

PUBLIC

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Fear of deportation/fear of torture/unfair trial

08 January 2003

**RUSSIAN FEDERATION/
TURKMENISTAN**

**Khudayberdy Orazov (m), former Deputy Prime Minister and director of the Central Bank of Turkmenistan
Nurmukhammet Khanamov (m), former Turkmen Ambassador to Turkey
Orazmukhammet Yklymov (m), freelance journalist**

The Turkmen authorities are reportedly seeking the forcible return of exiled government critics Khudayberdy Orazov, Nurmukhammet Khanamov and Orazmukhammet Yklymov from the Russian Federation. If extradited to Turkmenistan, the three men will be at serious risk of torture and ill-treatment. The current wave of repression in Turkmenistan is accompanied by continuous reports of torture and ill-treatment of detainees.

On 25 November 2002, President Saparmurad Niyazov's motorcade was attacked in the capital Ashgabat. The President was unharmed, however on the same day at a cabinet meeting, the President blamed, among others, Khudayberdy Orazov, former Deputy Prime Minister and director of the Central Bank of Turkmenistan, and Nurmukhammet Khanamov, former Turkmen Ambassador to Turkey for the attack.

The government has called the attack an attempted coup aimed at seizing power and overthrowing the constitutional order. On 29 December 2002, at a grossly unfair trial, the Supreme Court reportedly sentenced Khudayberdy Orazov and Nurmukhammet Khanamov to 25 years' imprisonment for their supposed involvement. The men were not present at the trial. The following day, the sentences were increased to life imprisonment by the People's Council, Turkmenistan's supreme legislative. On the same day, in a televised speech held at the People's Council, President Saparmurad Niyazov stated that Khudayberdy Orazov and Nurmukhammet Khanamov were currently on Russian territory and that he "had a telephone conversation with the Russian president... God willing we will detain them..."

On 7 January 2003, Orazmukhammet Yklymov, a freelance journalist, informed Amnesty International "I received confirmation from reliable sources within Turkmenistan that a criminal case was opened against me." According to Memorial, a Moscow-based human rights organization, the Turkmen authorities are accusing Orazmukhammet Yklymov of having traded weapons and ammunition, allegations that he has categorically denied. If extradited, he is at risk of torture and an unfair trial. He is the father of Esenaman and Ayli Yklymov who were arrested following the 25 November attack on the President and were said to have been ill-treated by law enforcement officers in detention see UA 353/02 (EUR 61/006/2002, 6 December 2002).

On 3 January 2003, the Russian news agency ITAR-TASS reported that the Security Council of the Russian Federation and the State Security Council of Turkmenistan agreed that the Russian Federation would assist Turkmenistan in searching for and deporting "criminals" to Turkmenistan. This agreement heightens Amnesty International's concern that the Russian Federation authorities may take immediate steps to deport the men to Turkmenistan.

The forcible deportation of the three men to Turkmenistan would be contrary to the Russian Federation's obligations under international law. In particular, the country's obligation under Article 3 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment prohibits the return of a person to a country or territory where they may face torture. It would also violate the norms enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms ratified by Russia parliament in May 1998.

BACKGROUND INFORMATION

Since the Central Asian state of Turkmenistan gained independence following the break-up of the Soviet Union in 1991, President Saparmurad Niyazov has exercised a monopoly on power as both head of state and head of government. Although Turkmenistan ratified several important United Nations treaties related to human rights, no dissent can be voiced without repercussions; all media outlets are strictly state-controlled, no human rights groups can openly function within the country, and reports about the torture and ill-treatment of detainees and prisoners continue.

The 25 November 2002 attack on Saparmurad Niyazov's motorcade that left the President unharmed triggered a new wave of repression in Turkmenistan. Scores of family members including men, women and children of several known government critics who were implicated by the authorities in the 25 November attack have faced detention, harassment and house eviction. Amnesty International is concerned about reports that many of them were targeted solely because of their family relations with government critics. Despite difficulties in obtaining information from this almost closed country, the arrests were accompanied by credible reports of ill-treatment of many of the detainees. Amnesty International is concerned that torture and ill-treatment are routinely used by the authorities to intimidate and extract 'confessions'.

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

- urging the authorities of the Russian Federation to refrain from forcibly returning Nurmukhammet Khanamov, Khudayberdy Orazov and Orazmukhammet Yklymov to Turkmenistan, where they will be at risk of serious human rights violations including torture and ill-treatment;
- expressing concern that if Nurmukhammet Khanamov and Khudayberdy Orazov are returned to Turkmenistan by the Russian Federation, they are believed to face imprisonment for life on the basis of a grossly unfair trial held in their absence;
- reminding the Russian authorities that the forcible return of the three men to Turkmenistan would be contrary to the Russian Federation's obligations under international law.

APPEALS TO (please note that it may be difficult to send faxes. If a voice answers, repeat: 'fax' until connected. If transmission fails, please send by airmail):

Procurator General of the Russian Federation, Vladimir Ustinov
Rossiyskaya Federatsiya,
103793 g. Moskva K-31,
Ul. B. Dimitrovka, d 15a,
Prokuratura Rossiyskoy Federatsii, Generalnomu prokuroru Ustinovu V.
RUSSIAN FEDERATION

Telegrams: Rossiya, 103793 g. Moskva, generalnomu prokuroru

Fax: + 7 095 292 88 48 / 292 85 62

Salutation: Dear Procurator General

COPIES TO:

Chairwoman of the Presidential Human Rights Commission of the Russian Federation,
Ella Pamfilova,
Rossiyskaya Federatsiya,
103132 g. Moskva,
Staraya ploshchad, d 8/5, pod 3,
Predsedatele Komissii po pravam cheloveka pri Prezidente, Pamfilove, Elle.
RUSSIAN FEDERATION

Fax: + 7 095 206 4855

and to diplomatic representatives of Russian Federation and Turkmenistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 19 February 2003.