

PUBLIC

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Further Information on UA 04/03 (EUR 61/001/2003, 07 January 2003) Fear of torture New concerns: Unfair trial/ Prisoner of conscience

TURKMENISTAN **Farid Tukhbatullin (m), aged 41, civil society activist and co-chair of the Ecological Club**

On 4 March, civil society activist and environmentalist Farid Tukhbatullin was sentenced to three years' imprisonment in an unfair trial. Amnesty International considers Farid Tukhbatullin to be a prisoner of conscience and is calling for his prompt and unconditional release.

The court of Azadlyk district in the capital Ashgabat handed down the sentence after a four-hour trial at which no witnesses testified. The authorities denied access to the trial to family members and local and international trial monitors. The only individuals admitted to the court were Farid Tukhbatullin's lawyer and three family members. Farid Tukhbatullin maintained his innocence in court, and his lawyer plans to appeal to the Supreme Court against the verdict.

During the hearing, the court apparently declined requests by his lawyer to review evidence he had prepared to prove Farid Tukhbatullin's innocence. Groups and organizations including Amnesty International had submitted statements to the lawyer concerning the case, but the court dismissed them, expressing doubts about their "objectivity". Farid Tukhbatullin's lawyer was denied access to his client under various pretexts four times, and thus did not see him for more than a month. On 26 February, for example, the lawyer was told that he could not see Farid Tukhbatullin because of "repair work" at the Ministry of National Security, where he is being held.

In a meeting the day before the trial with Jaap de Hoop Scheffer, the chair-in-office of the Organization for Security and Cooperation in Europe, Turkmen President Saparmurad Niyazov promised that Farid Tukhbatullin "will be released soon." Amnesty International and other human rights organizations have approached the United Nations Deputy High Commissioner for Human Rights, who will be visiting Ashgabat on 10 March, and have urged him to raise the case with the Turkmen authorities and to remind President Niyazov of his promise.

Farid Tukhbatullin was convicted on charges of illegally crossing the border from Uzbekistan into Turkmenistan and of concealing a serious criminal act. The first charge relates to an incident when Turkmen border guards for unknown reasons failed to stamp Farid Tukhbatullin's passport on his return from Uzbekistan. The second charge concerns Farid Tukhbatullin's attendance of an international conference organized by human rights groups, which was devoted to rights issues ranging from freedom of expression to the rights of the child. The authorities accused Farid Tukhbatullin of refusing to disclose information about plans of exiled opposition groups to carry out an armed coup, which the authorities claimed were discussed at the conference. Amnesty International, who also attended the conference, believes that the charges were fabricated to punish Farid Tukhbatullin for his peaceful activities as a civil society activist.

FURTHER RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Russian, Turkmen or your own language:

- expressing concern that Farid Tukhbatullin was sentenced to three year's imprisonment at an unfair trial at Azadlyk district court on 4 March, to which local and international trial monitors were denied access;

- expressing concern that Farid Tukhbatullin's lawyer was denied access to his client four times and therefore did not see him for more than one month, in violation of Turkmenistan's obligations under international human rights standards;
- stating that Amnesty International regards Farid Tukhbatullin as a prisoner of conscience and is calling for his prompt and unconditional release;
- calling on the authorities to ensure the safety and wellbeing of Farid Tukhbatullin while he is in detention.

APPEALS TO: (Please note that it may be difficult to send faxes. If a voice answers during office hours, repeat "fax" until connected; fax machines may be switched off outside office hours, four hours ahead of GMT. If your fax does not go through, please send it by airmail)

President of Turkmenistan,

Saparmurad Atayevich NIYAZOV
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Salutation: Dear President

Minister of Foreign Affairs of Turkmenistan,

Rashit Ovezgeldiyevich MEREDOV
 Turkmenistan; 744000 g. Ashgabat; pr. Magtymguly, 83; Ministerstvo inostrannykh del Turkmenistana;
 Ministru MEREDOVU R.; TURKMENISTAN

Telegram: Turkmenistan, 744000 Ashgabat, Ministru inostrannykh del Turkmenistana

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Salutation: Dear Minister

Chairman of the Turkmen National Security Ministry (MNB)

Batyr Busakov
 Turkmenistan; 744000 g. Ashgabat; pr. Magtymguly, 91
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Salutation: Dear Minister

COPIES TO:

Procurator General of Turkmenistan, Gurbanbibi ATAJANOVA

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and to diplomatic representatives of Turkmenistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 16 April 2003.