He has not been receiving appropriate medical attention for health problems which have included a gastric ulcer, cholecystitis, a heart attack and recurring inflammation of the kidneys and the bladder.

Amnesty International is calling for the release of possible prisoner of conscience Mukhametkuli Aymuradov because of his poor health and on the grounds that repeated calls for a fair retrial have gone unheeded, and that there does not appear to be a prospect of his being given a fair trial.

Prisoner of conscience forcibly confined to psychiatric hospital

Gurbandurdy Durdykuliev, aged 64, was forcibly confined to a psychiatric hospital in February 2004, solely to punish him for peacefully exercising his right to freedom of expression. Amnesty International considers him to be a prisoner of conscience and calls for his prompt and unconditional release.

On 13 February 2004 Gurbandurdy Durdykuliev was taken from his house in the village of Suvchy in the Balkan region of western Turkmenistan by some six medical personnel and another six in plainclothes. He was taken by ambulance to a psychiatric hospital in the town of Balkanabad (formerly Nebitdag), where he was forcibly confined. Shortly after his hospitalization he was transferred across the country to a psychiatric hospital located in a former Soviet pioneer camp in Garashsyzlyk district in the eastern Lebap region.

Reportedly, a commission at the psychiatric hospital in Balkanabad chaired by an official from the Ministry of Health announced that Gurbandurdy Durdykuliev was mentally ill. He was officially diagnosed as suffering from "wild paranoia in an aggressive form".

On 3 January Gurbandurdy Durdykuliev had sent a letter to President Niyazov and the governor of Balkan region, urging them to authorize a two-day-long demonstration on the main square of Balkanabad on 18 and 19 February, to coincide with the President's birthday. He wrote: "We want to carry out a peaceful demonstration [...] to express our disagreement with the policies of the President and other senior government officials and urge them to rectify any shortcomings in due course [...] I ask you to refrain from using force against the participants of the meeting." Gurbandurdy Durdykuliev had earlier repeatedly criticized President Niyazov's policies in interviews he gave to *Radio Liberty*, and had openly spoken about the necessity to form an opposition political party.

The first time his wife got permission to visit him was in April. One doctor, reportedly referring to instructions received from the authorities, told Gurbandurdy Durdykuliev's wife that if she passed on information about her husband's case to media outlets abroad she would not be allowed to visit him again. When she travelled to the hospital again at the end of October, she was not allowed to meet with him. In February 2005 she was

able to see him for 10 minutes. In March, she was again denied access to him. During her visits representatives of the hospital administration have always been present.

Gurbandurdy Durdykuliev was believed to be in a poor state of health. Amnesty International learnt in October 2004 that he had a high temperature and was suffering from severe stomach ache. He continues to suffer from the aftermath of a heart attack he had had before his confinement to the psychiatric hospital.

The authorities disconnected his family's telephone line several times in an attempt to prevent information from reaching international human rights organizations and international media.

Religious freedom stifled

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, religious freedom in Turkmenistan is severely restricted.²⁸ From early 1997, when re-registration of religious communities was made compulsory, until 2004, only two groups -- the Russian Orthodox Church and Sunni Muslims -- obtained registration. All other religious groups such as the Adventists and other Protestants, the Armenian Apostolic Church, Baha'i, Buddhists, Hare Krishna devotees, Jehovah's Witnesses, and Jews were effectively denied state registration making them more vulnerable to government pressure including imprisonment, deportation, internal exile, house eviction and harassment.

On 10 November 2003 the authorities published several legal texts and amendments to Turkmenistan's Criminal, Civil and Administrative Codes further curtailing the right to freedom of religion. The new law entitled "On Religious Freedom and Religious Organizations in Turkmenistan" criminalized the activities of any unregistered religious group, and violations of the laws were made punishable by "corrective labour" of up to two years or prison terms of up to one year and other serious penalties.

On 13 May 2004, in a move evidently meant to avoid being classified as a "country of particular concern" under the USA's International Religious Freedom Act, which could

²⁸ For further information on religious freedom in Turkmenistan refer to the website of Forum 18, a news service on religious freedom issues: www.forum18.org

lead to the USA taking steps ranging from diplomatic protest to targeted trade sanctions, President Niyazov signed a law abolishing criminal penalties for unregistered religious activities. In June 2004 the Adventists, Baha'i and Hare Krishna communities gained registration, and several months later the Baptists were registered.²⁹ However, harassment and intimidation of the newly registered as well as unregistered religious groups continued. In many cases religious gatherings in homes were raided; the participants were temporarily detained and often given hefty fines. Amnesty International learnt of two cases in 2004 where members of religious minority groups were prevented from travelling abroad. According to Forum 18,³⁰ a news service on religious freedom issues, both the Adventist and the Hare Krishna communities were, for several months after receiving registration, again not allowed to meet outside the houses of members of their communities for worship. Amnesty International learnt that at least one official of the *Gengeshi* (Council) for Religious Affairs is frequently present during the religious gatherings of the Hare Krishnas. The registered groups mentioned above have been unable to print or import religious literature and have not been permitted to receive financial support from fellow-believers abroad.

In April 2005, in response to international pressure and in order to avoid being classified as a "country of particular concern" by the USA in 2005, five more religious minority communities -- the Church of Christ, the Greater Grace Church, the Light of the East Pentecostal Church, the Full Evangelism Church, and the New Apostolic Church -- were given assurances that they would be registered.

Despite their long-standing privileged status, the Russian Orthodox Church and the Sunni Muslim communities have also been under strict state control and members of these groups have apparently also been targeted and punished when daring to express any kind of dissent. All imams in state-approved mosques are appointed by the *Gengeshi* for Religious Affairs. Leaders of both religious communities are instructed to promote the President's personality cult. In response to government orders, imams have placed copies of the *Rukhnama* in prominent places in mosques and both imams and Russian Orthodox priests are expected to quote from the *Rukhnama* in their prayers. The walls of a new mosque inaugurated in the President's home village of Kipchak in October 2004 show inscriptions of verses of the Koran alongside quotations from the *Rukhnama*. An inscription above the gateway leading to the entrance of the mosque reads "*Rukhnama* is a holy book. The Koran is Allah's book."³¹

Customs officials reportedly seize religious literature and religious items of all religious denominations and can only release them with the permission of the *Gengeshi* for Religious Affairs. However, such permission is almost never given. Reportedly, the ban on subscriptions of Russian language print media (see the chapter "Silencing independent media")

²⁹ Changes to the legislation regarding religious groups adopted in 2003 also required Sunni Muslim and Russian Orthodox communities to re-register. Sunni Muslim communities gained re-registration at the end of 2004. Russian Orthodox communities were expecting re-registration in the first half of 2005 after they had filed applications in December 2004.

³⁰ Refer to www.forum18.org

³¹ The French construction firm Bouygues was commissioned by the Turkmen authorities to build the mosque.

also extends to religious literature such as the Journal of the Moscow Patriarchate, the main official Russian Orthodox publication.

Religious leader Nasrullah ibn Ibadullah sentenced to long prison term

On 2 March 2004 former Mufti Nasrullah ibn Ibadullah, an ethnic Uzbek, was sentenced to 22 years' imprisonment on treason charges by Azatlyk district court in Ashgabat in a secret trial with the first five years to be served in a maximum-security prison. He was accused of involvement in the alleged assassination attempt on President Niyazov in November 2002. The President had removed Nasrullah ibn Ibadullah from his post as chief mufti and deputy chair of the *Gengeshi* for Religious Affairs in January 2003.

There are allegations that the charges against Nasrullah ibn Ibadullah were fabricated and that he was targeted for expressing dissent. For example, he was believed to have repeatedly objected to the extensive use of the President's book *Rukhnama* in mosques. In addition, Nasrullah ibn Ibadullah did not advocate the imposition of the death penalty on the suspects in the November 2002 alleged assassination attempt on the President while other senior officials called for the reintroduction of the death penalty. Nasrullah ibn Ibadullah's expression of his opinion on this issue, before President Niyazov himself decided that the death penalty would not be reintroduced, could have been perceived as undermining the President's authority. There were also allegations that one of the reasons for targeting him was his Uzbek ethnicity. The government launched a new wave of pressure on religious minorities at the end of October 2003, removing ethnic minorities from particularly influential posts and replacing them with ethnic Turkmen.

According to the international broadcaster *Deutsche Welle*, Nasrullah ibn Ibadullah and other prisoners from five cells of the maximum-security prison in Turkmenbashi were beaten by Interior Ministry officers in the night from 23 to 24 May 2004 and Nasrullah ibn Ibadullah "suffered significantly".

Arbitrary detention and alleged sexual harassment of Jehovah's Witnesses

On 5 September 2004 two female Jehovah's Witnesses -- **Gulkamar Dzhumaeva** and **Gulsherin Babakulieva** -- were reportedly held incommunicado overnight at a police station in Gagarin district in the town of Turkmenabad (formerly Chardzhou) to punish them for peacefully exercising their right to freedom of religion. A procuracy official reportedly called Gulsherin Babakulieva to his office at around 11pm and harassed her sexually. When she refused to comply with his demands he reportedly threatened to rape her and then hit her several times. Another man who introduced himself as an investigator was also said to have threatened her with rape. Reportedly, another procuracy official who was present throughout did not come to her aid but continued to play a game on the computer.

Continued imprisonment of conscientious objectors

Another area where conscience has clashed with the authorities in Turkmenistan is over the issue of military service, which is compulsory for men. 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”.

All cases of conscientious objectors that have come to the attention of Amnesty International in recent years 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.

There were allegations that Jehovah’s Witness prisoners were routinely put under pressure by prison guards to renounce their faith and that they were regularly beaten.

Turkmenistan released several Jehovah’s Witnesses in 2004 and 2005 who had been imprisoned as a result of their conscientious objection to compulsory military service. The release of six conscientious objectors in June 2004³² and of four in April 2005 (see below) was believed to have resulted from international pressure and was particularly aimed at avoiding being classified as a “country of particular concern” by the USA (see above). While welcoming the men’s release, Amnesty International deplores that the government has not addressed the issue of conscientious objection in a fundamental way. Conscientious objection remains a criminal offence and conscientious objectors continue to be at risk of imprisonment.

In June 2004 Turkmenistan only released those conscientious objectors whose cases were known to the international community at the time. Later that month it came to light that the Jehovah’s Witnesses **Mansur Masharipov** and **Vepa Tuvakov** had been arrested in their home town of Dashoguz, near the border with Uzbekistan, and sentenced on 28 May and 3 June 2004 respectively to 18 months’ imprisonment for refusing military service on religious grounds.

On 17 December 2004, 18-year-old **Atamurat Suvkhanov**, also from Doshoguz, was sentenced to 18 months’ imprisonment for “evading regular call-up to active military service”. He is believed to be serving his sentence in a prison colony in the eastern town of Seydi.

On 10 February 2005, 26-year-old Jehovah’s Witness **Begench Shakhmuradov** from Ashgabat was sentenced to one year of imprisonment by Azatlyk district court in Ashgabat for “evading regular call-up to active military service”.

Mansur Masharipov, Vepa Tuvakov, Atamurat Suvkhanov and Begench Shakhmuradov were released under a presidential decree on 16 April 2005.

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

³² The six young men were **Rinat Babadzhanov**, **Aleksandr Matveev**, **Shokhrat Mitogorov**, **Ruslan Nasyrov**, **Rozymamed Satlykov** and **Kurban Zakirov**.

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.

Clampdown on civil society

Despite Turkmenistan's obligations under international human rights law, including its commitment to ensure freedom of expression (ICCPR Article 19(2)) and freedom of association (ICCPR Article 22(1)), the authorities of Turkmenistan have severely restricted the activities of civil society activists and have made it impossible for independent civil society activists to operate openly. Civil society activists have been frequent targets of interrogation and harassment by the authorities, and have in some cases been arbitrarily detained or imprisoned. Increased pressure forced several civil society activists into exile in 2003 and 2004.

In recent years the authorities have increasingly attempted to co-opt non-governmental organizations under governmental structures; they have stepped up scrutiny of funding in relation to independent civil society groups; and have shown great resistance to registering such groups. Like in many other former Soviet countries there appeared to be more scrutiny of possible connections between civil society activists, on the one hand, and political opposition figures or foreign pro-democracy donors, on the other, following the "Rose Revolution" in Georgia in 2003 and the "Orange Revolution" in Ukraine in 2004.

The authorities have in many instances prevented civil society activists 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 been warned by the Secret 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. For example, during the October 2003 visit to Turkmenistan of Martti Ahtisaari, then Personal Envoy for Central Asia of the OSCE Chairman-in-Office, several civil society

activists were subjected to house arrest and the Turkmen authorities only allowed activists of groups loyal to the government to meet with him.

Following the publication on 10 November 2003 of several legal texts and amendments to Turkmenistan's Criminal, Civil and Administrative Codes further punishing the legitimate exercise of internationally guaranteed rights to freedom of expression and association pressure on civil society activists increased. The new legislation criminalized the activities of any unregistered non-governmental group, and violations of the laws were made punishable by "corrective labour" of up to two years or prison terms of up to one year and other serious penalties.

Officials of the Ministry of *Adalat* visited civil society activists at home urging them to stop their activities and forcing them to sign a document stating that they were members of an unregistered organization and were aware that activities in such an organization were regarded as criminal offences under the new law on public organizations. Only 14 days after the publication of the legislation, the non-governmental Dashoguz Ecological Club was closed in a court ruling by Dashoguz city court. In April 2004 the Ministry of *Adalat* refused to re-register the ecological group Catena which had to be closed down as a result.

In November 2004, shortly before the Third Committee of the UN General Assembly was due to vote on the draft resolution on the human rights situation in Turkmenistan, the authorities of Turkmenistan annulled the criminalization of activities of unregistered public organizations that had been introduced in November 2003. However, other restrictive legislation remains in force and it continues to be impossible for independent civil society groups to operate openly.

Sazak Begmedov is still in internal exile

On 31 August 2003 Sazak Begmedov, a 79-year-old former prosecutor, was reportedly detained by four police officers in Ashgabat and forcibly resettled to Dashoguz. He is still not allowed to leave Dashoguz. Amnesty International believes that Sazak Begmedov was targeted in connection with the human rights work of his daughter, Tadzhi gul Begmedova. Shortly before the forced resettlement, Tadzhi gul Begmedova had announced the formation of the Turkmenistan Helsinki Foundation, a human rights group in exile in Bulgaria,³³ and had publicly alleged that two men imprisoned in connection with the November 2002 events had died in prison as a result of torture. The officers reportedly beat and kicked Sazak Begmedov on their way to the airport, where they forced him onto a plane to Dashoguz. Police accompanied him on the flight and confiscated his passport. He was instructed to regularly report to the police in Dashoguz. The head of the local police department reportedly refused to give an explanation as to why he was being resettled. The police refused to register his complaint about the beatings although Sazak Begmedov showed a medical certificate documenting injuries to his body, concussion and injuries to the kidneys. Shortly afterwards, in the night of 3 to 4 September, Sazak Begmedov had a heart attack and had to be hospitalized for more than two weeks. He was unable to receive his pension payments for

³³ The group's website is: <http://www.tmhelsinki.org/>

several months as he was told that he could only receive the money at his permanent place of residence in Ashgabat.

Tadzhigul Begmedova told Amnesty International in January 2005 that she regularly received emails threatening her with repercussions including to cause harm to her children if she continued her human rights activity. Reportedly, several of her contacts in Turkmenistan who passed on information about the human rights situation in the country are under close surveillance; they have been called to the police many times threatening them with dismissal from their workplace and pressure on their children or elderly relatives if they do not end their work for Tadzhigul Begmedova's group.

Brother of exiled civil society activist targeted

Major-general **Ruslan Tukhbatullin**, aged 41, who had been working in the Turkmen military since 1993 including in senior positions in the military administration of Dashoguz region, was forced to hand in his resignation at the end of March 2005. As the flat where he, his wife, their two children and their baby live belongs to the military, the family was requested to vacate their flat in due course.

Amnesty International believes that Ruslan Tukhbatullin was targeted because of his family relationship with Farid Tukhbatullin and in order to put pressure on his brother, a known exiled human rights defender and former prisoner of conscience, to force him to stop his human rights work.³⁴ In addition, the dismissal may also have been connected to the 1 March 2005 visit to Farid Tukhbatullin's mother **Khalida Izbastinova** in Dashoguz by a US Embassy official.

On 28 March a senior official at the military administration of Dashoguz region requested Ruslan Tukhbatullin to hand in a "voluntary" resignation. Amnesty International received reliable information that the official had acted on instructions by the Secret Service who had requested the military administration to dismiss Ruslan Tukhbatullin because his brother Farid Tukhbatullin "attacks Turkmenistan too much".

Shortly afterwards Ruslan Tukhbatullin applied for another position in the military. However, the next day the head of that department told him he would not be able to employ Ruslan Tukhbatullin despite his good qualifications and that "if he was able to find work at all, it would be somewhere outside this region in some village far away".

Since Farid Tukhbatullin was forced to emigrate in June 2003 the Turkmen Secret Service has several times attempted to obtain information about Farid Tukhbatullin's activities and whereabouts through his brother Ruslan. Ruslan Tukhbatullin had in the past

³⁴ Farid Tukhbatullin is the director of the non-governmental group Turkmen Initiative for Human Rights that he founded in exile. His group has published a series of reports on issues including freedom of expression and association, ethnic minorities, education and child labour. For more information refer to the chapter "Turkmen government reaction to international pressure" in this report as well as to Amnesty International's document *Turkmenistan: Clampdown on dissent. A background briefing* (AI Index: EUR 61/015/2003).

been warned that unless Farid Tukhbatullin “kept his head down” Ruslan Tukhbatullin would be dismissed from his work.

Silencing independent media

The Turkmen authorities have heavily clamped down on media freedom. All domestic media is state-controlled and the authorities have taken a series of measures aimed at preventing access to alternative sources of information. For example, subscriptions to Russian language newspapers were banned in 2002. In July 2004 Turkmenistan took the Russian radio station *Mayak* (Beacon) off the air in a move that was evidently aimed at further limiting access of people in Turkmenistan to information that is not controlled by the Turkmen authorities. All internet service is provided by the state monopoly, Turkmentelekom, since the last independent service provider, Ariana, was closed down in 2001. The authorities routinely block websites that publicize “unwanted” information, and have been known to pay intimidating house calls on individuals whom they identified as visiting such sites. Even government-run internet access is prohibitively expensive and the state stopped opening new email accounts in 2004. The few internet cafes that existed in Ashgabat were closed down in 2002. The US Government sponsors open internet access at so-called “American Corners” in four Turkmen cities, but their use is believed to be closely monitored.

In a move to further purge Turkmenistan of critical reporting and to prevent critical information from coming to the attention of the international community the Turkmen authorities have increasingly targeted people affiliated with the US-funded *Radio Liberty* in recent years. The Turkmen Service of *Radio Liberty* is one of the very few remaining sources of alternative information available to people inside Turkmenistan. The Radio has been highly critical of the regime and its human rights record and has frequently broadcast interviews, for example, with dissidents inside the country as well as those in exile and with representatives of international human rights organizations. The authorities are believed to have used arbitrary detention, threats including death threats, beatings, and the targeting of family members to silence those affiliated or cooperating with *Radio Liberty*. In July 2004 *Radio Liberty*’s Ashgabat correspondent **Saparmurat Ovezberdiev** was forced into exile as a result of severe government pressure (see below). The telephone lines of dissidents who have given interviews to *Radio Liberty* have in many cases been disconnected in an apparent attempt to prevent them from passing on information critical of government policies and about human rights violations. For example, the mobile phone of **Dzhumardurdy Ovezov** from Vekilbazar district in Mary region was cut off on 5 November 2004, one day after the Turkmen Service of *Radio Liberty* began to broadcast a series of interviews he had given on his mobile phone where he criticized government policies on land reform and spoke out about human rights violations in Turkmenistan.

Foreign journalists, photographers and human rights monitors have in many cases been refused access to the country to prevent them from gathering information about the repressive regime. Several foreign media outlets have had difficulties receiving or renewing accreditation. Correspondents of foreign media outlets inside the country have engaged in

self-censorship to keep their accreditation and to avoid reprisals by the authorities. Many Turkmen journalists who cooperate with foreign media outlets use pseudonyms for security reasons. Intergovernmental as well as international non-governmental human rights monitors have in many cases been denied visas in recent years.

Viktor Panov, long-time Ashgabat-correspondent of the Russian news agency *RIA-Novosti* (News), was detained in Ashgabat in February 2005. On 12 March he was said to have been deported to Russia. The Turkmen authorities reportedly accused him of espionage in relation to a meeting he had had with a Turkmen Foreign Ministry official. Further details of the case were not known at the time of writing.

Radio Liberty correspondent Saparmurat Ovezberdiev forced into exile

Saparmurat Ovezberdiev, aged 64, has worked with *Radio Liberty's* Turkmen Service for more than 10 years. As pressure on the correspondent mounted he was forced to leave Turkmenistan for the USA with two of his sons in July 2004. He had been under close surveillance for many years and had been pressurized to stop his work for the Radio. Members of his family have also been targeted in an attempt to silence him, even following his departure from Turkmenistan.

On 11 September 2003, for example, two agents of the Secret Service detained Saparmurat Ovezberdiev after his taxi was stopped by traffic police and took him to a cell in the Ministry of National Security. Officials at the Ministry threatened him with 20 years' imprisonment for "betraying the motherland" and forced him to write a letter to the Minister of National Security apologizing for being an "enemy of the people". He was released after having been held incommunicado for four days, following international pressure on his behalf. Harassment of the journalist continued, however. His telephone line continued to be cut off frequently and doctors who were reportedly acting on orders by the authorities denied him medical treatment in connection with a stroke he had suffered in August, because -- as they said -- he was a reporter of "*the enemy radio*".

On 14 November, when Saparmurat Ovezberdiev was taking some rubbish to the bin outside his house he was attacked and beaten by two men who pushed him inside their car and took him to the abandoned Vatutinsky cemetery in the outskirts of Ashgabat. One of them squeezed the small finger of his left hand with pincers. He was threatened with death and insulted for his work with *Radio Liberty* and then abandoned without his shirt, socks and shoes. Saparmurat Ovezberdiev told Amnesty International that he later found out that one of the men who abducted him was an official of the Ministry of National Security.

In the following months, for security reasons, he left his house only accompanied by US Embassy officials. His telephone line was frequently disconnected; he received anonymous phone calls that included death threats; and from 18 June to 15 July 2004 Secret Service officers reportedly watched his house around the clock.

In an attempt to increase pressure on Saparmurat Ovezberdiev, at the end of June 2004, his wife Oguldurdy Ovezberdieva was dismissed from school no. 4 in Ashgabat where she had worked for some 20 years, and on 1 July his son Ravshan lost his job as a security

guard in a hotel. In October the authorities threatened to confiscate Saparmurat Ovezberdiev's flat in Ashgabat where his wife lived together with her mother.

Incommunicado detention of Khalmurat Gylychdurdiev and dismissal of his daughter

Khalmurat Gylychdurdiev, aged 65, was held incommunicado in the detention facilities of the Ministry of National Security in Ashgabat from 23 until the night of 26 June 2004, when he was returned to his family by Secret Service officers. There were strong indications that Khalmurat Gylychdurdiev, a former theatre and cinema director, was targeted to punish him for giving interviews to *Radio Liberty*. He had repeatedly been summoned to the Ministry of National Security to question him about his contacts with *Radio Liberty* before. To Amnesty International's knowledge, no charges were brought against him.

In the morning of 23 June he had gone to the eye hospital in Ashgabat for a check-up following an eye operation the previous day. Three Secret Service officers were waiting for him at the hospital and took him to the Ministry of National Security. His family searched for him all night, to no avail.

During questioning he was pressured to stop giving interviews to *Radio Liberty*. After his release he told Amnesty International: "They wanted me to sign a letter to the President they had prepared in my name. I was supposed to apologize for passing on lies and secret information about the economy and other issues to Radio Liberty. How would I know any secret information? I have no access to such information. I am a pensioner, that's all." He reported that he was threatened his home would be confiscated and he and his family would be "sent into the desert".

While no physical pressure was exerted on him during his detention, he did not receive any medical treatment, although he required treatment following the recent eye operation. As a result he had to undergo a second eye operation after his release.

On 25 June Khalmurat Gylychdurdiev's daughter, **Zhenet Gylychdurdieva**, was dismissed from her work as a senior inspector at the Ministry of Internal Affairs, where she had worked since 1989. She was told she had been dismissed for failing to report to the Ministry that her father had been arrested. She said she would have told them about his detention, but as he was held incommunicado she did not have any confirmed information about his arrest and his whereabouts. The Deputy Minister reportedly also indicated that she was actually dismissed on the instructions of the Ministry of National Security. Reportedly, it has been impossible for her to find other employment because her father is a dissident.

Following his release his telephone line was cut off several times. For example, Khalmurat Gylychdurdiev's telephone was disconnected on 17 November 2004, just one day after he had given a telephone interview to *Radio Liberty's* Turkmen Service criticizing the human rights situation in the country.

The cases of Rakhim Esenov, Igor Kaprielov and Ashirkuli Bayriev

Rakhim Esenov, aged 79, who had contributed to *Radio Liberty* programs, was summoned to the Ministry of National Security on 23 February 2004 and accused of “smuggling” 800 copies of his historical novel *Ventsenosny Skitalets* (The Crowned Wanderer) into Turkmenistan. The book had been banned for 10 years from the publishing houses in Turkmenistan and Rakhim Esenov was only able to get it printed in Moscow in 2003. The copies were delivered to his apartment in the capital, Ashgabat, in January, but customs officers removed them after a few days, alleging that they had been imported illegally. Subsequently, the books were said to have been burnt. Rakhim Esenov insisted that he had imported them legally and had paid customs duty.

On 2 March it emerged that Rakhim Esenov had been charged with "inciting social, national and religious hatred" using mass media. He believed that this charge referred to statements made by characters in his book, which is set during the Mogul empire founded in the sixteenth century. In February 1997 President Niyazov had publicly criticized the book and denounced the author for making "historical errors", but Rakhim Esenov refused to make the “corrections” the President demanded.

During questioning Rakhim Esenov was reportedly asked for the names of his “smuggling partners”, and who had financed the novel. Following the interrogation, Rakhim Esenov suffered a stroke and was taken to hospital. He had already been in poor health before his detention, having recently suffered a heart attack. However, the interrogations continued and he was placed in the investigation-isolation prison of the Ministry of National Security on 26 February.

On 23 or 24 February Rakhim Esenov’s son-in-law **Igor Kaprielov** was taken to the Ministry of National Security and accused of conspiring with Rakhim Esenov in the smuggling of the books. On 31 March he was given a five-year suspended sentence for “smuggling” (Article 254 part 2 of the Criminal Code) by Azatlyk district court in Ashgabat.

Rakhim Esenov’s friend, the journalist **Ashirkuli Bayriev**, also affiliated with *Radio Liberty*, was summoned to the Ministry of National Security on the evening of 1 March. Shortly after his arrest, his son, an English language teacher, and his wife, a journalist, were both dismissed from their jobs. He was charged with “slander in a public presentation or mass media” (Art. 132 part 2).

It is not clear to what extent the three men were targeted to punish Rakhim Esenov and Ashirkuli Bayriev for their affiliation with *Radio Liberty*, on the one hand, and the import and content of Rakhim Esenov’s book, on the other.

Following international pressure, Rakhim Esenov and Ashirkuli Bayriev were released on 9 and 12 March respectively. However, they were ordered not to leave Ashgabat and the charges against them were not dropped. Rakhim Esenov has repeatedly petitioned the Turkmen authorities to give him permission to travel to Moscow for specialist medical treatment, however, to no avail. Rakhim Esenov and his family are reportedly followed and closely monitored by the Secret Service and his phone is bugged. Following their release the telephone lines of Rakhim Esenov and Ashirkuli Bayriev have been disconnected many times,

reportedly to prevent the men from passing on information about their situation to *Radio Liberty* and international human rights organizations.

Turkmen refugees at risk

Since Turkmenistan gained independence in 1991, the government clampdown on dissent and religious freedom has forced scores of people to leave the country and seek asylum abroad. Many have received protection in other countries. Amnesty International believes that if political opponents, others perceived to be critical of the regime, members of religious minority groups or their relatives were deported or extradited to Turkmenistan, they would be at risk of serious human rights violations including arbitrary detention, torture, ill-treatment and imprisonment following unfair trials.

Amnesty International is concerned at credible reports that the Turkmen authorities have in many cases targeted dissidents abroad. There have been allegations that Turkmen Secret Service agents have traced down exiled dissidents to silence them by way of intimidation and assaults. Amnesty International received reports that Turkmen Embassy officials have made contact with refugees to obtain information from them about the whereabouts and activities of exiled dissidents.

Particularly in Russia Amnesty International has monitored a number of incidents in which supporters and affiliates of the Turkmen opposition have been assaulted by unidentified persons in recent years. The circumstances of some of these attacks suggest that they may have been carried out by people acting on orders of the Turkmen authorities. There have also been allegations that agents of the Turkmen Secret Service have been inquiring about Turkmen refugees in Turkey and have closely monitored their movements.

Mukhammetgeldy Berdiev and his son Shonazar repeatedly attacked

For example, in July 2003 **Mukhammetgeldy Berdiev** was attacked and brutally beaten by two people on a street in Moscow and suffered serious injuries. In September 2003 an unknown man in a police uniform attacked his son **Shonazar Berdiev** in front of his Moscow apartment and beat him on the head, causing him to suffer a concussion. Both men worked as freelance journalists for *Radio Liberty*. Shonazar Berdiev reported that when he returned to his flat on 29 April 2004 he found it had been searched. The next day his father was severely beaten by unidentified people in his flat in Moscow. A Turkmen unknown to him called Mukhammetgeldy Berdiev on 30 April to arrange, as he said, to meet in Mukhammetgeldy Berdiev's flat and give him letters from friends in Turkmenistan. However, instead of him three men came to his flat and beat him up as soon as he opened the door. The men cut his telephone lines and conducted a search of his flat including of work-related documents. Mukhammetgeldy Berdiev sustained a concussion and numerous bruises; two ribs were broken; and he suffered damages to his sight. He was unable to move and was found by the owner of his flat three days later. Shortly before the attack, Mukhammetgeldy Berdiev had sent a letter to the General Procuracy of Turkmenistan with the request to punish President

Niyazov for plagiarizing parts of the *Rukhnama*. Later that year Mukhametgeldy Berdiev and his son Shonazar were resettled to a European country where they received asylum.

Exiled opposition leader Avdy Kuliev attacked

Avdy Kuliev, the exiled leader of the United Democratic Opposition of Turkmenistan and former Foreign Minister of Turkmenistan from 1990 to 1992, was attacked by an unidentified man on 6 August 2003. He was first attacked by the young man at a bus stop in the Khimki district of Moscow who kicked and beat him. When Avdy Kuliev returned home after this incident the same man was standing next to the entrance of his house. He hit Avdy Kuliev again, threw him to the ground and kicked him several times before he ran away. In the weeks preceding the incident the Turkmen authorities had stepped up their propaganda against Avdy Kuliev. For example, during a trip to Mary region in Turkmenistan on 26 June President Niyazov reportedly had publicly stated that people like Avdy Kuliev “spread among the people lumps of dirt”. However, “we have special people, who fight against this”. He added “it is time for him to die”. The allegation that the Turkmen Secret Service was behind the attack on Avdy Kuliev received further credibility when in September the Russian authorities were said to have requested eight Turkmen Embassy officials to leave the country, allegedly on the basis of suspicions that they were planning to attack Turkmen dissidents in Moscow.

In addition, Amnesty International is concerned that failed asylum-seekers forcibly returned to Turkmenistan might be at risk of being regarded as “traitors” under the February 2003 decree by the People’s Council entitled “On the declaration of different illegal acts as high treason and about measures of punishment for traitors”. As a result they would be at risk of being subjected to arbitrary detention, torture, ill-treatment and imprisonment following unfair trials, to punish them for their actual or imputed political opinion. These concerns should be seen in light of the human rights abuses currently faced by actual or perceived political opponents in Turkmenistan and members of their families, the content of the February 2003 decree by the People’s Council as well as public statement made and orders issued to government officials by the President. The February 2003 decree gives an extremely vague definition of “treason”. According to the decree, it is regarded as high treason to carry out or prepare “politically motivated acts which pose a threat to life and health of citizens living in Turkmenistan”, to “slander[...] one's own state”, to “reveal[...] state secrets”, as well as “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.” “Treason” is punishable by up to life imprisonment. Furthermore, President Niyazov has issued orders to government officials to closely watch Turkmen who travel abroad. For example, at a 21 February 2003 meeting of the cabinet of ministers broadcast on the first channel of Turkmen TV the same day, President Niyazov said: “If [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.”

Recommendations

The international community should use all available institutional channels provided by intergovernmental organizations as well as in bi-lateral contacts to consistently urge the Turkmen authorities to:

- Promptly undertake fundamental reforms of domestic law and institutions to implement the country's obligations under the United Nations human rights treaties that Turkmenistan is a party to.
- Promptly and fully implement the points set out in the resolutions adopted by the United Nations Commission on Human Rights and by the United Nations General Assembly in 2003 and 2004.
- Promptly and fully implement the recommendations set out in the 2003 report by Prof. Emmanuel Decaux, who was appointed as rapporteur on Turkmenistan by the Organization for Security and Co-operation in Europe.
- Immediately and unconditionally release the prisoner of conscience Gurbandurdy Durdykuliev. The international community should also call for the prompt and unconditional release of the possible prisoner of conscience Mukhametkuli Aymuradov, on the grounds of his poor health and that repeated calls for a fair retrial have gone unheeded, and that there does not appear to be a prospect of his being given a fair retrial.
- Grant the International Committee of the Red Cross and other independent observers access to prisoners including those imprisoned in connection with the November 2002 alleged assassination attempt on President Niyazov.
- Ensure that all those convicted in connection with the November 2002 alleged assassination attempt as well as the former Mufti Nasrullah ibn Ibadullah are retried in proceedings which meet international standards and to which international trial observers have access.
- Disclose information about deaths in custody and initiate impartial and thorough investigations into all allegations of torture and ill-treatment, in particular those by persons detained in connection with the 25 November 2002 alleged assassination attempt and by the former Mufti Nasrullah ibn Ibadullah, and into allegations that Gulsherin Babakulieva was sexually harassed by police; publish the scope, methods and findings of these investigations and bring to justice those found responsible.
- Ensure respect for the human rights of political dissidents, religious believers, civil society activists and journalists and ensure that they are able to carry out their peaceful activities free from harassment and without threat of detention and imprisonment and other human rights violations.

- Ensure the protection of the human rights of the family members of dissidents, religious believers, journalists and civil society activists.
- 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.

The international community should:

- Act on the strong recommendations by the reports of the UN High-level Panel on Threats, Challenges and Change, the report of the United Nations Secretary-General to the Millennium Summit in September 2005, and the statement of the United Nations High Commissioner for Human Rights in March 2005, to take effective action to protect human rights, e.g. by establishing an effective mechanism for encouraging and monitoring implementation of the recommendations for protection of human rights in Turkmenistan and to report back to both the United Nations Commission on Human Rights and the United Nations General Assembly.
- Ensure that Turkmen nationals who have been recognized as refugees under the mandate of the United Nations High Commissioner for Refugees or by national authorities in countries of asylum are given effective and durable protection, including resettlement as an instrument of protection and a durable solution in cases where s/he is at risk of being targeted by Turkmen Secret Service agents in the countries of asylum.
- Ensure that asylum claims of Turkmen nationals are carefully considered in fair and satisfactory procedures in accordance with international refugee law and standards in order to ensure that nobody is returned to a situation where s/he would face serious human rights abuses.
- Ensure that procedures include a careful examination of circumstances which might give rise to a “sur place” refugee claim as a result of real and imputed actions in the country of residence.