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TURKMENISTAN: No effective human rights reform

1. INTRODUCTION

For many years, the people of Turkmenistan have suffered widespread and systematic violations of their human rights. In December 2006, hopes rose for a fresh approach to rights, as Acting President Gurbanguly Berdymukhamedov took power. But his government has done very little to address the concerns of Amnesty International, other human rights defenders and the international community. Violations continue and impunity pervades for police, security services and other government authorities.

In this report Amnesty International documents the failure of the Turkmenistani authorities to honour the following human rights in Turkmenistan:

- The right to freedom of expression;
- The right to freedom of association;
- The right to freedom of religion and belief;
- The right to a fair trial, in particular regarding politically sensitive cases;
- The right to be free from torture and other ill-treatment;
- The right for conscientious objectors to perform an alternative civilian service to armed service;
- The right to liberty of movement and freedom to choose one's residence;
- The right not to be discriminated against.

The report focuses on human rights developments since President Saparmurad Niyazov's death in December 2006 up until 16 June 2008 and highlights patterns of human rights violations that were established under President Niyazov and continue to this day. The report concludes with a list of recommendations to the authorities of Turkmenistan and the international community aimed at significantly improving Turkmenistan's human rights record.

On 22 December 2006, one day after President Niyazov's death was announced, the Speaker of Parliament – designated to become Acting President according to the Constitution – was dismissed from his post and subsequently arrested. Gurbanguly Berdymukhamedov, Deputy Prime Minister and Minister of Health and Medical Industries, was appointed Acting President. A constitutional provision barring the Acting President from running in Presidential elections was abolished and Gurbanguly Berdymukhamedov became President after elections on 11 February 2007. The other five candidates were all members of the Democratic Party of Turkmenistan, the only registered political party.

President Berdymukhamedov's statements about human rights have been deeply contradictory. While repeatedly professing a commitment to protect human rights, the President has also on several occasions denied that human rights violations take place in the country. He dismissed two Ministers of Internal Affairs accusing them of practices that are likely to have involved human rights violations. The authorities have not presented any concrete steps to end impunity for past violations and to significantly increase human rights protection.

There have been some positive developments under President Berdymukhamedov. These include: the release of several prisoners and the lifting of suspended sentences in a number of cases highlighted by the international community; the opening of several internet cafes across the country; the restoration of 10 years' compulsory education in schools; the return to five to six years' education in universities; the restoration of pension payments that had been scrapped or reduced in 2006; and the easing of internal travel restrictions.

But even these small steps have had limitations. The released prisoners, for example, were given presidential pardons, not a transparent judicial process. They were required to confess their guilt and repent. The authorities increased access to the internet, but at the same time took steps to more effectively block websites featuring articles about human rights violations and criticizing government policies.

There is a danger that the international community overestimates the steps taken by the government of President Berdymukhamedov. It must not turn a blind eye to the continuing appalling human rights situation. A civil society activist from Turkmenistan told Amnesty International: "[Many diplomats] understand that these are only imitations of real reforms, but this is enough for them. All they need is a scent of reform in order to be able to do business with the Turkmenistani authorities without having to fear that they will be blamed for cooperating with a repressive regime."

Turkmenistan poses a strong challenge to human rights research. Only a fraction of cases involving human rights violations come to the attention of human rights observers. The authorities have denied non-governmental human rights organizations entry to the country. They have made it impossible for Turkmenistani human rights activists to work openly inside the country and have forced some into exile. Independent civil society activists in Turkmenistan are often prevented from meeting with international delegations from the United Nations (UN), the Organization for Security and Co-operation in Europe (OSCE) and individual governments visiting the country.

For many years the authorities have closely monitored communication channels such as telephone lines and the internet, partly in order to prevent information about human rights violations reaching international human rights organizations and international media. Recently the authorities reportedly applied new technology, giving them even tighter control over internet and email communications, and "practically totally [ruling] out the possibility of contact between independent Turkmen journalists, dissidents and civil society activists with their colleagues abroad and international media", a civil society activist told Amnesty International.

The document cites individual cases to illustrate concerns wherever possible. However, victims have in many cases asked Amnesty International not to publish their names or any information that makes them identifiable for fear of repercussions for themselves and their families. The names of most civil society activists and religious believers from Turkmenistan who contributed to this report are also withheld for security reasons.

As Amnesty International has been unable to conduct fact-finding missions to Turkmenistan for many years, this report is based on information published or made available

to the organization by a wide range of sources, including civil society activists in Turkmenistan and in exile, journalists, exiled opposition politicians, members of religious minorities, relatives of prisoners, governmental sources, intergovernmental sources, and diplomats. Amnesty International's letters to the government authorities have remained unanswered.

Summary of key human rights concerns

Scores of people whose cases have a strong political element and who were imprisoned following unfair trials under the government of former President Niyazov remain behind bars. Dozens of prisoners labelled as "traitors of the motherland" by the authorities and sentenced in unfair trials to prison terms between five years and life in connection with an alleged coup attempt that reportedly involved an armed attack on then President Niyazov in November 2002 have been subjected to enforced disappearance. The authorities have not disclosed their whereabouts; they have been held incommunicado for over five years and the authorities refuse to respond to allegations that several of them died in custody.

Since President Niyazov's death, the clampdown on dissent and other politically motivated detentions and imprisonments have continued.

The authorities have taken a wide range of measures to silence human rights defenders and other independent civil society activists. They have been interrogated, harassed, and arbitrarily detained. A social activist, whose supporters believe he was targeted to punish him for his activism, was sentenced to 12 years' imprisonment in May 2008. Two human rights defenders, who were convicted in an unfair trial in 2006 and who were adopted by Amnesty International as prisoners of conscience, remain in prison. Their co-defendant, also a human rights defender, died in custody in 2006 in disputed circumstances and the authorities have to date not carried out a thorough, impartial and independent investigation into the circumstances of her death. Under the previous President the authorities closed down several non-governmental organizations (NGOs) and attempts by activists to register groups under the new government have been unsuccessful.

All media in Turkmenistan is state-controlled. Journalists collaborating with international media that publish reports critical of the authorities risk repercussions, including harassment, intimidation and arbitrary detention.

Opposition parties are not allowed in Turkmenistan and many opposition activists live in exile.

Religious freedom is severely restricted. Unregistered religious activity is punishable under the Administrative Code of Turkmenistan. Many congregations have been unable to gain registration despite repeated attempts. Both registered and unregistered communities have reported harassment and intimidation. Religious gatherings in homes have been raided in many cases; often the participants were temporarily detained, given large fines and dismissed from their work places, and communities have been warned that their religious activities could lead to them losing their registration. In some cases that came to Amnesty International's attention, police beat religious believers or threatened them with violence.

The authorities in many cases targeted relatives of civil society activists, independent journalists, those with opposition political views and religious believers, including of those living in exile, in order to stop them from criticizing government policies and speaking out about human rights violations in Turkmenistan.

A travel ban barring many dissidents, opposition activists, independent journalists and their relatives from leaving the country is one of the tools the government uses to silence critical voices.

The courts are heavily dependent on the executive branch and a fundamental reform of the judiciary is urgently needed to strengthen the rule of law in the country. In many cases lawyers are pressurized by prosecution authorities and law enforcement agencies and are often only able to influence the outcome of cases by way of bribes.

Law enforcement officers and prison guards have allegedly subjected detainees and prisoners to torture or other ill-treatment in many cases. Victims rarely want their cases publicized for fear of repercussions. In recent years Amnesty International has received reports of torture or other ill-treatment in cases with a political or religious element as well as in other cases. Impunity for torture and other ill-treatment is the norm in Turkmenistan.

In at least some cases torture or other ill-treatment reportedly resulted in deaths in custody. Amnesty International is not aware of any such cases where the authorities conducted a prompt, thorough, impartial and independent investigation in order to establish the truth and bring perpetrators to justice.

Amnesty International continues to be concerned about the lack of a civilian alternative to military service for those objecting to serve in the armed forces on conscientious grounds. Young men refusing to perform military service on such grounds risk imprisonment and suspended prison sentences.

Amnesty International is concerned that the application of the residence registration system (widely referred to by the Russian word *propiska*) leads to a number of human rights violations affecting scores of people in Turkmenistan. It seriously restricts access to housing, employment, social benefits, free health care and access to education for children. In addition, it leaves those without a valid *propiska* in a particularly vulnerable position with regard to other human rights violations. The *propiska* system has also become a breeding ground for corruption as many of its regulations can be overcome by bribes.

Ethnic minorities are subjected to discrimination, in particular with regard to employment and higher education. When people apply for government posts, particularly senior positions, the authorities usually check the ethnic origin of the candidate's ancestors over three generations. As a result of the "three generation check", there are reportedly no members of ethnic minorities among Ministers, heads of regional administrations and their respective deputies, and heads of district administrations. People applying to institutions of higher education are reportedly also checked to ensure that for the last three generations of their family there has been no non-ethnic Turkmen relative.

Role of the international community

International pressure has played an important role in affecting some positive steps made by this and the previous government, such as releasing some prisoners and allowing some people to leave the country, who had been included in a “black list” barring them from travelling abroad.

Successive governments have also taken some positive steps regarding Turkmenistan's dialogue with the international community on human rights. For example, Turkmenistan submitted its first three reports to UN treaty bodies, which were reviewed in 2005 and 2006. The reports had been long overdue. However, reports to the Committee against Torture, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights are still not forthcoming. In September 2007, President Berdymukhamedov established the Interdepartmental Commission on Ensuring Turkmenistan's Compliance with its International Human Rights Obligations (Interdepartmental Commission on Human Rights), which was, among other issues, tasked with preparing further reports to UN treaty bodies. Another positive step was Turkmenistan's invitation, issued in 2007, to the Special Rapporteur on freedom of religion or belief to the country.¹ However, all other UN special procedures which, in recent years, lodged requests to visit Turkmenistan, have not been granted invitations.

Turkmenistan's poor human rights record remains in stark contrast with the country's 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, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of the Child.²

It is crucial that foreign governments and intergovernmental organizations use their influence to consistently remind Turkmenistan of its obligations under international human rights law. In particular, they should follow-up on resolutions issued by the UN General Assembly and the UN Commission on Human Rights, concluding observations and recommendations by UN treaty bodies, and recommendations made by Professor Emmanuel Decaux in 2003, who was appointed rapporteur on Turkmenistan by the OSCE that year under the organization's Moscow mechanism.³ To date the recommendations issued by these bodies have largely not been implemented.

¹ The authorities of Turkmenistan and the Special Rapporteur on freedom of religion or belief reportedly recently agreed that the visit would take place in September 2008.

² 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.

³ For further information on the OSCE's Moscow mechanism, see the Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, 3 October 1991.

2. GOVERNMENT PROMISES AND INITIATIVES

Since becoming President Gurbanguly Berdymukhamedov has on several occasions stated his commitment to protect human rights. For example, at a meeting with media and culture officials, which was broadcast on the Altyn Asyr channel of *Turkmen TV* on 19 January 2008, he outlined his ideas of a new state ideology, which, he believed, was necessary for the “next stage of our state’s development”. When referring to the key points of the ideology, he said that “[t]he main goal I have set myself is to protect human rights and freedoms, to ensure that laws are equal and mandatory for everyone and to build a society with developed and advanced conscience”. He also said that “a strong democratic state, which proclaims civil unity, should be able to be in the service of people and protect his or her interests and rights in everyday life. Only in such a state are the people able to be the only leader of the government and take part in making decisions that govern the work of the authorities through their representatives.”

In May 2008, speaking at a ceremony to launch the construction of a 185-metre high monument in Ashgabad devoted to the Constitution of Turkmenistan, President Berdymukhamedov was reported as saying that the “steps we are taking in our daily policy in terms of deepening principles of democracy and humanism are actually unique in world practice” and that Turkmenistan “does not hesitate to use the most advanced international experience in this sphere”. He added that the “priority of interests of an individual and adherence to universally accepted and civilized norms of human rights are the basics of our state policy”.⁴

However, the President has on several occasions denied that human rights violations take place in the country.

On 3 May 2007, the Altyn Asyr channel of *Turkmen TV* reported on the visit of the UN High Commissioner for Human Rights to Turkmenistan. President Berdymukhamedov was broadcast as saying that “Turkmenistan observes human rights and freedoms declared by the Constitution of the country, which are an integral part of the main principles of the state policy”. According to him, “today all conditions have been created for a better life for every citizen residing in Turkmenistan regardless of nationality and religious affiliation”.

The absence of an independent national media, and the reluctance of the government to expose itself to journalists of foreign media outlets that might challenge it on human rights, have ensured that the government has rarely publicly commented on allegations of human rights violations in the country. Amnesty International letters raising human rights concerns have been left unanswered. However, on 24 September 2007, during his first official visit to the United States, President Berdymukhamedov spoke to students at Columbia University in New York and was posed a number of questions on human rights issues. The President denied any violations took place and, for example, responded that “[t]here was never any pressure on the press”. When asked why “Western NGOs are not allowed to operate in Turkmenistan” he denied that any restrictions existed.⁵

⁴ *Turkmen TV* Altyn Asyr channel, 18 May 2008.

⁵ See *Radio Free Europe/Radio Liberty* report: *Turkmenistan: President Says Press, NGOs Operate Freely*, 24 September 2007.

Election promises and implementation

In the run-up to Presidential elections Gurbanguly Berdymukhamedov made a number of reform promises relevant to human rights.

For example, *Reuters* reported that – when presenting his election programme on television on 2 January 2007 – Acting President Berdymukhamedov said: “I consider that the [...] internet and new communications technology must be accessible for every citizen”.

In his inauguration speech on 14 February he again promised to ensure that every citizen has access to the internet. Since February 2007, at least 15 internet cafes reportedly opened across the country. At least one of them was reportedly closed again in May 2008.⁶ The Russian news agency *ITAR-TASS* reported on 5 June 2008 that the state-run electronic communications company Turkmentelekom started that week to process applications for individual internet access that had been received by the company since February 2007.

Several websites containing information critical of the authorities or about human rights violations are blocked and users are usually required to present identification documents when entering internet cafes, leading to users fearing repercussions if trying to access blocked sites.⁷ When users try to access such sites, officers of the Ministry of National Security reportedly check the lists of users' registrations in order to identify them. A civil society activist told Amnesty International that in 2008 the Ministry of National Security and Turkmentelekom set up new filters blocking access to certain websites. The source reported in May 2008 that with the help of international experts the authorities also set up filters aimed at blocking users that had previously been able to circumvent blocked websites using special technology.

A *BBCRussian.com* correspondent reported that the authorities detained a civil society activist and accused him of having accessed blocked websites which he had managed to circumvent with technical means. The correspondent added that the authorities did not accuse him of disseminating specific information contained on those websites but that “he was accused only for having read something”.⁸

In the run-up to Presidential elections Gurbanguly Berdymukhamedov promised reforms in the education system. In his inaugural speech on 14 February he said: “We will introduce 10-year education in schools.” The next day the President decreed to restore the 10 years' education in schools and five to six years' in universities. His predecessor, President Niyazov, had reduced education to nine and two years respectively, which had had a detrimental effect on the quality of education and made it impossible for most Turkmenistani pupils to be admitted to foreign universities. Non-governmental sources called for more far-

⁶ See the following reports of the Turkmen Initiative for Human Rights: *Internet failed*, 12 May 2008, and *Absurd growth of Internet access in Turkmenistan*, 5 June 2008.

⁷ As of the end of April 2008 websites of the following human rights organizations were among those blocked by the authorities: Amnesty International, Human Rights Watch, Turkmenistan Initiative for Human Rights, Reporters Without Borders. The websites of several media outlets were also blocked, including that of the *British Broadcasting Corporation (BBC)*, *Deutsche Welle* and *Radio Free Europe/Radio Liberty*.

⁸ Murad Geldyev, *The Internet has not yet made its way to the country of “The Father of all Turkmen”*, *BBCRussian.com*, 5 March 2008,

reaching reforms, such as to depoliticize the content of the school programme and to address the shortage of teaching staff.

A Presidential Decree stipulating that pension payments be restored was reported to have been welcomed by many citizens of Turkmenistan. The authorities had scrapped, and in other cases reduced, pension payments to tens of thousands of pensioners in January 2006. The NGO Turkmen Initiative for Human Rights reported on 4 July 2007 that the authorities started to pay pensions to this group of people at the beginning of July 2007.

Another welcome move was the easing of internal travel restrictions. President Niyazov had introduced a requirement that citizens travelling to border regions needed special permission, which, in many cases, was hard to obtain. On 13 July 2007 President Berdymukhamedov issued a regulation abolishing this requirement. In addition, non-governmental sources reported that in February 2007 many police check-points that used to frequently stop people travelling inside Turkmenistan and check their identification documents were abolished and the number of staff at the check-points was significantly reduced. However, limitations on the freedom of movement inside the country originating from the residence registration system (*propiska* system) remain in place (see below).

To Amnesty International's knowledge, Gurbanguly Berdymukhamedov has made only one reference in public to the absence of political parties other than the ruling Democratic Party of Turkmenistan, and the formation of other parties. According to a 25 January 2007 news report by the state-controlled newspaper *Neutral Turkmenistan* about Gurbanguly Berdymukhamedov's speech to voters in the Ak Bugday district of Akhal region, the Acting President said with regard to this topic that the "current process has to proceed in a natural way and respond to preconditions as they develop." To date there have been no developments pertaining to the creation of opposition parties and Turkmenistan remains a single-party system.

Ministry of Internal Affairs criticized

During his first year in office, President Berdymukhamedov on several occasions criticized the work of the Ministry of Internal Affairs. In February 2007 he established the State Commission to Review Citizens' Complaints Regarding the Activities of Law Enforcement Agencies (Citizens' Complaint Commission) (see below) and dismissed two Ministers of Internal Affairs later that year. He urged Ministry personnel to adhere to human rights principles. He did not explicitly say that human rights violations had taken place during the tenure of the two Ministers but he listed practices that are likely to have involved such violations. Amnesty International is not aware of any steps taken to fundamentally reform the Ministry of Internal Affairs and root out unlawful practices.

On 9 April 2007 *Turkmen TV* Altyn Asyr channel reported that the President had dismissed Interior Minister Akmamed Rakhmanov and broadcast him as saying that under the Minister, "sometimes innocent people were accused of crimes in order to show that the clear-up rate for crimes is high" and that in detention and prison facilities under the jurisdiction of the Ministry "such wrongdoings as taking bribes from relatives for passing on parcels to inmates or allowing them to see each other" had taken place.

Akmamed Rakhmanov's successor, Khodzhamurad Annagurbanov, was dismissed in October 2007, shortly after a meeting on 8 October of senior law enforcement officials at the Ministry of Internal Affairs, chaired by the President. On 9 October 2007 the *State News Agency of Turkmenistan* (TDH) broadcast President Berdymukhamedov as stating that it was important for the "security, defence and law enforcement agencies" to rigorously observe constitutional provisions and human rights and freedoms. He said that an inspection of the Ministry had "revealed numerous facts of official malfeasance by high-ranking officials of the Ministry of [Internal] Affairs and its departments". In particular, he mentioned that "investigative data and evidence and reports had been fabricated with the knowledge of and [on] the direct instructions of the Minister of [Internal] Affairs [and] the corrupt practice of bribing had been applied."

President Berdymukhamedov did not mention the use of torture or other forms of ill-treatment by law enforcement officers, nor have representatives of the government mentioned this topic on other occasions. Amnesty International has documented the use of torture or other ill-treatment in connection with the clampdown on (perceived) political opponents, human rights defenders and members of religious minority groups in this and other publications (see below). Torture and other ill-treatment are also applied in many cases without a political or religious element.

In February 2008 several dozen truck drivers from Iran protested against the alleged ill-treatment of one of their colleagues by Turkmenistani police at Ashgabad's transit cargo terminal on 17 February. The Iranian *Islamic Republic News Agency* (IRNA) reported that the 60-year-old man had to be hospitalized to treat "his serious injuries". According to a source interviewed by the news agency, the truck driver had complained about poor hygienic conditions in a parking lot allocated to trucks from Iran. The source added that police in Turkmenistan "blackmail Iranian truck drivers under any pretext and treat them violently if they refuse to pay".

The above case is exceptional because victims of torture or other ill-treatment rarely dare to publicize their cases for fear of repercussions.

A non-governmental source in Turkmenistan told Amnesty International in May 2008: "As a rule, no investigations are carried out in torture cases, except for certain extraordinary cases [...] Extraordinary cases are those where the people who were beaten or raped got influential friends or relatives [to intervene on their behalf] or who themselves occupied senior positions. In such cases a policeman is immediately dismissed or imprisoned."

Creation of new human rights institutions

When President Berdymukhamedov came to power there were two governmental bodies with mandates pertaining to human rights: the Committee on Human Rights and Freedoms of the *Medzhlis* (Parliament) and the National Institute for Democracy and Human Rights under the President. President Berdymukhamedov introduced three further institutions with mandates pertaining to human rights.

State Commission to Review Citizens' Complaints Regarding the Activities of Law Enforcement Agencies

On 19 February 2007 the President established the State Commission to Review Citizens' Complaints Regarding the Activities of Law Enforcement Agencies (Citizens' Complaint Commission) and became its chairman. Amnesty International is concerned about the lack of transparency of its work and its lack of independence. Neither the statute of the Commission nor its composition have been made public and the procedures of the Commission are not known, including the procedure to review complaints; the timeframe of the review; and what measures are at its disposal. No comprehensive reports have been published about the Commission's activities. One of the Commission's few publicized activities, however, has been the issuing to the President of names of prisoners that it believed should be pardoned. Based on these proposals President Berdymukhamedov pardoned 11 prisoners in August 2007.

Amnesty International received reports alleging that in many cases the Citizens' Complaint Commission simply passed on citizens' complaints to government agencies the citizens had complained about and took no steps of its own to investigate the matter. In some cases known to Amnesty International the agencies then contacted the complainants stating that the complaints were unfounded and no details were given as to how the case had been investigated.

Ruslan Tukhbatullin complained to the Citizens' Complaint Commission about his dismissal from his post in the military in 2005. Ruslan Tukhbatullin was believed to have been forced to hand in his resignation by a senior official at the military administration of Dashoguz region in eastern Turkmenistan in March 2005. To Amnesty International's knowledge, the official acted on instructions of the Ministry of National Security, which found that his brother Farid Tukhbatullin, who is the director of the Turkmen Initiative for Human Rights and has lived in exile since 2003, "attacks Turkmenistan too much".

On 24 March 2007 Ruslan Tukhbatullin received a reply from the Ministry of Defence, the very agency that had dismissed him. The Ministry stated that as he was dismissed following his "voluntary resignation" he was not eligible for a job in the armed forces anymore. No details were given as to how his complaint had been investigated and he was given no possibility to appeal the Ministry's decision.

Several relatives of prisoners serving prison terms in connection with the alleged attempted coup in November 2002 reportedly sent two joint petitions to the Citizens' Complaint Commission requesting the right to visit their relatives in prison, to pass on parcels with food and medicine, and asking for the names of prisoners who had died in custody. The letters were reportedly submitted in May and November 2007 respectively. According to a non-governmental source in Turkmenistan, the relatives received no reply from the authorities.

Interdepartmental Commission on Ensuring Turkmenistan's Compliance with its International Human Rights Obligations

On 24 August 2007 the President established the Interdepartmental Commission on Ensuring Turkmenistan's Compliance with its International Human Rights Obligations (Interdepartmental Commission on Human Rights). It was tasked with preparing reports to UN treaty bodies (several of which remain long overdue), drafting a National Human Rights

Programme and reviewing the compatibility of domestic legislation with international human rights standards. The Commission consists of government officials, the head of the Committee on Human Rights and Freedoms of the *Medzhlis*, the Director of the National Institute for Democracy and Human Rights, and other organizations closely affiliated with the government.

In their additional report to the UN Committee on the Elimination of Racial Discrimination the authorities stated they would submit reports to the Committee on Economic, Social and Cultural Rights by the end of 2008; and to the Human Rights Committee and the Committee against Torture by the end of 2009.⁹

No information was made public about the timeline of drafting the National Human Rights Programme, its content, and whether the Interdepartmental Commission on Human Rights was willing to incorporate recommendations by human rights organizations and activists.

The *State News Agency of Turkmenistan* reported on 5 January 2008 that the Interdepartmental Commission on Human Rights believed it was necessary “to adopt new Family, Civil-Procedure, Housing, Criminal-Execution Codes, and develop other draft legislation, including those regulating and stimulating economic activities”. No further details were given. Shirin Akhmedova, Deputy Director of the Interdepartmental Commission on Human Rights and Director of the National Institute for Democracy and Human Rights, told *Forum 18*, the web-based news service on religious freedom issues, in February 2008, that one of the laws the Commission had decided to review at its meeting on 5 January was legislation on religious issues. She did not give a timetable of when the draft law was to be finalized nor did she state whether it would be open for public discussion.

State Commission on the Improvement of Legislation

On 28 November 2007 President Berdymukhamedov established the State Commission on the Improvement of Legislation. It is composed of Ministers and chaired by the President. The Commission was set up to “s[trenghen] the foundations of the law-based state, further democratization of society, improvement of the legal basis of political, social, economical, [and cultural reforms as well as reforms in the scientific sector]” and “[to bring] domestic legislation in line with generally accepted norms of international law”.¹⁰ The mandate of this Commission covers legislation relevant to human rights as well as other legislation. President Berdymukhamedov tasked the Interdepartmental Commission on Human Rights in a November 2007 regulation with contributing to the State Commission’s work by “[developing] a plan to improve legislation in the area of human rights for the preparation of recommendations on the implementation of norms of international conventions”.¹¹

⁹ An advance unedited Russian version of the report was made available to Amnesty International in June 2008.

¹⁰ Additional report of Turkmenistan to the UN Committee on the Elimination of Racial Discrimination, 2008.

¹¹ See above.

Release of individual prisoners and lifting of suspended sentences

In 2007 and 2008 several prisoners whose cases had been raised by the international community were released or had their suspended sentences lifted. Most of them were included in prisoner pardons in August, September/October 2007¹² and February 2008. While welcoming the release of prisoners and lifting of suspended sentences in cases raised by human rights organizations, Amnesty International is concerned that these pardons do not represent transparent and legal processes in line with international laws and standards and often set repentance as a precondition. Pardoned prisoners reportedly continue to be required to swear the state oath with their hands on the Koran and the Rukhnama and have to express regret for the alleged deeds they were convicted of – often in unfair trials – and swear not to repeat them. Amnesty International was also concerned at reports that many prisoners or their relatives, regardless of whether or not the cases had a political element, had to pay bribes in order to ensure inclusion in the list.

Those who were released or had their suspended sentences lifted included the following cases on whose behalf Amnesty International had campaigned:

Former Mufti **Nasrullah ibn Ibadullah** was sentenced to 22 years' imprisonment on treason charges in a secret trial in March 2004, in connection with the alleged armed attack on former President Niyazov in November 2002. There were allegations that the charges against Nasrullah ibn Ibadullah were fabricated and that he was targeted for expressing dissent. On 9 August 2007 the state media published a presidential pardon ordering the release of Nasrullah ibn Ibadullah along with 10 other prisoners.¹³

Olga Prokofyeva, the girlfriend of Yklym Yklymov, and **Esenaman Yklymov**, a nephew of exiled opposition figure Saparmurad Yklymov, were also included in the August 2007 pardon. Both Yklym and Saparmurad Yklymov were key defendants in the November 2002 case and given sentences of life imprisonment; the latter was sentenced in his absence. Amnesty International had raised concern at allegations that Olga Prokofyeva and Esenaman Yklymov were tortured in pre-trial detention. Olga Prokofyeva was reportedly tortured with electric shocks, and beaten with rubber truncheons and plastic bottles filled with water, in order to force her to disclose Yklym Yklymov's whereabouts. Olga Prokofyeva was sentenced to five years' imprisonment by Ashgabad City Court on 24 February 2003, reportedly accused of concealing a criminal act (Article 210 part 1 and 2 of the Criminal Code of Turkmenistan). Esenaman Yklymov was allegedly ill-treated in custody in November 2002 and his ears were bleeding as a result. He received no treatment for his injuries. When he was released the following day he was said to have been unable to hold a pen in order to write. Esenaman Yklymov was rearrested shortly afterwards and had to publicly denounce his parents on television at the beginning of January. On 13 January 2003 he was sentenced to five years' imprisonment by the Supreme Court of Turkmenistan for "illegal possession of ammunition".¹⁴

¹² The Presidential decree on the pardon was dated 29 September 2008. Releases of prisoners were reported in October.

¹³ For further information, see AI Index: EUR 61/012/2007.

¹⁴ For further information, see AI Indexes: EUR 61/015/2003 EUR 61/006/2002 and EUR 61/003/2003.

Environmental activist **Andrei Zatoka** was detained by local police at the airport of his home city of Dashoguz, near the border with Uzbekistan, for an alleged breach of public order in December 2006. Subsequently he faced four charges, including unlawful acquisition or possession of weapons or explosives, and unlawful circulation of potent or poisonous substances. There were allegations that he was targeted to punish him for his peaceful work as an environmental activist. In January 2007, Dashoguz City Court convicted Andrei Zatoka and handed down a suspended sentence of three years' imprisonment. The suspended sentence was lifted as a result of the September/October 2007 presidential pardon that included some 9,000 prisoners. However, as of June 2008 Andrei Zatoka remained barred from leaving the country.¹⁵

Geldy Kyarizov, the former director of the Government Association *Turkmenatlary* (Turkmen Horses), was detained in January 2002 and sentenced to six years' imprisonment in an unfair trial three months later on charges of abuse of office and negligence. The charges were allegedly brought because he had fallen out of favour with the former President and was caught up in a clampdown that saw scores of officials imprisoned. Geldy Kyarizov was included in the September/October 2007 pardon and released from prison.¹⁶

Baptist pastor **Vyacheslav Kalataevsky** was released in the context of the September/October 2007 pardon (for further information on the case, see below).

Conscientious objectors **Nuryagdy Gairov**, **Suleiman Udaev** and **Aleksandr Zuev** had their suspended sentences lifted in the September/October 2007 pardon. **Ashirgeldy Taganov**, also a conscientious objector, had his suspended sentence lifted in the February 2008 presidential pardon, (for further information on the case, see below).

¹⁵ For further information, see AI Indexes: EUR 01/001/2007 and EUR 01/010/2007.

¹⁶ For further information, see AI Index: EUR 61/004/2007.

3. SILENCING CRITICAL VOICES AND POTENTIAL POLITICAL OPPONENTS

"Everyone shall have the right to freedom of expression."

Article 19(2) of the ICCPR

"Our citizens are free to express their views."

Gurbanguly Berdymukhamedov in a speech to voters in central Turkmenistan during the run-up to Presidential elections on 24 January 2007

"Any [...] statement that contains criticism of those in power evokes a harsh reaction of the authorities. Such people will immediately be threatened and intimidated. And almost always they will mention [your] relatives as possible victims of the threats."

Civil society activist in Turkmenistan

While some prisoners were released after interventions on their behalf by the international community, the clampdown on dissent and other politically motivated harassment, detentions and imprisonments continued.

Human rights defenders and other independent civil society activists are unable to operate openly. Opposition parties do not exist. Many opposition activists live in exile. Virtually all media is state-controlled. The property of media outlets belongs to the state and editors and senior managers are appointed by the President. The only known exception is the independent newspaper *Reklama i biznes* (Advertising and Business), which is owned by a Turkish businessman.¹⁷

In recent years Amnesty International received credible reports of harassment, torture and ill-treatment, arbitrary detention and imprisonment after unfair trials in cases involving human rights defenders and other civil society activists, independent journalists, other individuals critical of the authorities, and former government officials who allegedly fell victim to internal power struggles.

The 3 February 2003 Decree of the *Khalk Maslakhaty* (People's Council) gives broad and vague definitions of high treason that could be applied to punish people for peacefully exercising their right to freedom of expression. The Decree has hung above dissidents like a Damocles' sword. High treason is punishable by life imprisonment. The February 2003 Decree, entitled "On declaring different illegal acts as high treason and about measures of punishment for traitors", stipulates that "slandering one's own state", "[putting] personal interests higher than those of the nation", "any efforts [by government officials] to spread doubt among people about the interior and foreign policy of the first and permanent President of Turkmenistan", and "attempts to create contradictions between people and the state" constitute high treason.

¹⁷ See Turkmen Initiative for Human Rights: *'Sportivny Turkmenistan' To Be Banned*, Turkmen Initiative for Human Rights, 19 September, 2007.

Preparing to carry out or assisting in preparing the above activities or failing to prevent such acts are also considered to be high treason.

The future of the Decree is currently unknown as President Berdymukhamedov, when speaking to the Constitutional Commission on 22 May 2008, proposed to significantly limit the powers of the *Khalk Maslakhaty* by downgrading it to an advisory body. Many of its functions ought to be transferred to the *Medzhlis* of Turkmenistan, the President stated.¹⁸ Other proposed amendments to the country's Constitution include the extension of the presidential term from five to seven years.

Currently, the *Khalk Maslakhaty*, which consists of representatives of the executive, judicial and legislative branches of power, is entitled, among others, to adopt and amend the Constitution of Turkmenistan, and review and confirm political, economic and social policies.¹⁹

Prisoners “inherited” from the previous government

“I don’t know where my father is and whether he is still alive. Two years ago we got a note saying ‘don’t worry, everything is ok’, but we don’t even know whether it was really him who wrote it. The authorities sometimes accept food parcels from my mother but we have no idea whether they actually reach him.”

The daughter of a man imprisoned shortly after the November 2002 alleged coup attempt spoke to Amnesty International in May 2008

Dozens of people whose cases have a strong political element and who were imprisoned following unfair trials under the government of former President Niyazov remain behind bars. They include at least two prisoners of conscience, **Annakurban Amanklychev** and **Sapardurdy Khadzhev**. **Ogulsapar Muradova**, another prisoner of conscience, also convicted in an unfair trial, died in disputed circumstances in September 2006.

Human rights defenders targeted

Arrested in June 2006, **Ogulsapar Muradova**, a correspondent of *Radio Free Europe/Radio Liberty* and a former member of the Turkmenistan Helsinki Foundation, a human rights organization that cannot openly function inside the country, and her co-defendants **Annakurban Amanklychev** and **Sapardurdy Khadzhev**, both also associated with the Turkmenistan Helsinki Foundation, were allegedly ill-treated in detention. There were reports that Annakurban Amanklychev and Ogulsapar Muradova were given psychotropic drugs



Prisoner of conscience Annakurban Amanklychev
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¹⁸ Newspaper *Neutral Turkmenistan*, No. 28, 23 May 2008.

¹⁹ Constitutional Law on the Powers of the *Khalk Maslakhaty*, 15 August 2003.

in an attempt to extract “confessions” and to force them to incriminate each other.

On 25 August 2006 Azatlyk District Court in Ashgabad sentenced Ogulsapar Muradova to six years’ imprisonment and both Annakurban Amanklychev and Sapardurdy Khadzhiiev to seven years’ imprisonment, in a trial that reportedly lasted less than two hours, for “illegal acquisition, possession or sale of ammunition or firearms” (Article 287, part 2 of the Criminal Code of Turkmenistan). The charge appeared to have been fabricated. Their lawyers were reportedly not given the indictment before the trial commenced. International observers and relatives of the defendants were barred from the trial. Officers of the Ministry of National Security who were sitting in a car near the court building filmed everybody who came close to the building and other officers who were standing on the street recorded the names of anybody they could identify. The defendants’ relatives were reportedly unable to obtain a copy of the verdict.



Independent journalist and human rights defender Ogulsapar Muradova died in custody in disputed circumstances in 2006. The authorities never opened an effective investigation into her death.

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Amnesty International adopted the three as prisoners of conscience, believing that they were targeted because of their human rights activities.

On 19 June 2006 the Minister of National Security of Turkmenistan had publicly stated that Annakurban Amanklychev had been engaged in “subversive activities” and planned a revolution in Turkmenistan. The accusations mainly related to attendance of human rights courses in Poland and Ukraine; the gathering and passing on of human rights-related information to the director of the Turkmenistan Helsinki Foundation in Bulgaria; and cooperation with foreign journalists.

According to a 28 August 2006 press release issued by Miklos Haraszti, the OSCE’s Representative on Freedom of the Media, Turkmenistani government sources had informed him earlier that Annakurban

Amanklychev was detained during “illegal collection of information in order to encourage public dissatisfaction” and for “transmitting materials to foreign citizens”. He and Ogulsapar Muradova were “involved in criminal activities related to organiz[ing] subversive acts and collect[ing] defamatory information in Turkmenistan in order to create public dissatisfaction”.

In September Ogulsapar Muradova died in custody in disputed circumstances. When her children were shown her body in the morgue in Ashgabad they reported to have seen “a huge wound on her forehead and marks on her neck”. The authorities have to date failed to open a thorough, impartial and independent investigation into her death.

The government failed to address adequately allegations that the charges were fabricated and related to their activities as human rights defenders. In its 10 December 2007 report entitled *Human Rights Defenders in the OSCE Region: Our Collective Conscience* the OSCE published comments by the government of Turkmenistan on the cases of the three activists. The authorities reportedly referred to their previous statement in the Permanent Council of the OSCE stating that “Ms. Muradova was provided with legal representation at all times and had been advised of her right to appeal, that her relatives had been notified of her death, that it had been announced that an autopsy would be carried out, and that she had been in poor health”. According to the OSCE’s report, the Government maintains “she was neither a journalist nor a human rights defender, and rejects any suggestion that her death was other than as a result of natural causes”. The authorities reportedly also disputed that Annakurban Amanklychev was a human rights defender and rejected claims made by human rights groups that he and Sapardurdy Khadzhiyev did not have regular access to legal counsel.

A non-governmental source reported that Annakurban Amanklychev and Sapardurdy Khadzhiyev were serving their prison sentences in the Caspian port city of Turkmenbashi (formerly Krasnovodsk). Reportedly, the two men’s relatives were for the first time allowed to pass on food parcels to them in December 2007. For over a year after their trial in August 2006 the authorities had reportedly refused to respond to repeated requests by their relatives to inform them of the men’s whereabouts, allow them to pass on parcels with food and medicine and visit them. The source reported that “only after months-long efforts, approaches of [numerous government agencies], refusals [and] silence of government officials, the relatives were eventually granted the right to [pass on] a parcel, and then also to a visit”.

Reportedly, since they were imprisoned Annakurban Amanklychev and Sapardurdy Khadzhiyev have sent several letters to the authorities stating that they were innocent and petitioning for their release. However, to Amnesty International’s knowledge they have received no reply.

**“Traitors of the motherland”
subjected to enforced
disappearance**

Dozens of prisoners labelled as “traitors of the motherland” by the authorities in connection with the alleged armed attack on then President Niyazov in November 2002 have been subjected to enforced disappearance for over five years.

They were sentenced in unfair trials on charges including “conspiracy to violently overthrow the government and/or change the constitutional order”, “attempting to assassinate the President”, and “setting up or participating in a criminal organization”. In his March 2003 report on

Persons are subjected to enforced disappearance when they “***are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law***”. Declaration on the Protection of all Persons from Enforced Disappearance Adopted by General Assembly resolution 47/133 of 18 December 1992. A similar definition is given in Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance.

Turkmenistan the OSCE-appointed rapporteur Professor Emmanuel Decaux described the conditions in which the trials took place as “in breach of all the most elementary principles of the rule of law”.²⁰ Several dozen defendants convicted in a series of closed trials were not represented by independent lawyers. In many cases the defendants' lawyers and families were given little or no notice before the court hearings began. Some lawyers representing the defendants in court reportedly began their plea with the words “I am ashamed to defend a person like you.” The defendants were reportedly forced to sign a document saying they were familiar with the documentation of their criminal case and the indictment, without being given the chance to study these documents. Representatives of embassies and the OSCE who requested to observe the trials were not given access to any of the court hearings.

According to non-governmental sources, most of the prisoners are held in the Ovadan-depe prison, not far from Ashgabad, known for its particularly harsh conditions. However, the authorities have to date not disclosed the prisoners' whereabouts.

Since their arrest the prisoners have been denied all access to families and independent bodies including the International Committee of the Red Cross (ICRC). In a letter to the UN Secretary General, dated 29 April 2004, the Permanent Representative of Turkmenistan to the UN reacted to concerns regarding the incommunicado detention of those imprisoned in connection with the November 2002 events and the lack of access of the ICRC that had been raised by the UN Commission on Human Rights in its 2004 resolution on human rights in Turkmenistan. The official stated that “in line with the law and the court verdict, access to the convicted terrorists is prohibited for the duration of five years”. Considering that most of the prisoners were detained in November 2002 and convicted in December 2002 or January 2003, this period has expired. However, the ICRC continues not to have access to the prisoners and Amnesty International learnt from several relatives of prisoners that they also have not been able to visit the prisoners.

Since the government of President Berdymukhamedov came to power, the relatives of several prisoners have repeatedly asked the authorities for permission to send parcels and letters at least once a year, to visit the prisoners, and for the names of those who died in prison. They received no written reply but government officials reportedly told them that their requests were denied.

International standards and expert bodies provide that restrictions and delays in granting detainees access to the outside world are permitted only in very exceptional circumstances for very short periods of time. The UN General Assembly and the UN Commission on Human Rights have stated that prolonged incommunicado detention can in itself constitute a form of cruel, inhuman or degrading treatment, or even torture.²¹ The Human Rights Committee has found that the practice of incommunicado detention in some situations violates Article 7 of the ICCPR (prohibiting torture and ill-treatment) or Article 10 of the ICCPR (safeguards for people deprived of their liberty).²² Both the Human Rights

²⁰ *OSCE Rapporteur's Report on Turkmenistan*, 12 March 2003

²¹ See UN General Assembly resolution 62/148 and UN Commission on Human Rights Resolution: 2004/41.

²² See Communications Nos. 540/1993, *Celis Laureano v. Peru*, Views adopted on 25 March 1996, para. 8.5; 458/1991, *Mukong v. Cameroon*, Views adopted on 24 July 1994, para. 9.4; 440/1990, *EI-*

Committee and the Committee against Torture have called for the elimination of incommunicado detention. The UN Special Rapporteur on torture, noting that torture is most frequently practiced during incommunicado detention, has called for incommunicado detention to be made illegal.²³

Boris Shikhmuradov, a former Minister of Foreign Affairs under President Niyazov, was sentenced to 25 years' imprisonment in a closed trial of the country's Supreme Court on 29 December 2002. At the same trial exiled opposition figures **Nurmukhammet Khanamov**, **Khudayberdy Orazov** and **Saparmurad Yklymov** were sentenced to 25 years' imprisonment in their absence. According to the web-based news service *Turkmenistan.ru*, the *Khalk Maslakhaty* increased the sentences to life imprisonment the next day.²⁴

The *Khalk Maslakhaty*, a body consisting of representatives of the executive, legislative and judiciary branches of power, is not an independent, impartial and competent court as required



Boris Shikhmuradov was given a sentence of life imprisonment in 2002 in proceedings that did not meet international fair trial standards. Since then his family has heard nothing from him. The photo was taken in his office when he was Foreign Minister of Turkmenistan. © Private

by article 15(1) of the ICCPR. By imposing a heavier penalty than that decided by the Supreme Court it performed a judicial function and violated the right to fair trial. Article 14(5) of the ICCPR further provides for the right of everyone convicted of a crime to have his/her conviction and sentence to be reviewed by a higher tribunal according to law. The fact that the *Khalk Maslakhaty* can impose heavier sentences without any right to appeal is a further violation of fair trial guarantees.

In addition, at the time when the men allegedly committed the crimes they were convicted of, Turkmenistani legislation did not provide for life imprisonment as a form of punishment. Another four men – **Annadurdy Annasakhedov**, **Guvanch Dzhumaev**,

Nurmukhammad Orazgeldiev and **Yklym Yklymov** – were also sentenced to life imprisonment in connection with the November 2002 events. They were convicted by the Supreme Court in January 2003. Life imprisonment as a form of punishment was only added to the Constitution of Turkmenistan in August 2003 and has to date not been included in the Criminal Code.

Megreisi v. Libyan Arab Jamahiriya, Views adopted on 23 March 1994, para. 5, 1297/2004, para 8.4, *Ali Medjnoune v. Algeria*, Views adopted on 14 July 2006.

²³ Report of the Special Rapporteur on torture, UN Doc. E/CN.4/1995/434, para. 926(d).

²⁴ *Turkmenistan.ru*, *The People's Council of Turkmenistan made a decision about the application of life imprisonment to the traitors of the Motherland*, 30 December 2002.

Under international human rights standards, a heavier penalty than the one that was applicable at the time when the criminal offence was committed must not be imposed.²⁵

Boris Shikhmuradov's wife, Tatyana Shikhmuradova, told Amnesty International shortly after her husband stood trial: "It is impossible to find out whether the lawyers were allowed to speak, whether any witnesses were questioned [and] who chaired the hearing." In Boris Shikhmuradov's televised "confession" that was broadcast at the end of December 2002 and that was believed to have been dictated to him, he stated: "I and my allies [...] are not opposition members but ordinary criminals and drug addicts [...] there is not a single decent person among us; we are all thugs [...] I am not a man able to rule a state [...] I am a criminal able only to destroy the state."

Since her husband's arrest, Tatyana Shikhmuradova has regularly written letters to government officials including former President Niyazov, President Berdymukhamedov, the Prosecutor General, the Minister of Justice and the Ambassador of Turkmenistan to Russia on behalf of her husband and **Konstantin Shikhmuradov**, her brother-in-law, who is serving a prison sentence of 17 years in connection with the November 2002 events. However, she has received no reply and stated that she knows "nothing about Boris and Konstantin".²⁶

Konstantin Shikhmuradov's wife Ayna Shikhmuradova reportedly regularly goes to the Department of the Execution of Punishments asking for information about her husband and Boris Shikhmuradov. However, she also has not been given any information and her letters to government officials and the Citizens' Complaint Commission have remained unanswered.

When President Berdymukhamedov spoke at Columbia University in New York during his visit to the USA in September 2007 a student and human rights defender asked him whether Boris Shikhmuradov and **Batyr Berdyev** were still alive. The President was quoted by *Radio Free Europe/Radio Liberty* as saying: "Regarding your inquiry whether those particular prisoners are alive, I've already told you: I am still a young (new) president, I am not involved with these issues, I am busy with the well-being of our nation, but I am positive that they are alive." This is the only piece of information that gives the two men's relatives hope the men are still alive.

Many of those detained in connection with the November 2002 events were reportedly tortured by law enforcement officers in pre-trial detention.

There were reports that **Batyr Berdyev**, former Ambassador of Turkmenistan to the OSCE and former Foreign Minister, 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 handcuffed him to a door. He was sentenced to 25 years' imprisonment on 21 January 2003 in connection with the November 2002 events.

Yazgeldy Gundogdiev was reportedly beaten, choked in a gas mask and tortured with electric shocks shortly after his arrest in November 2002.²⁷ He had served as Head of the Protocol Department under President Niyazov and *Khyakim* (Governor) of Dashoguz region before being sentenced to 25 years' imprisonment in January 2003 for participating in the alleged armed

²⁵ See article 15, para. 1 of the International Covenant on Civil and Political Rights.

²⁶ Email correspondence with Tatyana Shikhmuradova, 22 March and 14 April 2008.

²⁷ Farid Tukhbatullin, *Turkmenistan's crackdown: a view from jail*, 21 November 2003, published on Eurasianet.org.

attack on the then President. While it was alleged that Yazgeldi Gundogdiev had been released in 2007 on grounds of poor health, a relative of Yazgeldi Gundogdiev informed Amnesty International in May 2008 that he continued to be imprisoned.

Human Rights Watch cited a source from Turkmenistan as reporting that “inmates sentenced from the 2002 attack are treated more harshly than others, that they are beaten for the smallest infraction of prison rules, and that they were severely beaten in spring 2007, in retaliation for passing on to the outside information about their condition in custody”.²⁸

To Amnesty International’s knowledge, no [independent and] effective investigations have been opened into these allegations nor has anyone been brought to justice for these alleged human rights violations.

There have been countless rumours about how many of the prisoners died in recent years. A non-governmental source told Amnesty International in October 2007 that there was reliable information confirming the death of at least eight prisoners. The authorities have to date not responded to requests by relatives and the international community to disclose information about deaths in custody and considering that the “traitors of the motherland” have been denied all contact with the outside world since their incarceration, Amnesty International has not been able to verify these reports. No thorough, impartial and independent investigation has been opened into the deaths, which reportedly resulted from torture and other ill-treatment, harsh prison conditions and lack of appropriate medical treatment.

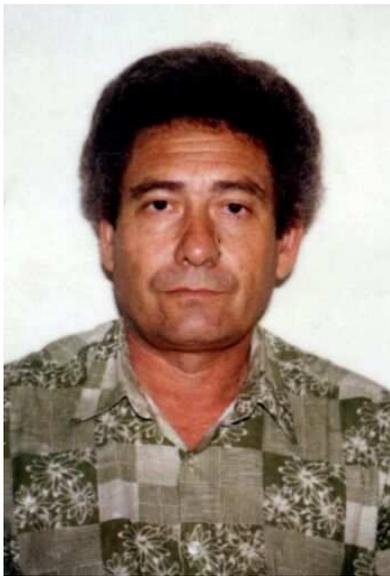
Amanmukhammet Yklymov, for example, is said to have been tortured in the Ashgabad City Police building following his arrest on 25 November 2002. His family claimed that as a result of the torture, he lost sight in his left eye and the hearing in his left ear. His left arm was reportedly broken and he was hardly able to move. Sources allege that a plastic bag was put over his head to restrict his breathing, and that he was suspended by his arms, and forced to wear a gas mask, to which the air supply was cut off. The court reportedly ignored Amanmukhammet Yklymov’s allegations that he was tortured in custody. He was sentenced to 20 years’ imprisonment in January 2003. Unconfirmed reports received by Amnesty International in August 2003 alleged that Amanmukhammet Yklymov died in custody in March that year as a result of torture, other ill-treatment and harsh prison conditions.

Among the 11 prisoners released in the August 2007 presidential pardon were two imprisoned on charges directly related to the 2002 alleged attack on the former President and two people related to main defendants in the case (see above). Three of them – Yusup Khaidov, Olga Prokofyeva and Esenaman Yklymov – would have been due for release a few months later, considering that they were sentenced to five years’ imprisonment in January and February 2003 and had already spent some time in detention before their trial.

²⁸ Human Rights Watch report *Human Rights Reform in Turkmenistan. Rhetoric or Reality?*, November 2007.

Mukhametkuli Aymuradov serving 13th year in prison following unfair trial

Mukhametkuli Aymuradov and his co-defendant Khoshali Garayev were sentenced to 15 years' imprisonment following conviction for alleged anti-state crimes in an unfair trial in 1995. They were convicted of crimes including "attempted terrorism" in a closed session of the Judicial Collegium for Criminal Cases at the Supreme Court of Turkmenistan. During the investigation a lawyer assigned to Mukhametkuli Aymuradov was allowed only very limited access to him. Repeated calls for the two men's retrial, in proceedings meeting international standards, have gone unheeded. In December 1998 they received an additional sentence on charges in connection with an alleged escape attempt.



Mukhametkuli Aymuradov, imprisoned since 1995 after an unfair trial.

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In September 1999 the family of Khoshali Garayev was informed of his death in prison; reportedly the circumstances of the death were suspicious. His death remained unexplained and uninvestigated.

In May 2008 Amnesty International received an unconfirmed report alleging that Mukhametkuli Aymuradov's remaining prison term had been reduced significantly back in November 2001 and that he was due for release in March or April 2009. Amnesty International is seeking information from the authorities to verify this report. According to his relatives, Mukhametkuli Aymuradov is currently held in a detention facility in the town of Ovadan-depe.

The organization remains seriously concerned about Mukhametkuli Aymuradov's health. He reportedly continues to suffer from a number of health problems including a gastric ulcer, cholecystitis, heart problems and recurring inflammation of the bladder and kidneys. His eyesight has badly deteriorated.

Politically motivated cases and unfair trials under the current government

After the death of President Niyazov the new government continued to clamp down on dissent and used detention and imprisonment as tools to silence rivals in political power struggles.

Exiled opposition politicians reported that on 23 December 2007 officers of the Ministry of National Security detained **Nurberdi Nurmamedov**, a former leader of the opposition group Agzybirlik. There were allegations that Nurberdi Nurmamedov was targeted to prevent him from applying to run in the Presidential elections. Opposition sources also alleged that he was targeted in connection with a recent interview he had given to *Radio Free Europe/Radio Liberty*

where he commented on the future of Turkmenistan following President Niyazov's death. Nurberdi Nurmamedov was released on 28 December.

Under the government of President Berdymukhamedov the authorities continued to try to silence the opposition in exile, including by putting pressure on their relatives inside Turkmenistan.

Amnesty International also learnt of cases where former government officials were sentenced in closed trials. For example, Ovezgeldy Ataev, Akmurad Redzhepov and his son Nurmurad Redzhepov were convicted in such trials in the first half of 2007.

Under Article 14(1) of the ICCPR, "everyone shall be entitled to a fair and public hearing". Court hearings may only be closed to the press and the public in exceptional circumstances such as for reasons of morals, public order or national security in a democratic society. The Article also states that "any judgment rendered in a criminal case [...] shall be made public with rare exceptions, such as to protect the interests of juveniles".

According to *Turkmenistan.ru*, on 22 December 2006 **Ovezgeldy Ataev** was dismissed from his post as Speaker of Parliament at an extraordinary session of Parliament, one day after the authorities announced former President Niyazov's death. Parliament also agreed that a criminal investigation be opened against him following a request by the Prosecutor General. The Prosecutor General was reported as stating that Ovezgeldy Ataev had "abused [his] office and flagrantly violated constitutional rights of citizens and even [incited] discord between clans". The Prosecutor General stated the latter charge related to Ovezgeldy Ataev's objection to a marriage between his stepson and a young woman earlier that year. As a result, the young woman reportedly attempted to commit suicide.

Non-governmental sources believe that Ovezgeldy Ataev was targeted as part of a power struggle following the former President's death. According to the Constitution, the Speaker of Parliament was designated to succeed the President.

According to a 27 February 2007 report by the news agency *Ferghana.ru*, Ovezgeldy Ataev was sentenced to five years' imprisonment by the Supreme Court of Turkmenistan in a closed hearing. According to the non-governmental Turkmen Initiative for Human Rights, Ovezgeldy Ataev was sentenced to four years' imprisonment.

Reportedly, Guzel Ataeva, Ovezgeldy Ataev's wife, stood trial on similar accusations. The Turkmenistani authorities have often extended punishment to family members; in this case Ovezgeldy Ataev's wife may have been similarly targeted.

A non-governmental source reported that, at least as of November 2007, Ovezgeldy Ataev was serving his sentence in Ovadan-depe prison. At least as of April 2008 his wife was being detained in the women's labour colony in the city of Dashoguz near the border with Uzbekistan.

The state *Turkmen TV* reported on 15 May 2007 that **Akmurad Redzhepov**, believed to have been one of the most influential officials in President Niyazov's government, was relieved of his duties "in connection with his transfer to another post". Émigré sources and independent

Russian media reported that on 27 July Akmurad Redzhepov, who used to be the head of the Presidential Security Service and until April 2007 the head of the State Security Council, and his son **Nurmurad Redzhepov** were sentenced to 20 and 13 years' imprisonment respectively on charges of corruption and abuse of office. The trial took place at the Supreme Court of Turkmenistan. State media published no information about their arrest or trial. Nurmurad Redzhepov was included in the presidential pardon in September/October 2007. According to an unconfirmed report received by Amnesty International on 10 April 2008, Akmurad Redzhepov was held in the detention facilities of the Ministry of National Security in Ashgabad.

Amnesty International was concerned that, as the trial was held behind closed doors, the lack of transparency violated Turkmenistan's obligations under international human rights law. In addition, an open trial might have allowed public scrutiny of Akmurad Redzhepov's possible involvement in human rights violations during his time in office.

Controlling and silencing 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 independent civil society activists and have made it impossible for them to operate openly. Civil society activists have been frequent targets of interrogation and harassment, and have been arbitrarily detained or, in several cases, imprisoned.

On 10 November 2003 the authorities published 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. The legislation criminalized the activities of any unregistered NGO. Only 14 days after the publication of the legislation, the NGO Dashoguz Ecological Club was closed 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, restrictive legislation remained in force and to date only three independent NGOs, two of which conduct activities totally unrelated to human rights, are known to have been able to gain registration. The groups, all of which gained registration under the previous government, are: Keik Okara (activities of the group involve providing social assistance to refugees and children), Accountant of Turkmenistan, and the Club of Alpinists Agama.²⁹ Other activists have applied for registration at the Ministry of Justice but have either received no reply or their applications were rejected. A civil society activist in Turkmenistan informed Amnesty International in February 2008: "Several groups tried to hand in documents to gain registration. But [the authorities] refused either to receive the documents under the pretext that they were not filled in correctly or [...] that an organization with such a profile already exists".

²⁹ Interview with Farid Tukhbatullin of the Turkmen Initiative for Human Rights, 21 May 2008.

Another major obstacle for NGOs to gain registration is the requirement to submit to the Ministry of Justice a letter of support from a Ministry whose remit relates to the NGO's proposed activities. According to the Turkmen Initiative for Human Rights, "the Ministers are reluctant to bear any responsibility for NGO activities and therefore hardly ever issue such letters."³⁰

The authorities have in many instances prevented civil society activists from meeting representatives of foreign governments and international organizations, including the UN and the OSCE, on their visits to Turkmenistan. They have been warned by officers of the Ministry of National Security 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 some cases activists have been temporarily detained during visits of international delegations; many have been kept under house arrest and telephones have often been disconnected. For example, Amnesty International received information that a civil society activist was detained for a day at the Ministry of National Security when the High Commissioner for Human Rights visited Turkmenistan in May 2007 and released at the end of the High Commissioner's stay.

Approximately in April 2008 the authorities launched a new wave of repression against independent civil society activists and journalists. The main aim reportedly was to identify contributors to reports of foreign media outlets and NGOs based outside the country.

Among the targets were suspected sources of information of the Austria-based Turkmen Initiative for Human Rights. In 2007 and 2008 the Turkmen Initiative for Human Rights published a series of articles on its website accusing President Berdimukhamedov of nepotism and giving examples demonstrating that a disproportionate number of senior officials originated from the President's native Akhal region. A civil society activist from Turkmenistan told Amnesty International that he had received reliable information that the President ordered officials to ensure that this and other information contained on the group's website was not accessible from inside Turkmenistan and to identify those contributing to the group's publications. The NGO's website carries reports and articles about human rights violations in Turkmenistan and provides non-partisan commentary on government policies and practices.

Reportedly, officers of the Ministry of National Security "invited all those for a conversation" whom they suspected of links with the human rights group trying to extract information about the NGO's contacts inside Turkmenistan and how information is passed to Farid Tukhbatullin, the group's exiled director. In April Turkmenistani diplomatic representatives "recommended" Farid Tukhbatullin to "tone down" criticism of the authorities on his website.

Amnesty International is verifying allegations stating that the criminal case against social activist Valeri Pal, which resulted in him being sentenced to 12 years' imprisonment in May 2008, was fabricated to punish him for his peaceful activism.

³⁰ Turkmen Initiative for Human Rights Report, *National minorities in Turkmenistan: education, culture and social sphere*, February 2008, p. 12.

Valeri Pal, aged 60, was detained by police in the city of Turkmenbashi on the night of 21 February 2008. On 13 May Turkmenbashi City Court found Valeri Pal guilty of crimes including misappropriation of property (Article 229, part 4a), abuse of power (Article 181, part 2) and forgery (Article 187) and sentenced him to 12 years' imprisonment. He was accused of having committed these crimes at his workplace at an oil-refinery in the Caspian port city of Turkmenbashi. On 21 May Valeri Pal lodged an appeal against the sentence with Balkan Regional Court.

Valeri Pal has been an activist since 1993 and has, for example, taken part in protests against the renaming of his city, helped fellow citizens with various social problems and has supported other activists and human rights defenders with his knowledge of information technology. Valeri Pal's supporters believe the case against him was fabricated to punish him for his social activism, contacts with human rights defenders abroad, and his technological support to other activists.

Amnesty International received allegations that Valeri Pal was interrogated several times in pre-trial detention without the presence of his lawyer. Temirkhan Misrikhanov, chairperson of the Union of Independent Lawyers of Turkmenistan, based outside the country, reported on 1 June that "the investigator [...] offered Pal's wife [the chance to pay] first US\$ 10,000, then US\$ 3,000, and promised [that if she paid this money he could] walk free from the court room". According to Valeri Pal's relatives, Valeri Pal was not given the indictment before the trial commenced. Under Article 79 of the Criminal Procedure Code of Turkmenistan the authorities



Social activist Valeri Pal is seriously ill and reportedly denied appropriate medical treatment.

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have to bring charges no later than 72 hours after the arrest. Vyacheslav Mamedov, the director in exile of the non-governmental Democratic Civic Union of Turkmenistan, informed Amnesty International on 1 June: "The case has clearly been dealt with in a biased way. The authorities put psychological pressure on the witnesses, the lawyer and on Valeri Pal himself and threatened and intimidated them."

On 16 June police and court officials reportedly came to the house of Valeri Pal's family and removed their most valuable possessions including furniture and their television. Reportedly, they presented no documents. Vyacheslav Mamedov reported: "The sentence handed down on 13 May didn't include confiscation of property. Maybe this decision was later changed by the regional court, but nobody was informed of another court hearing and neither Valeri Pal himself nor his lawyer ever saw another court decision."

Amnesty International is seriously concerned about Valeri Pal's health. He suffered a stroke in 2004. Since then the left side of his body has been partly

paralyzed and he requires regular medical treatment and exercise. According to his wife, he almost lost his life at the time of the stroke. He also suffers from chronic prostatitis, a prolonged inflammation of the prostate gland. Valeri Pal's son told Amnesty International in April 2008: "[My father] looks bad [...] He is practically fading away before our eyes."

The authorities reportedly demanded large bribes from Valeri Pal's relatives to pass on medicine to him that he urgently needs. According to information received in April, not all medicine they asked the guards to give Valeri Pal actually reached him.

On 20 March an ambulance was called to the detention facility to attend to Valeri Pal. He was reportedly suffering from heart pains and high blood pressure. He also reportedly developed an ulcer on his left foot or leg and according to his son, his hands were swollen and look like "boxers' gloves". His family also report that he has developed an infection in his gums and that "he is losing teeth". A relative reports that "[h]e cannot even use the toilet without help. In order to reach the toilet one has to climb up a step of 80cm." Valeri Pal and five other detainees are said to be kept in a humid basement cell that is meant for a total of three people.

His son informed Amnesty International in April that the quality of food he receives is also very poor. His family is reportedly permitted to pass on a food parcel to him only once a month and "half of the food is taken away by the guards".

Targeting journalists

The authorities continued to deny freedom of media. Virtually all domestic media is state-controlled and journalists collaborating with international media risk repercussions by the authorities, including harassment, intimidation and arbitrary detention. Many journalists report that the authorities often intentionally disconnect their telephone lines and the relatively small group of those with private internet access report frequent severe disruptions to the service. Turkmenistani journalists who cooperate with foreign media outlets in many cases use pseudonyms for security reasons.

On 18 April 2007 independent journalist **Sona Chuli-kuli** was prevented from travelling to Kazakhstan to attend the Eurasian Media Forum. She was detained early that day and then questioned at the Ministry of National Security for three days. Officers of the Ministry reportedly confiscated her computer, thoroughly examined all files and demanded to give them detailed explanations of the content of her files. They accused her of having written for a foreign publication under pseudonyms and threatened to expose all her pseudonyms as well as those of other correspondents she had worked with. On 25 or 26 April the computer was returned to her. She was forced to sign a statement that she would stop cooperating with foreign media. Reportedly, at least two other people whom the authorities suspected of having links with foreign media also had their computers confiscated.

Pressure on correspondents of *Radio Free Europe/Radio Liberty*

The authorities of Turkmenistan have in many cases attempted to silence correspondents of the US Congress-funded *Radio Free Europe/Radio Liberty*, which has often been critical of the Turkmenistani authorities in its reporting and has broadcast human rights concerns. Amnesty International received reports that in 2007 and 2008 the authorities employed the following strategies, among others, to intimidate correspondents and interfere with their work: frequent

summoning to the Ministry of National Security to question them about their cooperation with the Radio and to “recommend” ending their activities; preventing correspondents from travelling abroad (see chapter “Barred from leaving the country”); cutting off correspondents’ phone lines, which are vital for them to pass on information to the Radio’s *Turkmen Service* in Prague, and harassing and intimidating correspondents’ relatives.

Officers of the Ministry of National Security reportedly questioned the correspondent **Gurbansultan Achilova** three times in recent months about her cooperation with *Radio Free Europe/Radio Liberty*. When she was summoned to the Ministry of National Security in Ashgabad on 3 April 2008 she was reportedly told that she should not continue her work for the Radio unless she was issued accreditation by the authorities. She had to sign a letter stating that she would cease her reporting until the authorities issued her an accreditation. Joanna Levison, *Radio Free Europe/Radio Liberty*’s Senior Media Advisor, told Amnesty International on 23 May: “Achilova is now in a kind of double jeopardy. If she resumes her journalism, she risks working illegally and in contravention of an agreement she signed. If she remains silent, she effectively is choosing to self-censor and appease the regime.”

Since the government of President Berdymukhamedov came to power *Radio Free Europe/Radio Liberty* has sent two letters to the Ministry of Foreign Affairs of Turkmenistan in November 2007 and January 2008 respectively, requesting accreditation on behalf of four Turkmenistan-based correspondents, including Gurbansultan Achilova. To date no reply has been received.³¹

Gurbandurdy Durdykuliev, a *Radio Free Europe/Radio Liberty* contributor, told Amnesty International on 23 May 2008 that since 2006 he had been visited by doctors of the psychiatric hospital of Balkan region and officers of the Ministry of National Security on many occasions, urging him to come for psychiatric check-ups. Amnesty International had adopted him as a prisoner of conscience when he was forcibly confined in psychiatric hospitals from 2004 to 2006.³²

Gurbandurdy Durdykuliev also told Amnesty International that on 7 and 14 April 2008 graffiti appeared on the walls of his house with intimidating text and drawings (see title page). It is not known who sprayed them on his walls but he believes their intention is to discourage him from further cooperation with the Radio and from complaining to the authorities about local social and economic problems.

In the night of 21 April 2008 Gurbandurdy Durdykuliev was sleeping on the veranda in front of his house. He reported that he was awoken by the smell of smoke and realized that someone had thrown burning bottles next to where he was sleeping. He believed this was an attack on him and his property. He called the police but reported that they did not open a thorough and impartial investigation in order to bring to justice the perpetrator/s.

³¹ Interview with Oguljamal Yazlieva, Director of the Turkmen Service of *Radio Free Europe/Radio Liberty*, and Joanna Levison, the organization’s Senior Media Advisor, Prague, 23 May 2008.

³² For further information on his forcible confinement in psychiatric hospitals, see AI Indexes: EUR 01/005/2004, EUR 01/002/2005 and EUR 01/017/2006.

Amnesty International also received reports that the authorities harassed and intimidated relatives of *Radio Free Europe/Radio Liberty* correspondents to put pressure on the correspondents.

The son of Khalmurad Gylychdurdyev, a *Radio Free Europe/Radio Liberty* correspondent, was planning to get married on 21 April 2008. He and his family reserved a restaurant for the dinner party well in advance. But one day before the wedding the restaurant owner called and reportedly told them that the authorities had urged him to cancel the dinner. Rozinazar Khudoberdiev, a Prague-based journalist of *Radio Free Europe/Radio Liberty*, told Amnesty International on 23 May 2008: "They managed to find another restaurant and had to call 200 guests to inform them of the new venue. But when the guests arrived the electricity was cut off in the restaurant. Then they went home with all their guests but immediately the electricity was cut off there as well. They moved to yet another restaurant, but it happened again. The officers of the Ministry of National Security who cut off the electricity actually followed them quite openly, right behind the couple's and the guests' cars. And they weren't even ashamed to ask the family for drinks. Eventually the family lit candles and resigned themselves to the fact that they wouldn't have music at their party."

The Turkmen Service of *Radio Free Europe/Radio Liberty* learnt on 19 May 2008 that **Umyt Khallyev**, a student of Arabic language and literature at the Turkmen State University of World Languages in Ashgabad, was reportedly told by the university administration that he would be dismissed from the University unless his father **Osmankuly Khallyev** stopped working for the Radio. He was reportedly prevented from attending classes for three days. After that his father travelled some 400 kilometres from his home town in the eastern Lebap region to Ashgabad to talk to a senior official at the university administration. He was reportedly told that the faculty had been pressurized by the authorities. Subsequently, Umyt Khallyev was able to resume attending classes but he was warned that he would not be permitted to pass his summer exams. Amnesty International continues to monitor his case.

Targeting relatives

The authorities have targeted relatives of exiled human rights defenders in order to put pressure on the activists. Farid Tukhbatullin, the director of the Turkmen Initiative for Human Rights, and Tadzhi gul Begmedova, director of the Turkmenistan Helsinki Foundation, who are based in exile, have reported pressure on their relatives linked to their peaceful activism, including regular visits from the authorities to demonstrate that they are "being watched". For example, Farid Tukhbatullin's brother Ruslan Tukhbatullin was believed to have lost his position in the military because of Farid Tukhbatullin's human rights work (see above). The authorities took measures to ensure that Ruslan Tukhbatullin was unable to find employment for over three years. Sazak Begmedov, Tadzhi gul Begmedova's father, continues to live in internal exile after having been deported to Dashoguz near the border with Uzbekistan in 2003, a move that was said to have been linked to her group's human rights activities.

On 31 August 2003 **Sazak Begmedov**, a former prosecutor, was reportedly detained by four police officers in Ashgabad and forcibly resettled to Dashoguz. Shortly before the forced resettlement, Tadzhi gul Begmedova had announced the formation of the Turkmenistan Helsinki Foundation and had publicly alleged that two men imprisoned in connection with the November 2002 alleged coup attempt had died in prison as a result of torture.

The officers reportedly beat and kicked Sazak Begmedov on the 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 several months as he was told that he could only receive the money at his permanent place of residence in Ashgabad. While the authorities in Dashoguz now pay his pension, he reportedly often receives it with a longer delay than other pensioners.

According to Tadzhiagul Begmedova, Sazak Begmedov tried to fly to Ashgabad on two occasions since 2003. However, the first time he was reportedly taken off the plane by law enforcement officers and the second time he was prevented from boarding the plane. Sazak Begmedov reportedly suffers from heart disease and is seeking treatment at the cardiological department of the hospital in Ashgabad.

Barred from leaving the country

The authorities continued to bar dissidents, political opponents and their relatives from leaving the country as a tool to silence dissent. The targeting of relatives was also used to put pressure on exiled opposition politicians in an attempt to stop those in exile from criticizing government policies and speaking out about human rights abuses in Turkmenistan.



The authorities have barred Jennet Gylychdurdyeva from travelling to Russia, where she seeks medical treatment.

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There were reports that the number of people included in a “black list” barring them from travelling abroad was reduced under the government of President Berdymukhamedov, in particular with regard to relatives of people formerly and currently imprisoned for financial crimes. The names of several relatives of dissidents and opposition figures in exile were reportedly also removed from the list. However, scores of people including those perceived to be critical of the authorities, members of religious minorities, their relatives, relatives of people convicted in connection with the 2002 alleged armed attack on the President, and relatives and friends of government officials imprisoned in recent years remained on the list and there were reports that new names had also been added since the new government came to power.

In 2004 doctors at the Ashgabad Oncology Centre diagnosed **Jennet Gylychdurdyeva** (in previous AI documents: **Zhenet Gylychdurdyeva**)

with breast and uterine disease. “For the following two years she ran around in Ashgabad trying to find a doctor who would treat her. When she went to them for the first consultation they said she should undergo treatment or surgery but when she came back the next time they refused to treat her”, Jennet Gylychdurdyeva’s father Khalmurad Gylychdurdyev told Amnesty International on 10 June 2008. The family believes that the Ministry of National Security instructed the doctors not to treat her because of her father’s work as a correspondent of *Radio Free Europe/Radio Liberty*. In 2007 she decided to travel to Moscow for medical treatment. On 7 March 2007 an official of the State Migration Service of Turkmenistan (Migration Service) at Ashgabad airport reportedly stopped her and said she was not permitted to leave Turkmenistan. She reported: “The official said the reason was that I had problems with the [Ministry of National Security] and so I submitted a complaint letter to the Ministry. I was told I would get a reply within two months.” She says that she received no reply and has since submitted several further complaint letters, which have also remained unanswered. In January 2008 Jennet Gylychdurdyeva went to the office of the Migration Service where she was told that she would not be allowed to leave.

Jennet Gylychdurdyeva was believed to have been targeted previously in connection with her father’s journalistic work. In June 2004 she was dismissed from her post as a senior inspector at the Ministry of Internal Affairs, where she had worked since 1989, shortly after her father was taken into incommunicado detention.³³

Altyn Magauina, a Prague-based broadcaster at the Turkmen Service of *Radio Free Europe/Radio Liberty*, told Amnesty International on 23 May 2008 that the authorities prevented her mother from leaving Turkmenistan in May 2007. She was on her way to visit Altyn Magauina but was taken off the plane at Ashgabad airport. The two had not seen each other for eight years and her mother was looking forward to seeing her three younger grandchildren for the first time. When Altyn Magauina’s mother went to the Migration Service to complain about the incident, officials reportedly told her: “We can’t do anything about it. These are instructions from above.” It is believed that she was prevented from travelling because of Altyn Magauina’s work for the Radio.

On 24 November 2007, at Ashgabad airport, **Svetlana Orazova** and her three-year old daughter **Alisa** were prevented from boarding a plane to Moscow, by officers of the Migration Service. Reportedly, they were not given any explanation or compensation for the missed flight. Svetlana Orazova, a dual citizen of Turkmenistan and Russia, is the sister of Khudayberdy Orazov, an exiled opposition figure, who, in his absence, was given a sentence of life imprisonment on charges relating to the alleged armed attack on President Niyazov in 2002.

On 26 November an official at the Ministry of National Security in Ashgabad reportedly told Svetlana Orazova that she would not be allowed to leave the country as long as her husband was outside Turkmenistan. After the authorities had repeatedly refused to let her husband Ovez Annaev travel abroad he had eventually been permitted to fly to Moscow for medical treatment for heart disease on 28 May 2007.

³³ For further information on her father’s detention, see AI Indexes: EUR 61/004/2004 and EUR 61/006/2004.

On 17 December Svetlana Orazova sent a letter to the Migration Service requesting information why she was denied permission to travel to Moscow and on the time frame of this measure, and demanding that the authorities promptly grant her permission to travel abroad. She also sent complaints to the President and the Citizens' Complaint Commission.

According to Article 241(4) of the Civil Procedure Code of Turkmenistan, "A complaint [...] is submitted to the court after lodging a complaint against the activities of an organ of government authority or an official to the next higher organ or official in the hierarchy, who are obliged to consider [the complaint] and inform the citizen of the result of the consideration within a month".

In January 2008, over one month after submission of her complaint to the Migration Service, Svetlana Orazova complained to Kopetdag District Court in Ashgabad about the lack of a response from the State Service. She urged the court to either oblige the Migration Service to lift the travel restrictions or to provide her with the information she had requested. On 16 February the court turned down Svetlana Orazova's request. The Collegium of Civil Cases of Ashgabad City Court on 13 March confirmed the ruling of Kopetdag District Court and appeals against the ruling of the first instance court were turned down by Ashgabad City Court and the Supreme Court of Turkmenistan on 16 April and 20 May respectively. The courts pointed out that Svetlana Orazova's case should not be dealt with in the courts but she should approach the relevant government agencies directly in order to solve the case, such as the Migration Service, the Ministry of National Security and others. By the end of May she had still not received a reply to her initial letter to the Migration Service and other complaints she had submitted to other government agencies.

In June 2008 the Chairman-in-Office of the OSCE reportedly raised the case of Svetlana Orazova and her daughter with the government of Turkmenistan during his visit to Turkmenistan and was reportedly assured the case would be "solved".



The authorities have barred Ovez Annaev, his wife and daughter from leaving Turkmenistan. His wife is the sister of an exiled opposition leader.

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Trusting that the recent development would lead to a positive outcome and considering that an officer at the Migration Service of Turkmenistan reportedly told his wife in May 2008 that her husband was not anymore on the "black list" of those barred from travelling abroad, **Ovez Annaev** flew to Ashgabad on 7 June, planning to stay for a week. However, when he went to

Ashgabad airport on 15 June to fly to Moscow officers of the Migration Service did not allow him to board the plane. They reportedly told him that he was not permitted to leave Turkmenistan.

As of 16 June 2008 the travel ban regarding Svetlana Orazova had reportedly not been lifted.

In January 2007 the environmental activist **Andrei Zatoka** was given a suspended sentence of three years' imprisonment. He was included in the September/October 2007 pardon and his suspended sentence was lifted.³⁴ However, the activist remains barred from leaving the country and, as a result, has been unable to attend meetings and conferences abroad that were related to his work as an environmentalist.

In November 2007 Andrei Zatoka was told at the Migration Service in Ashgabad that he was not allowed to travel outside Turkmenistan. A subsequent complaint letter to the Service remained unanswered. In February 2008 an official of the Ministry of National Security reportedly called him on the phone and confirmed that he was still banned from travelling. At the beginning of April he reportedly submitted a complaint letter to the Ministry of National Security urging the Ministry to lift the travel ban or explain the reasons for barring him from travelling abroad. He received no written reply but was said to have been told that he would soon receive permission to travel. He bought a flight ticket to Moscow for 1 June but was reportedly again not allowed to leave the country.



The environmental activist Andrei Zatoka is still banned from travelling abroad.
© Turkmen Initiative for Human Rights

On 28 April 2008 *Radio Free Europe/Radio Liberty* correspondent **Murad Nurmamedov** (also spelled Myrat Nurmamedov) was stopped at Ashgabad airport to prevent him from flying to Istanbul. He was on his way to a job interview for a Prague-based broadcasting job at *Radio Free Europe/Radio Liberty*. Shortly afterwards Murad Nurmamedov sent a complaint to the Migration Service about the disruption of his travel. On 5 June he and *Radio Free Europe/Radio Liberty* correspondent **Gurbansultan Achilova** were planning to go to Kyrgyzstan to attend a training seminar conducted by the Radio. However, they were prevented from leaving the country.

³⁴ For further information about his detention and trial, see above.

4. TARGETING RELIGIOUS BELIEVERS

“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 18 of the ICCPR

“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.”

Article 11 of the Constitution of Turkmenistan

“[T]oday all conditions have been created for a better life of every citizen residing in Turkmenistan regardless of nationality and religious affiliation.”

President Berdymukhamedov on 3 May 2007

“Despite the change of Government and the promises of President Berdymukhamedov, the rights of members of religious minority faith groups are violated as before, if it hasn’t even gotten worse. No Turkmen Christian church can gather openly [...], almost all religious activities take place underground for fear of repression.”

A religious believer from Turkmenistan, who had to leave the country to continue practising his faith

In violation of its international obligations and contrary to the country’s Constitution, religious freedom is severely restricted in Turkmenistan.³⁵

From early 1997, when re-registration of religious communities was made compulsory, until 2004, only two religious communities – the Russian Orthodox Church and Sunni Muslims – obtained registration. All other religious groups were effectively denied registration making them more vulnerable to government pressure including imprisonment, deportation, internal exile, house eviction and harassment.

In November 2003 the authorities issued several legal texts and amendments to Turkmenistan’s Criminal, Civil and Administrative Codes further curtailing the right to freedom of religion. The law entitled “On Religious Freedom and Religious Organizations in Turkmenistan” criminalized the activities of any unregistered religious group. In May 2004, reacting to international pressure, then President Niyazov signed a law abolishing criminal penalties for unregistered religious activities. However, penalties under the Administrative Code remained in place.

³⁵ For further information on religious freedom in Turkmenistan refer to the website of Forum 18, the web-based news service working on religious freedom issues: www.forum18.org.

Since 2004, as a result of international pressure, several religious communities have gained registration. They include the following Ashgabad-based congregations: Adventists, Baha'i, Baptists, the Church of Christ, the Full Gospel Church, the Greater Grace Protestant Church, the Hare Krishna community, the Light of the East Pentecostal Church, and the New Apostolic Church.

However, according to the web-based news service on religious freedom issues *Forum 18*, Shia mosques, Armenian Apostolic, Protestant and Jehovah's Witnesses communities have faced particular difficulties obtaining registration.

Reportedly, ethnic Turkmen who join congregations that are not regarded as indigenous in Turkmenistan are often regarded as traitors. As a result, an exiled religious believer from Turkmenistan told Amnesty International that no Christian congregation consisting of ethnic Turkmen has been able to register.

Begzhan Shirmedov, the pastor of a Turkmen Christian congregation in the city of Dashoguz, applied to the Ministry of Justice about a year ago. "The documents were returned to them several times under different pretexts and they have not been registered to date", a supporter of the congregation told Amnesty International on 13 June 2008.

Harassment and intimidation of members both of registered as well as unregistered religious groups continue to be reported. Religious gatherings in homes have been raided in many cases; often the participants were temporarily detained, given large fines, dismissed from their work places, and communities have been warned that their religious activities could lead to them losing their registration.

On 11 April 2008 some 10 officials of the Religious Affairs Department of the *Khyakimlik* (administration) of Ashgabad's Kopetdag District, the Ministry of Justice, the Ministry of National Security, the tax authorities, and local police officers entered a Bible class of the **Greater Grace Protestant Church** without prior notice and insisted that the church did not have the right to teach members of its congregation without special permission from the *Gengeshi* (Council) on Religious Affairs under the President, *Forum 18* reported on 18 April 2008. The officials checked the church's documents and asked two members whether they were forced to attend. The pastor was summoned to the *Khyakimlik* the next day and officials reiterated that he was not allowed to conduct Bible classes. When the pastor refused to sign a document admitting to wrongdoings he was reportedly told he would receive "an official warning soon". Two warnings, *Forum 18* reported, could lead to the congregation losing its registration.

In early 2008 a religious gathering of a **Baptist congregation in the district of Khalach** in the eastern Lebap region was reportedly raided by representatives of the local *Khyakimlik*, the Ministry of National Security and the police. All participants of the gathering were reportedly taken to the local police station. They were pressured to commit in writing not to attend religious gatherings anymore. Some of the believers were reportedly dismissed from their work places.

In many cases members of unregistered communities were temporarily detained and given an administrative fine for attending unregistered religious activity. In some cases police beat religious believers or threatened them with violence.

On 19 July 2007 police detained **Ruslan Orazgeldiev and Khemrakuly Bekdurdiev**, both Jehovah's Witnesses, on a street in the Eastern city of Turkmenabad (formerly Chardzhou). Police reportedly beat the men on their backs with batons and forced them to come to the police station of the Gurbansoltan-Edzhe District of Turkmenabad. Officers reportedly also confiscated their Bibles and religious literature. On 20 July Turkmenabad City Court reportedly sentenced them to 10 days' administrative detention. The charge or charges on which they were convicted are not known. Their supporters believe the charge/s were brought solely to punish them for peacefully exercising their right to freedom of religion.

On 27 September 2007, 20-year-old **Ruslan Orazgeldiev** was arrested again, together with **Muyasar Dzhumakulova**, a female Jehovah's Witness, aged 60. They were taken into detention at a local police station in Turkmenabad. One police officer reportedly beat Ruslan Orazgeldiev on his face and body. On 29 September they were taken to the *Khyakimlik* where a commission reportedly issued them with large fines. Muyasar Dzhumakulova was released after agreeing to pay the fine. She was reportedly threatened that, unless she paid, her relatives' property would be confiscated. Ruslan Orazgeldiev reportedly continued to refuse to pay and was kept in detention until 30 September. According to a Jehovah's Witness report, he was not given anything to eat or drink. Some of his clothes were reportedly taken away from him and he was thrown into a cold cell with a bare concrete floor, wearing only a shirt and trousers. In the morning of 30 September police reportedly again beat him with batons. Before releasing him that evening police reportedly threatened Ruslan Orazgeldiev that he would be "put in jail" the next time.

Many religious believers are included in a "black list" banning them from travelling abroad and many religious communities in Turkmenistan have been unable to invite representatives of their faith from abroad. Foreigners who engaged in religious activities in Turkmenistan have been forcibly removed from the country.

Vyacheslav Kalataevsky, a former leader of a Baptist congregation in the Caspian port city of Turkmenbashi, was detained by officers of the Ministry of National Security on 12 March 2007. When questioning him, the officers reportedly focused on his religious activities. On 17 March he was charged with illegal border crossing (Article 214, part 2 of the Criminal Code of Turkmenistan).

The charge reportedly related to an incident back in June 2001 when he was caught up in a wave of deportations affecting members of religious minorities who did not hold a Turkmenistani passport. Vyacheslav Kalataevsky was born in Krasnovodsk (now: Turkmenbashi) but holds a Ukrainian passport. In 2001 his residence permit was reportedly cancelled without explanation and shortly afterwards officers of the Ministry of National Security took him across the border to Kazakhstan, separating him from his wife and seven children. As he had neither money nor foreign travel documents he, together with another Baptist who had also been deported to Kazakhstan, made his way back to Turkmenistan, where he then lived without residence documents.

After Vyacheslav Kalataevsky's detention in March 2007, his wife Valentina Kalataevskaya was refused permission to visit him for at least five weeks. She told *Forum 18* that her request to send a letter to her husband was also turned down.

On 14 May Turkmenbashi City Court sentenced Vyacheslav Kalataevsky to three years' imprisonment for illegal border crossing. There were allegations that the court acted on the orders of the Ministry of National Security. Vyacheslav Kalataevsky's lawyer was reportedly summoned to the Ministry of National Security during the trial in order to put pressure on her. During the trial Vyacheslav Kalataevsky was reportedly asked several questions about his congregation that were unrelated to the charge of illegal border crossing. The court of Balkan region turned down his appeal on 19 June.

There are strong indications that Vyacheslav Kalataevsky was targeted – both in June 2001 and in 2007 – for peacefully exercising his internationally recognized right to freedom of religion.

He was pardoned in September/October 2007 but subsequently the Migration Service of Turkmenistan denied him a residence permit. He had to leave Turkmenistan in December, leaving behind his parents, wife and children. On 6 December 2007 his wife reportedly submitted an invitation to the Migration Service requesting them to approve the invitation so that her husband could return to Turkmenistan. According to *Forum 18*, Vyacheslav Kalataevsky's wife phoned the Migration Service at the end of January 2008. An official told her that the application had been rejected but refused to detail the reasons and to put the refusal in writing.

Religious literature cannot be produced legally in Turkmenistan and customs officials reportedly frequently 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.

Registered communities that do not have their own place of worship have in many cases faced difficulties renting a venue. They are not permitted to buy their own venue or meet in private homes.

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 also been targeted and punished when daring to express dissent. All imams in state-approved mosques are appointed by the *Gengeshi* for Religious Affairs.

Conscientious objectors at risk

Amnesty International continues to be concerned about the lack of a civilian alternative to military service for those objecting to serve in the armed forces on the basis of conscientiously-held beliefs, including religion. Young men refusing to serve in the armed forces on such grounds risk imprisonment and suspended prison sentences.

Between July and December 2007 at least six Jehovah's Witnesses stood trial for refusing to serve in the army on conscientious grounds. These were: Bayram Ashirgeldiev, Nuryagdy Gairov, Begench Shakhmuradov, Ashirgeldy Taganov, Suleiman Udaev and Aleksandr Zuev. The courts handed down sentences ranging from 18 months' suspended to 18 months' imprisonment for "evasion of call-up to military service" under Article 219, part 1, of the Criminal Code of Turkmenistan. The Article carries a maximum penalty of two years' imprisonment.

On appeal the courts commuted the prison sentences to suspended sentences. Three of the men were pardoned in October 2007 but the suspended sentences of Bayram Ashirgeldiev and Begench Shakhmuradov, who had stood trial in July and September respectively, were upheld. They were subjected to restrictions imposed on their movements and the authorities refused to issue them with a document necessary to find employment. According to a 14 February 2008 report by *Forum 18*, these restrictions remain in place.

On 18 December Niyazov District Court in Ashgabad gave Ashirgeldy Taganov a suspended sentence of 18 months. On 13 February 2008 he was included in a presidential pardon and the suspended sentence was lifted.

At least three of the six men had previously served prison sentences to punish them for their conscientious objection to military service.

Some conscientious objectors who stood trial in 2007 were reportedly told by the judge or officials of the military commission that they would be called up again and likely receive more severe sentences if they refused to perform military service.

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 civilian service to armed service on the grounds of their conscience or profound conviction. Whenever 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.

5. RESIDENCE REGISTRATION SYSTEM

“Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.”

Article 12(1) of the ICCPR

“In principle, citizens of a State are always lawfully within the territory of that State” and “liberty of movement is an indispensable condition for the free development of a person. It interacts with several other rights enshrined in the [ICCPR].”

Human Rights Committee General Comment 27, 2 November 1999, para. 4

“The right to move freely relates to the whole territory of a State, including all parts of federal States. According to article 12(1), persons are entitled to move from one place to another and to establish themselves in a place of their choice. The enjoyment of this right must not be made dependent on any particular purpose or reason for the person wanting to move or to stay in a place.”

Human Rights Committee General Comment 27, 2 November 1999, para. 5

Turkmenistan continues to apply the system of registration in the place of permanent residence, widely referred to by the Russian word *propiska*, which it inherited from Soviet times. Amnesty International is concerned that the application of this system leads to a number of human rights violations affecting scores of people in Turkmenistan.

The *propiska* system has also become a breeding ground for corruption as many of its regulations can be overcome by paying bribes. According to a non-governmental source inside Turkmenistan, bribes to obtain a *propiska* in Ashgabad for those buying property in the capital and moving there from other parts of the country reportedly are between US\$ 5,000 and US\$ 15,000. Reportedly, bribes to obtain a *propiska* make up between 10 to 30 percent of the property price. While wealthier and well-connected people often find ways to overcome limitations based on the *propiska* system, those with little financial means and influence in many cases become trapped by the system. A non-governmental source in Turkmenistan told Amnesty International: “The *propiska* and its price is one of the factors that segregate the people of Turkmenistan. Those that have obtained wealth, often through corrupted state positions, use the *propiska* system to sustain their good living conditions. They use it as a barrier to keep people from the villages out of the cities. We say about those people: ‘They climbed to the sky and took the ladder with them’.”

Domestic legislation

The Law on Migration of Turkmenistan defines the act of obtaining a *propiska* as “the legalization of the citizen’s residence at a certain address in an accommodation on the territory of respective districts and towns of Turkmenistan, and an endorsement or a note (stamp) of such legalization on a document proving the citizen’s identity”.³⁶ According to Article 45 of

³⁶ Article 45, part 1 of the Law on Migration, 7 December 2005.

the Law on Migration, one of the purposes of the *propiska* system is the regulation of internal migration.

The Regulation on the Passport System of Turkmenistan states that in order to obtain a *propiska* citizens must, among other documents, present proof of entitlement to accommodation such as a rental contract or a contract certifying the purchase of accommodation.³⁷ A person is entitled to a *propiska* in their place of residence independently of the size of the accommodation if all adults living in the same premises agree.³⁸ Children under 16 who live with their parents are included in their parents' *propiska* documentation.³⁹ Citizens changing their permanent place of residence must deregister before they reregister at the new place of residence.⁴⁰ Students who leave their place of residence to study at educational institutions or other citizens who leave the district or town of permanent residence for over 45 days are required to obtain a temporary residence permit in that location.⁴¹ Citizens of Turkmenistan who are caught without a valid *propiska* or a temporary registration of residence are subject to administrative punishment.⁴² Article 193 of the Administrative Code stipulates that employers hiring citizens who do not have a valid *propiska*, commit an administrative offence. Article 23 of the Regulation on the Passport System stipulates that foreigners also need to obtain a *propiska* if they reside in Turkmenistan permanently.

Under the Law on Migration and the Presidential Decree on Measures to Improve the Passport System of Turkmenistan,⁴³ commissions at respective *Khyakimliks* are entitled to decide about applications for a *propiska*. According to a source inside Turkmenistan, neither the composition of the commission nor its rules have been made public.

Application of propiska system violates rights

Article 46 of the Law on Migration states that “the lack of [...] a *propiska* [...] cannot serve as a reason to restrict citizens' rights and freedoms”. The introductory paragraph to the Law on Migration states that this law “is in line with generally accepted norms of international law”.

However, non-governmental sources report that the *propiska* system – as it is applied in Turkmenistan – severely restricts people's rights to access to housing, employment, social benefits (such as maternity and child support, and pension payments), free health care and access to education for children. Temirkhan Misrikhanov, who practised as a lawyer in Turkmenistan for many years before being driven into exile, reported: “There are many unwritten laws that contain a lot of prohibitions. The governors of cities like Ashgabad or Krasnovodsk issued regulations contradicting published laws and the Constitution. Nobody protests although the prosecutor's office should immediately lodge a protest and ensure that those illegal provisions are abolished.”

³⁷ Article 25 of the Regulation on the Passport System of Turkmenistan, 28 October 1996, No. 2843.

³⁸ Article 20 of the Regulation on the Passport System of Turkmenistan.

³⁹ See above.

⁴⁰ Article 21 of the Regulation on the Passport System of Turkmenistan.

⁴¹ Article 45 of the Law on Migration.

⁴² Article 35 of the Regulation on the Passport System of Turkmenistan.

⁴³ Collected legal acts of the President of Turkmenistan and decisions of the Government of Turkmenistan, 2000, No. 5, p. 218.

A civil society activist from Turkmenistan informed Amnesty International that the majority of people who turn to him for help to solve problems arising from the *propiska* system “don’t wish to approach the courts [and] law enforcement agencies. They are correct in believing that only a bribe can overcome the problem as bribes have become the universal means to solve any conflicts.”

Requirements to do with the *propiska* make it virtually impossible for citizens to legally live and find employment in parts of the country other than where they were registered, particularly in the public sector and on state-run farms, and – in the capital and other cities – also in the commercial sector. Due to high unemployment especially in some parts of the country many people wish to move to cities such as the Caspian port city of Turkmenbashi, the eastern city of Turkmenabad or the capital to find work. However, according to Temirkhan Misrikhanov, “before offering you a job, the employer looks at your *propiska*”.⁴⁴

The *propiska* system also puts obstacles in the way of married couples and families who wish to live together. A non-governmental source in Turkmenistan told Amnesty International in May 2008 that the authorities “can turn down a request for a *propiska* in the parent’s home, or for the parents in their son’s or daughter’s flat, or the request of a wife who wants to move in with the husband or the other way around. The reasons given can be the most absurd. But everybody knows that there is a secret order not to issue a *propiska* to people from other places. This especially concerns cities and even more so the capital.” According to the source, in those cases where a spouse or another family member moves to another town in order to share accommodation with their relatives but is denied a *propiska* there, this “closes off access to social benefits such as child benefits or pension payments”.

The following two cases show how the lack of a *propiska* can seriously affect the rights to access to employment, social benefits, and freedom of movement. The names and case details have been altered by Amnesty International for security reasons.

In July 2007 Edzhegul Avezova, a kindergarten instructor, sold her flat in the city of Mary and moved in with her elderly and sick mother in Ashgabad to take care of her. Although the flat where the women live together belongs to the mother, the authorities in Ashgabad refused to issue Edzhegul Avezova with a *propiska* in Ashgabad. As a result she was unable to find new employment and as she had no valid *propiska* she was unable to travel back to Mary to visit friends and relatives, for fear of police checks on the way. When her mother became too frail to go to the authorities to collect her pension, she sent her daughter to pick up the money instead. However, the authorities pointed out that as she had no *propiska* in Ashgabad they were unable to give her the money.

Tatyana Shevchenko, a 68-year-old ethnic Ukrainian, who was born in the Ukrainian Soviet Socialist Republic, has lived in Turkmenistan for over 30 years and is a citizen of Turkmenistan. In 2005 her husband died and she left Turkmenistan to live with her daughter in the Ukrainian city of Sevastopol. Shortly afterwards her daughter died of cancer and she decided to return to Turkmenistan in 2007. However, the authorities of the town where she used to live refused to reissue her with a *propiska*. The authorities reportedly also refused to

⁴⁴ Temirkhan Misrikhanov, 1 April 2008.

pay her pension on the grounds that she had no *propiska*. With the help of friends she was able to find work as a cleaner. She continued to complain to the authorities and was eventually issued a temporary *propiska*. However, the authorities recently told her the document would not be extended when it expires later this year. One official reportedly suggested she should get married as that would make it easier to obtain a *propiska*. It is not known whether or not she currently receives her pension, based on the temporary *propiska* document.

Demolitions of houses and house evictions can lead to the loss of the *propiska* and, in connection with that, the loss of access to certain privileges.

The Turkmen Initiative for Human Rights reported that on 30 July 2007 the authorities evicted all inhabitants of an apartment house located in the small town of Berezeni, not far from Ashgabad, in order to demolish it and build a square with a fountain in its place.⁴⁵ According to the NGO, some inhabitants were offered other accommodation in other towns of the Akhal region as a form of compensation for the loss of their flats. However, by moving to other parts of the Akhal region they would have lost a number of rights connected to their *propiska* in Berezeni. People registered in Berezeni are entitled to the same rights as those registered in Ashgabad, such as the right to work in the capital, and to send their children to kindergartens and schools in Ashgabad, many of which are considered to be of higher quality than similar institutions in towns and villages around the capital. Amnesty International learnt that at least some people whose house had been demolished were given other flats, but for reasons of security of communication with sources inside Turkmenistan the organization has not been able to ascertain where these flats are located.

Often the lack of a *propiska* puts people in a particularly vulnerable position, which has reportedly been exploited by government agents on many occasions.

Amnesty International learnt of incidents that reportedly took place in 2007, when many women were said to have been raped in a detention facility of the Ministry of Internal Affairs in Ashgabad. A non-governmental source in Turkmenistan told Amnesty International: "They took women there whom they specifically targeted in their raids. Policemen hunted for young women without a *propiska* in Ashgabad. They were detained for some misdemeanours and then, when they found out that they had no Ashgabad *propiska*, this became a ground for further intimidation and those women became victims of rape. Some of them were held in the isolator for several weeks, until the relatives had paid a bribe." The source reported that police put pressure on the women not to talk about what had happened threatening them with further abuse.

⁴⁵ The report was published on the NGO's website on 24 August 2007.

6. DISCRIMINATION AGAINST ETHNIC MINORITIES

The last publicly accessible official statistics pertaining to the ethnic composition of the population in Turkmenistan reflect the situation of January 1995. Government policies vis-à-vis ethnic minorities since the break-up of the Soviet Union led to large numbers of ethnic minorities leaving Turkmenistan. Tens of thousands of members of ethnic minorities are believed to have left the country. According to the Turkmen Initiative for Human Rights, only half or even only a third of ethnic Russians that lived in Turkmenistan when the country became independent in 1991 remain in Turkmenistan. The group estimates that ethnic minorities currently make up some 20 per cent of the population.⁴⁶ Uzbeks, Russians and Kazaks form the largest ethnic minority groups.

Discrimination against ethnic minorities continues and manifests itself, for example, through restricted access to work and higher education. After examining Turkmenistan's report to the UN Committee on the Elimination of Racial Discrimination (CERD) in August 2005, the CERD issued its concluding observations and called on the authorities "to ensure the right to work without discrimination based on national or ethnic origin".⁴⁷ The Turkmenistani authorities deny that any such discrimination takes place in the country.⁴⁸

According to non-governmental sources, there has been a practice in place in Turkmenistan for many years to check the ethnic origin of relatives and ancestors of people applying for government posts, particular senior positions. An ethnic minority background in most cases makes it impossible to be appointed to the post.

Article 2, part 3, of the August 2002 legislative act "On the Selection of Government Leaders and Officials for Government Service in Turkmenistan" states that the selection of government officials must not be affected by their ethnicity, but other parts of the law make the selection of individuals dependent on their relatives. Under Article 2, part 7, one of the principles guiding selection is the "continuity of high moral qualities over several generations" and under Article 12, part 5, citizens entering government service have to provide information about their close relatives. Reportedly, in practice candidates are required to provide information about the ethnic origin of three generations of their ancestors as well as criminal records of relatives.

In a speech broadcast in December 2002, the then President Niyazov stated 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 [...]"

⁴⁶ *Turkmen Initiative for Human Rights Report. National minorities in Turkmenistan: education, culture and social sphere*, Vienna, February 2008, p. 5.

⁴⁷ UN Doc. CERD/C/TKM/CO/5, 19 August 2005.

⁴⁸ According to the 2008 additional report of the Turkmenistani government to the UN Committee on the Elimination of Racial Discrimination, "[n]o limitations based on [ethnicity] exist with regard to employment, including in the government sector, as well as when entering the country's higher education facilities."

Every person has to have a clean origin. Because of that it is necessary to check the origin up to the third generation.”

The Turkmen Initiative for Human Rights reported that as a result of the “three generation check”, there are no members of ethnic minorities among Ministers, heads of regional administrations and their respective deputies, and heads of district administrations.⁴⁹

People applying to institutions of higher education are reportedly also checked to ensure that for the last three generations of their family there has been no non-ethnic Turkmen relative. It is reportedly practically impossible for anyone with a non-Turkmen relative in their family to be admitted to university unless they pay large bribes or are well-connected. Farid Tukhbatullin told Amnesty International on 21 May 2008: “There are only a few exceptional cases where ethnic minorities have been admitted to university. Last year the additional amount a member of an ethnic minority had to pay for entering university came up to around US\$ 500.”

As a result of reforms in the education sector, the number of schools teaching in languages of ethnic minorities was severely reduced under the previous government. In 2000 schools that previously taught in Uzbek or Kazak reportedly stopped enrolling new pupils. Russian-language schools also switched the language of tuition to Turkmen, with very few exceptions in some cities. According to the Turkmen Initiative for Human Rights, “children of non-titular nations (non-Turkmen nationals) suffered from the declining and virtually non-existent opportunities to study in their native language”.⁵⁰

The government denies the lack of access to school instruction in ethnic minority languages. According to the government’s additional report to the CERD, there are around 2000 classes in schools across Turkmenistan whose language of instruction is Russian, Kazak or Uzbek.⁵¹ Farid Tukhbatullin of the Turkmen Initiative for Human Rights told Amnesty International on 14 June 2008: “If the government specified where the schools with these 2000 classes are allegedly located and if international observers were given the opportunity to verify this information by freely visiting any of them rather than being taken to one or two schools used as showcases in Lebap region, the lie would become apparent immediately. By the way, even in those showcase classes instruction in Uzbek only exists on paper.”

Ethnic minorities are often required to learn Turkmen in order to keep their jobs or to find employment. In many cases this is a problem for those who did not learn Turkmen in school. However, according to the Turkmen Initiative for Human Rights, the state does not offer language instruction for ethnic minorities and many cannot afford private tutors.

All students in Turkmenistan and female teachers, including ethnic minorities, reportedly have to wear Turkmen traditional dress while in school and other educational

⁴⁹ *Turkmen Initiative for Human Rights Report. National minorities in Turkmenistan: education, culture and social sphere*, Vienna, February 2008, p. 16.

⁵⁰ *Turkmen Initiative for Human Rights Report. National minorities in Turkmenistan: education, culture and social sphere*, Vienna, February 2008, p. 8.

⁵¹ An advance unedited Russian version of the report was made available to Amnesty International in June 2008.

institutions. Farid Tukhbatullin told Amnesty International: “Especially the dress for girls is quite expensive considering that the cloth and the embroidered collar are expensive. But parents have to pay, otherwise their child will not be admitted to school”.



A Russian schoolboy wearing a traditional Turkmen skull cap (Takhya)
© Turkmen Initiative for Human Rights

The Russian drama theatre A. S. Pushkin in Ashgabad is believed to be the only cultural institution relating to an ethnic minority in Turkmenistan. According to the Turkmen Initiative for Human Rights, other ethnic minorities do not have their own cultural institutions and the authorities have on several occasions refused to register ethnic minority organizations and have harassed and intimidated activists.

Since the government of President Berdymukhamedov came to power there has been one positive development with regard to cultural organizations of ethnic minorities, according to the Turkmen Initiative for Human Rights. At a meeting between Nursultan Nazarbaev, the President of Kazakstan, and President Berdymukhamedov, in Turkmenistan in May 2007 it was announced that a Kazak-Turkmen friendship society and a Kazak cultural centre would be established. According to Farid Tukhbatullin, there had been no reports as to whether these institutions had been set up.⁵²

⁵² Interview with Farid Tukhbatullin, 21 May 2008.

7. TURKMENISTAN'S INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Turkmenistan's poor human rights record is in stark contrast with the country's 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, 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, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of the Child.

As a participating state of the OSCE Turkmenistan is also 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.

United Nations bodies scrutinizing human rights in Turkmenistan

In 2003 and 2004, the Commission on Human Rights (CHR) adopted its first ever resolutions on the human rights situation in Turkmenistan with detailed recommendations on human rights violations including the repression of political opposition; restrictions of freedom of expression, conscience, religion, and movement; reports of torture and ill-treatment of detainees; poor prison conditions; discrimination against ethnic minorities, and the continued denial by the authorities of unaccompanied access to prisoners by the International Committee of the Red Cross.

In 2003, 2004 and 2005 the General Assembly (GA) echoed these concerns and expressed, for example, on 16 December 2005, "grave concern at continuing and serious human rights violations" in Turkmenistan.

In its resolutions the CHR and the GA also called on the authorities to cooperate with all mechanisms of the Commission (now the Human Rights Council), in particular to favourably respond to requests made by a number of special procedures to visit the country.

In 2007, Turkmenistan, for the first time, issued an invitation to a special rapporteur, the UN Special Rapporteur on freedom of religion or belief. The authorities of Turkmenistan and the Special Rapporteur on freedom of religion or belief reportedly recently agreed that the visit would take place in September 2008. All other special procedures that lodged requests to visit the country have not been granted invitations. These include the Special Rapporteur on torture, the Special Representative of the Secretary-General on Human Rights Defenders, the Special Rapporteur on the right to freedom of opinion and expression, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, and the Working Group on Arbitrary Detention.

Between 2002 and 2006, Turkmenistan was examined by four UN treaty bodies. Turkmenistan's first examination was carried out by the UN Committee on the Elimination of Racial Discrimination (CERD) in March 2002 without having received a report by the state party. Subsequently Turkmenistan submitted its first ever reports to the CERD, the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Rights of the Child (CRC). Turkmenistan has still never reported to the Committee against Torture (initial report was due in July 2000), the Human Rights Committee (the initial report was due in July 1998), and the Committee on Economic, Social and Cultural Rights (the initial report was due in June 1999).

In its concluding observations issued in August 2005 the CERD raised concerns at reports of hate speech, including by senior officials and public figures, against national and ethnic minorities and in favour of Turkmen "ethnic purity". Among other issues, the CERD expressed concern at reports that members of minorities were denied state employment or access to higher education, and that minority cultural institutions and numerous schools teaching in minority languages had been closed.

In May 2006 the CEDAW considered Turkmenistan's combined initial and second state report on its obligations under the Convention on the Elimination of All Forms of Discrimination against Women. The CEDAW raised concern about the "lack of precise and reliable statistical data" provided by the government, making it difficult "to assess accurately the actual situation of women in regard to all areas covered by the Convention". Other concerns included the lack of awareness of the State party of "the urgency of the existence of violence against women" leading to a lack of specific legislation including with regard to domestic violence. Among others, CEDAW urged Turkmenistan to promptly take measures to "eliminate discrimination against women and ensure de jure (formal) and de facto (substantive) equality between women and men" and that the authorities "provide an enabling environment for the establishment and active involvement of women's and human rights organizations to promote implementation of the Convention".

Also in May 2006 the CRC considered Turkmenistan's initial report on the country's obligations under the Convention on the Rights of the Child, submitted with a delay of almost 10 years. In its concluding observations the CRC raised concern about "the absence of data in the State party's report on most of the issues covered by the Convention". In addition, it deplored the lack of "a specialized body responsible for the independent monitoring of the implementation of the Convention" considering the "ineffectiveness and lack of independence" of the National Institute for Democracy and Human Rights. Among other issues, the CRC also voiced concern that children of dissidents "are often victims of discriminatory and punitive practices"; that torture and ill-treatment of detainees, including children, is widespread; that severe limitations to the rights to freedom of expression and religion also affected children; and that children of ethnic minorities were often subject to discrimination. The CRC also deplored the "serious obstacles" facing civil society organizations in carrying out their work and recommended Turkmenistan to remove "restrictions to the functioning of independent civil society organizations".

The three UN treaty bodies requested the authorities of Turkmenistan to publish or disseminate widely their conclusions and recommendations in order to bring them to the

attention of the public in Turkmenistan, including civil society groups, parliamentarians and government officials. However, according to Turkmenistani human rights activists, the authorities did not make available to the public in Turkmenistan the Committees' conclusions and recommendations.

The UN Secretary-General, reporting to the GA in October 2006, pointed out that "gross and systematic violations of human rights continued in [Turkmenistan], notwithstanding gestures by the government". He highlighted the plight of human rights defenders and minorities, restrictions on freedom of expression and religion, the use of torture, the absence of an independent judiciary, and the limited access to health care and education. He reiterated calls made in recent years by the GA and the CHR that Turkmenistan invite relevant UN special procedures to visit the country.

On 4 May 2007, at the end of a two-day visit to Turkmenistan, the UN High Commissioner for Human Rights stated that the government of Turkmenistan had "agreed to embark on developing, in close collaboration with UNDP, a concrete and extensive technical assistance programme in the area of human rights". The High Commissioner welcomed that Turkmenistan had ratified most major human rights instruments and requested the authorities to consider ratifying, among others, the Optional Protocol to the Convention against Torture and the Convention on the Rights of Persons with Disabilities. She also stressed the "importance of implementing" recommendations made by UN Committees and highlighted the importance of "empowering civil society and providing it with democratic space for its activities, ensuring proper balance between the executive, legislative and judicial branches" and "encouraged the Government to consider the establishment of an independent national human rights institution".

At its 7th session in March 2008, the Human Rights Council considered in closed meetings the human rights situation in Turkmenistan under the Council's confidential Complaint Procedure. On 25 March the President of the Council made a statement on the outcome of the meetings stating that the Council had decided to "keep the situation under review".⁵³

The Complaint Procedure was established pursuant to Human Rights Council resolution 5/1 of 18 June 2007 to replace the "1503 procedure" of the former CHR. Under this procedure, the Council considers in closed sessions complaints of "consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances". In cases where complaints submitted to the Human Rights Council indicate such consistent patterns the Council can take several measures, including to keep the situation under review and request further information from the state; to keep the situation under review and appoint an expert to monitor the situation and report to the Council; to consider the situation in public, "in particular in case of manifest and unequivocal lack of cooperation", and to take a decision on the situation.

⁵³ See para. 341 of the Report of the Human Rights Council on its Seventh Session (part two, UN doc. A/HRC/7/L.10).

8. RECOMMENDATIONS

The government of Turkmenistan should open a new page in the history of the country by ending impunity for human rights violations and enabling everyone in the country to enjoy rights and freedoms enshrined in international human rights treaties that Turkmenistan is a party to. Amnesty International makes the following recommendations to the authorities of Turkmenistan to serve as a basis for reforms of domestic law and practices, aimed at significantly improving the country's human rights record.

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

Implementation of recommendations by intergovernmental bodies:

- Fully implement the points set out in the resolutions adopted by the United Nations Commission on Human Rights and by the United Nations (UN) General Assembly in recent years.
- Implement the recommendations of the UN Committee on the Elimination of Racial Discrimination (issued 2005), the UN Committee on the Elimination of Discrimination against Women (issued 2006), the UN Committee on the Rights of the Child (issued 2006).
- Fully implement the recommendations set out in the 2003 report by Professor Emmanuel Decaux, who was appointed as rapporteur on Turkmenistan by the Organization for Security and Co-operation in Europe.

Cooperation with the international community:

- Issue a standing invitation to the special procedures of the UN Human Rights Council and agree dates, without delay, for visits by the special procedures that have requested visits to Turkmenistan.
- Grant access to Turkmenistan to international human rights groups.

Ratification of United Nations treaties:

- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.
- Ratify the Optional Protocol to the Convention against Torture.

The rights to freedom of expression, association, and the freedom of religion and belief:

- Ensure respect and protect the human rights of political dissidents, religious believers, independent 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.
- Immediately and unconditionally release all prisoners of conscience.
- Immediately and unconditionally release possible prisoner of conscience Mukhametkuli Aymuradov on grounds of his poor health and that repeated calls for a fair retrial have gone unheeded.
- Protect the human rights of the relatives of political opponents, religious believers,

journalists and civil society activists.

Recommendations regarding those imprisoned in connection with the November 2002 alleged armed attack on then President Saparmurad Niyazov:

- Ensure that all those convicted in connection with the November 2002 alleged armed attack on President Niyazov are retried in proceedings which meet international standards on fairness and to which international trial observers have access.
- Disclose the prisoners' whereabouts.
- Grant the International Committee of the Red Cross, other independent observers and their relatives access to the prisoners.
- Publicize the names of all prisoners who died in custody; conduct thorough, impartial and independent investigations into the circumstances of their deaths, and publicize the results.
- Open thorough, impartial and independent investigations into all allegations of torture or other ill-treatment including in the cases of Batyr Berdiev, Yazgeldi Gundogdiev and Amanmukhammet Yklymov.

The right to a fair trial:

- Fundamentally reform the judiciary to strengthen the rule of law.
- Bring laws and practices in line with international human rights standards regarding a fair trial, in particular Articles 14 and 15 of the International Covenant on Civil and Political Rights.
- Reform the *Khalk Maslakhaty* to ensure that it does not perform functions which, under international human rights law, should be performed by independent, impartial and competent courts.
- Retry Ovezgeldy Ataev and Akmurad Redzhepov in proceedings that are in line with international fair trial standards and to which international trial observers have access.

The right to be free from torture or other ill-treatment:

- Eradicate impunity for torture or other ill-treatment and initiate thorough, impartial and independent investigations into all such allegations including the cases of:
 - an Iranian truck driver who was allegedly ill-treated by police at Ashgabad's transit cargo terminal in February 2008;
 - Jehovah's Witnesses Ruslan Orazgeldiyev and Khemrakuly Bekdurdiyev who were allegedly beaten by police in July 2007;
 - women who did not have a valid *propiska* and who were allegedly raped by police in detention facilities of the Ministry of Internal Affairs in Ashgabad in 2007;
 - human rights defenders Ogulsapar Muradova, Annakurban Amanklychev and Sapardurdy Khadzhev, who were allegedly tortured or ill-treated in detention in 2006;
 - Sazak Begmedov, the father of Tadzhigul Begmedova, who is the director of the Turkmenistan Helsinki Foundation in exile, and was reportedly beaten by police in August 2003.
- Conduct thorough, impartial and independent investigations into the circumstances of all deaths in custody, including the cases of the human rights defender and journalist Ogulsapar Muradova and Mukhametkuli Aymuradov's co-defendant Khoshali Garayev.

- Publish the scope, methods and findings of these investigations and bring to justice those found responsible.

The right for conscientious objectors to perform an alternative civilian service to armed service:

- 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 right to liberty of movement and freedom to choose one's residence:

- Lift travel restrictions imposed on political opponents, religious believers, civil societies and their families.
- Abolish legislation and practices arising from the residence registration system (*propiska* system) that restrict access to housing, employment, social benefits (such as maternity and child support, and pension payments), free health care and access to education for children.

The right not to be discriminated against:

- End discrimination of ethnic minorities, in particular with regard to access to employment and higher education facilities.
- Ensure that ethnic minorities are not forced to wear Turkmen traditional dress in educational institutions.
- Enable ethnic minorities to establish non-governmental cultural institutions.

Transparency and impartiality of national human rights bodies:

- Ensure that national human rights bodies conduct their work in a transparent and impartial manner.
- Publish the statute of the State Commission to Review Citizens' Complaints Regarding the Activities of Law Enforcement Agencies (Citizens' Complaint Commission), including the procedure to review complaints; the timeframe of the review; and what measures are at its disposal; and publicize comprehensive reports about the Commission's activities.
- Enable the Citizens' Complaint Commission to conduct independent investigations into citizens' complaints.
- Publicize the activities and plans of the Interdepartmental Commission Ensuring the Implementation of Turkmenistan's International Obligations in the Area of Human Rights (Interdepartmental Commission on Human Rights).
- Solicit input from independent civil society activists when preparing reports to United Nations treaty bodies and the National Human Rights Programme.