

TABLE OF CONTENTS

Introduction1
Country background1

AMNESTY INTERNATIONAL'S CONCERNS

PRISONERS OF CONSCIENCE

Repeated short-term detention of opposition activists3
Possible prisoner of conscience Karadzha Karadzhayev4

ASSAULTS ON OPPOSITION ACTIVISTS5

THE DEATH PENALTY6

AMNESTY INTERNATIONAL'S RECOMMENDATIONS TO THE GOVERNMENT OF TURKMENISTAN10

£TURKMENISTAN

@A summary of concerns about prisoners of conscience, ill-treatment and the death penalty

Introduction

In the two years since the former Soviet republic of Turkmenistan gained independence there have been persistent human rights violations. Opposition activists experience frequent harassment by the authorities, including repeated short-term detention. One person currently in detention on allegedly fabricated criminal charges is a possible prisoner of conscience. In at least two cases government opponents have been assaulted by police or by suspected government agents. The death penalty remains in use.

When Amnesty International attempted to visit Turkmenistan for the first time in October 1992 its delegates were arrested within hours of their arrival, held for questioning by police, and deported.

Country background

Turkmenistan (formerly known as the Turkmen Soviet Socialist Republic or Turkmenia) is in southwestern Central Asia, bordering Iran, Afghanistan, Kazakhstan and Uzbekistan. The capital is Ashgabat (formerly Ashkhabad). The population of 4.2 million is around 68 per cent Turkmen (traditionally Sunni Muslim and speaking a language closely related to Turkish), 13 per cent Russian and 8.5 per cent Uzbek.

On 22 August 1990 the republic proclaimed its sovereignty and the primacy of the republican laws over USSR laws. In the aftermath of the attempted coup in Moscow in August 1991, over 94 per cent of the republic's electorate voted in favour of independence from the USSR in a referendum held on 26 October 1991. Independence was declared on the following day, and was internationally recognized following the break-up of the USSR in late December 1991. At the same time Turkmenistan joined other former Soviet republics in a looser political grouping called the Commonwealth of Independent States (CIS). Turkmenistan was admitted to the Conference on Security and Co-operation in Europe (CSCE) in January 1992, and to the United Nations on 2 March.

A new Constitution was adopted in May 1992. It defines Turkmenistan as a presidential republic. As well as being both head of state and head of government, the President also chairs the *Khalk Maslakhati* (People's Council), which is described in the Constitution as the "supreme representative body of popular power". This is neither a legislative nor executive body, but is meant to play a supervisory role in the political and economic affairs of the country, and has a membership which is partly elected and partly appointed. The highest legislative body is the *Majlis* (Assembly), which is currently made up of the members elected in 1990 to the former parliament, the 175-seat Supreme Soviet, but which will be reduced to 50 seats at elections scheduled for 1995. For administrative purposes the country is divided into five regions (*welayati*) - Ahal, Balkan, Dashhowuz, Lebap and Mary. Each of these is headed by a chief administrator appointed by the President.

Unlike most other former Soviet republics, which have gone into steep economic decline since independence, Turkmenistan's economy has been buoyed up by the country's enormous reserves of oil and gas. AI Index: EUR 61/06/93 Amnesty International November 1993

Turkmenistan - a summary of AI's concerns

natural gas (it is the world's fourth largest producer). The wealth this generates has allowed Turkmenistan to remain aloof from many of the commitments to greater cooperation among CIS states, especially in the sphere of economic integration.

Turkmenistan is led by President Saparmurad Niyazov. A former leader of the Communist Party, he now heads its successor, the Democratic Party of Turkmenistan. He was first elected President in 1990 when the post was created, and was re-elected in June 1993 in an uncontested election in which he won 99.5 per cent of the votes. A cult of personality is being openly developed around President Niyazov: numerous streets, schools, economic enterprises and even a major city, Krasnovodsk, have been renamed in his honour; his birthday has been declared a national holiday; and parliament has conferred on him the formal title *Turkmenbashi* (Leader of the Turkmens). A new state ideology known as "leaderism" has been announced.

There is one other registered political party, the Peasants' Party for Justice, which has declared its support for President Niyazov. Opposition parties and movements have been prevented from acquiring legal status and operating openly by a combination of bureaucratic obstruction and overt pressure from the authorities. For example, a representative of the opposition *Agzybirlik* (Unity) movement told Amnesty International in October 1992 that three attempts to hold the founding meeting required by law to secure official registration had been thwarted by police threats to arrest anyone attempting to take part in such a meeting. President Niyazov has spoken of the need to be "very cautious in our approach to solving the problem of a multiparty system and opposition" during what he describes as a transitional period for Turkmenistan's statehood. In October 1992 he reportedly told a press conference to mark the first anniversary of Turkmenistan's independence that "it would be idiotic to allow an opposition to form just because that corresponds to the idea some people have of democracy".

AMNESTY INTERNATIONAL'S CONCERNS

Prisoners of conscience

Repeated short-term detention of opposition activists

Individuals in Turkmenistan who are identified by the authorities as government opponents are frequently taken into short-term police custody or placed under house arrest for short periods. This is done usually to prevent them attending meetings with foreign visitors to Turkmenistan, or to prevent them travelling outside Turkmenistan to international meetings. Some individuals have been targeted repeatedly for such treatment.

Such detentions are known to have taken place in Ashgabat on at least three occasions in 1992. The first occasion was in February, during a visit by the then United States Secretary of State James Baker. Nurberdi Nurmamedov, co-chairman of the *Agzybirlik* movement, was detained with other activists at a police station for the duration of James Baker's visit. Durdymurad Khodzhamukhamed, co-chairman of the unregistered opposition Democratic Party of Turkmenistan (not to be confused with Turkmenistan's ruling party which has the same name) and several other party members were held for questioning by police, as was Mukhammedmurad Salamatov, editor of the unregistered opposition newspaper *Dayanch* (Support). Ak-Mukhammed Velsapar, an unemployed journalist and press secretary of *Agzybirlik*, was held under virtual house arrest for the duration of the visit. Some of these people had been due to attend meetings with James Baker which they had arranged with members of his staff.

On 24 October 1992 Khudayberdi Khalli, an *Agzybirlik* member, was taken into police custody for meeting Amnesty International representatives who were visiting the country (two Amnesty International delegates had arrived in Ashgabat on 23 October, but were detained with Khudayberdi Khalli on the following day, and were later expelled from Turkmenistan on the pretext of alleged visa irregularities). Khudayberdi Khalli was subsequently placed under house arrest. At least six other *Agzybirlik* activists, including Nurberdi Nurmamedov, Ak-Mukhammed Velsapar, Aman Goshayev and female activist Akbabek Atayeva, were also placed under house arrest at their homes in Ashgabat on 24-25 October. In addition to seeking to ensure that they did not have any contact with the Amnesty International representatives, the authorities also appeared intent on preventing any contact with guests attending official celebrations on 26-27 October of the first anniversary of the declaration of Turkmenistan's independence from the USSR. All the people detained were released by 1 November.

Again on 2 December 1992 Ak-Mukhammed Velsapar, Khudayberdi Khalli, Nurberdi Nurmamedov, Mukhammedmurad Salamatov, Aman Goshayev, Akbabek Atayeva and at least three other people were placed under house arrest at their homes in Ashgabat. Sources indicated that the authorities had acted to prevent them attending a conference in Kyrgyzstan on the human rights situation in Central Asia. All were released on 8 December, the day after the conference ended.

Amnesty International knows of two further such incidents in 1993. The first was on 20 April, during a visit to Ashgabat by a delegation from the CSCE led by Margaretha Af Ugglas, Sweden's Minister of Foreign Affairs. At least three people, Nurberdi Nurmamedov, Ak-Mukhammed Velsapar and Murad Divanayev of the opposition Democratic Party, were arrested at their homes and held in custody at police stations for the duration of a scheduled meeting with the CSCE delegation about human rights, despite the fact that Ak-Mukhammed Velsapar and Murad Divanayev had not been invited to this meeting and were unaware that it was taking place. Again on 18 August Nurberdi Nurmamedov, Aman Goshayev and Mukhammedmurad Salamatov were held in police custody for the duration of a brief visit to Ashgabat by a member of the United States Congress, while Ak-Mukhammed Velsapar, Khudayberdi Khalli and fellow

Turkmenistan - a summary of AI's concerns

Agzybirlik activists Yusup Kadyrov and Mamed Sakhatov were arrested and held briefly for questioning after attending a meeting with the congressman.

Amnesty International is calling on the authorities in Turkmenistan to put an immediate stop to the practice of detaining opposition activists to prevent them exercising their fundamental human rights, notably their rights to freedom of expression and association. It considers people detained in this way to be prisoners of conscience.

Possible prisoner of conscience: Karadzha Karadzhayev

Karadzha Karadzhayev, an opposition activist, was arrested on 12 August 1993 in Ashgabat. He has been charged with gross embezzlement and slander. Amnesty International would not normally take up the case of a person charged with embezzlement. However, the organization is concerned about allegations that the charges are false, and have been brought in order to punish Karadzha Karadzhayev for activities in opposition to the government. Amnesty International is currently seeking further information about the charges against Karadzha Karadzhayev.

Karadzha Karadzhayev works as an accountant in a state enterprise. He is not affiliated to any opposition political grouping, but he acted as financial backer for the independent newspaper *Dayanch*, which was registered and printed in Russia and distributed clandestinely in Turkmenistan. It first appeared in March 1992, but was forced to cease publication after the third issue under pressure from the authorities, who confiscated thousands of copies and fined the editor, Mukhammedmurad Salamatov, several times. Karadzha Karadzhayev was also involved in monitoring and reporting on human rights in Turkmenistan. In December 1992 he was one of only two activists who succeeded in leaving Turkmenistan to attend a conference in Kyrgyzstan on human rights in Central Asia. From the beginning of 1993 Karadzha Karadzhayev worked as a correspondent for the Moscow newspaper *Ekspress Khronika* (Express Chronicle), which specialises in human rights issues throughout the former USSR. Karadzha Karadzhayev is 37 years old, and is married with five children aged from 13 years to 10 months.

On 11 August 1993 five officers from the "Department for the Fight Against Embezzlement of Socialist Property and Speculation" conducted a search of Karadzha Karadzhayev's apartment in Ashgabat, and took away with them various documents. On the following day Karadzha Karadzhayev was arrested and charged with "gross embezzlement of state property", apparently under Article 95 of the Criminal Code of Turkmenistan. According to Amnesty International's information Article 95 carries a possible death sentence. Amnesty International has no details about the basis of this charge except that it relates to Karadzha Karadzhayev's work in a state enterprise. He has also reportedly been charged with slander, apparently under Article 140 of the Criminal Code, but again the basis of the charge is not known to Amnesty International.

Karadzha Karadzhayev is being held in investigation-isolation prison No. 1 in Ashgabat. Unofficial sources allege that his relatives have not been allowed to visit him, and that for the first three days after his arrest they were not informed of his whereabouts.

Amnesty International believes that there are reasonable grounds to suspect that the charges against Karadzha Karadzhayev may be false, given the general harassment of opposition activists. The organization also notes similarities between his case and that of Shirali Nurmuradov, a poet and prominent government opponent, who in July 1991 was sentenced to three years' imprisonment on a charge of "swindling" which was widely believed to be a fabrication. Amnesty International also considered Shirali Nurmuradov to be a possible prisoner of conscience. He was released in March 1992 after his sentence had been halved under the terms of a general amnesty.

Amnesty International November 1993AI Index: EUR 61/06/93

Assaults on opposition activists

Mukhammedmurad Salamatov was the victim of a serious assault by suspected government agents in an Ashgabat street on the afternoon of 3 October 1992. He was approached by two men who stopped him and asked him the time and then proceeded to beat and kick him severely, including after he had fallen to the ground. He claims that he recognized the men as working for the Ministry of Internal Affairs or the State Security Committee, having seen them previously when he had been called in for questioning by representatives of these bodies. Mukhammedmurad Salamatov complained to the police about the incident, but it appears that no investigation took place.

Karadzha Karadzhayev was badly beaten by police officers on the evening of 26 October 1992. He reports that he was arrested while walking past a bar in Ashgabat by police who accused him of being drunk, although he denies this. He believes that his arrest was possibly in connection with the Amnesty International visit or the Independence Day celebrations. When the police refused his request to telephone his wife, Karadzha Karadzhayev tried to run away, but he was caught and taken to a police station. There, he claims that he was severely beaten by three police officers. He was kept in custody until the following morning, when he was released without charge. Karadzha Karadzhayev decided not to make any formal complaint about the beating, believing that this would be useless.

The death penalty

To Amnesty International's knowledge, the Criminal Code of Turkmenistan retains the death penalty for 18 offences in peacetime¹. Information about the application of this punishment is meagre in the absence of any published official statistics. Execution is by shooting.

Amnesty International has consistently pressed the Turkmen authorities to reduce the scope of the death penalty as a step towards total abolition; to impose a moratorium on death sentences and executions pending a review of this punishment; and to publish comprehensive statistics on its application. It has received no reply from the authorities. The organization appeals for commutation of every individual death sentence in Turkmenistan that comes to its attention.

When Turkmenistan was part of the Soviet Union the period from the passing of a death sentence through to the hearing of appeals and finally the examination of petitions for clemency could take approximately two years. People sentenced to death would appeal first to the Supreme Court in their home republic and subsequently to the USSR Supreme Court if the first appeal was unsuccessful, and similarly a petition for clemency could be submitted to the President of the USSR as well as to the republican President. However, the abolition of federal USSR bodies at the end of 1991 meant that the opportunity to submit an appeal and to petition for clemency at a level higher than republican bodies ceased to exist. One recent death penalty case in Turkmenistan known to Amnesty International suggests that the period from the passing of sentence, through the stages of appeal and petition for clemency to execution consequently can now be very short.

The following cases have come to Amnesty International's attention since Turkmenistan declared independence in 1991:

¹The Criminal Code which entered into force on 1 May 1962 lists the following offences which carry a possible death sentence: treason; espionage; terrorist act; terrorist act against a representative of a foreign state; sabotage; organizing especially dangerous crimes against the state; especially dangerous state crimes committed against another Working People's State; banditry; actions disrupting the work of corrective labour institutions; counterfeiting; violating currency rules; gross embezzlement of state property; aggravated murder; aggravated rape; taking a bribe; infringing the life of a police officer; aggravated hijacking of an aircraft; resisting a superior or compelling him to violate official duties.

Turkmenistan - a summary of AI's concerns

Bayramgeldy Charyyev

Bayramgeldy Charyyev was sentenced to death on 5 November 1991 by the Regional Court in Balkan *welayat* sitting in the regional capital, Nebit Dag. He was convicted of premeditated murder from motives of hooliganism (Article 106 of the Turkmenistan Criminal Code). The sentence was upheld on appeal to the criminal cases collegium of the Turkmenistan Supreme Court on 15 January 1992. Following a petition by Bayramgeldy Charyyev's lawyer, the Supreme Court Presidium conducted a judicial review of the case on 5 February 1992, and upheld the findings of the criminal cases collegium.

Bayramgeldy Charyyev, who was 22 years old at the time of his conviction, worked as a shepherd on a state farm in Gyzylarbat in Balkan *welayat*. He was found guilty of shooting dead two men and wounding two others in July 1991 at the settlement of Sekizhan, near Gyzylarbat. Bayramgeldy Charyyev claimed that he acted to protect his wife from being raped by six men. This claim was rejected by the court, however, the prosecution having argued that the rape story was a fabrication, and that Bayramgeldy Charyyev and his victims had got drunk together immediately before the shooting incident. A petition for clemency was turned down in May 1992. The Amnesty International delegation which visited Turkmenistan in the following October received confirmation that Bayramgeldy Charyyev had been executed.

Aymurad Nuryyev, Mikhail Chirkunov and Saparbay Garakhanov

These three men were sentenced to death for aggravated murder on 20 November 1992 by the Supreme Court in Ashgabat, acting as a court of first instance. They were found guilty of murdering Aymurad Sardzhayev, an inmate at a corrective labour colony at Tedzhen in what is now Ahal *welayat*, southern Turkmenistan, in May 1990. Mikhail Chirkunov and Saparbay Garakhanov were also inmates at the Tedzhen corrective labour colony, and were convicted of carrying out the murder. Although Aymurad Nuryyev was not in the labour colony when the murder took place, but at home, he was convicted of having ordered the murder. The prosecution identified Aymurad Nuryyev as leader of a criminal gang of which Mikhail Chirkunov and Saparbay Garakhanov were members. At the trial Aymurad Nuryyev was also found guilty of extortion and drugs offences, as were eight other alleged gang members or associates who were co-defendants. Aymurad Nuryyev denied all the charges against him.

This was the second time that Mikhail Chirkunov and Saparbay Garakhanov were tried for the murder of Aymurad Sardzhayev: they had originally been convicted of it on 27 December 1990 by the criminal cases collegium of the Turkmenistan Supreme Court, and sentenced to imprisonment. Following Aymurad Nuryyev's arrest in May 1992 originally on drugs charges, investigators had linked him to the murder and on the basis of this new evidence the Supreme Court Presidium on 24 September had partly overturned the sentences of Mikhail Chirkunov and Saparbay Garakhanov, referring the case for further investigation.

An appeal by Aymurad Nuryyev, Mikhail Chirkunov and Saparbay Garakhanov against their conviction was turned down by the Presidium of the Supreme Court, and petitions to the President for clemency were rejected. They were executed on 17 December 1992, less than four weeks after they had been sentenced to death.

This case was given unprecedented publicity both during and after the trial. Reportedly, film of the corpses of the three men taken moments after execution was shown on national television, allegedly to quash rumours circulating in Ashgabat that they had escaped from prison.

Yury Ayriyev

Amnesty International November 1993AI Index: EUR 61/06/93

Turkmenistan - a summary of AI's concerns

Yury Ayriyev was sentenced to death by the Regional Court in Balkan *welayat* sitting in Nebit Dag in November 1992. He was convicted of the premeditated aggravated murder of a friend in order to steal the friend's video camera, and was accused of setting fire to a car in which he had shot his friend dead in order to destroy any evidence of the crime. The Supreme Court upheld the death sentence on 10 February 1993.

Yury Ayriyev is an ethnic Armenian born in 1966, and lived in Nebit Dag. According to unofficial sources, he initially confessed to the murder of his friend only after having been interrogated by investigators who arrived from Ashgabat. He later retracted his confession and returned to his original version of events, in which he claimed to have been the witness of the murder of his friend by an army officer who was allegedly involved in arms and drugs smuggling. The murdered friend is also reported to have been part of the same smuggling ring.

The death sentence was passed after a second hearing of the case by the Balkan Regional Court. The case had been originally sent back for further investigation by the Supreme Court on 2 September 1992 on grounds of inconsistencies in the preliminary investigation. It is alleged that witnesses' statements were distorted during the second hearing and that references to the second man involved, the army officer, were brushed aside by the prosecution. Although allegedly seen by witnesses on the day of the murder, the army officer was not asked to appear before the court because it was claimed that he had been out of the country when the murder took place.

In a highly unusual development, serious doubts as to the guilt of Yury Ayriyev were expressed in a long article in the leading official newspaper *Turkmenskaya Iskra* (Turkmenian Spark) on 17 March 1993. Petitions on Yury Ayriyev's behalf were sent to the President signed by all the inhabitants of Yury Ayriyev's village, his place of work, his parents' place of work, his old school and institute. President Levon Ter-Petrosyan of Armenia is also officially reported to have appealed to President Niyazov on behalf of Yury Ayriyev.

Nevertheless, Yury Ayriyev's formal petition for clemency, submitted to President Niyazov on 11 February 1993, was reportedly turned down in June. Since this was Yury Ayriyev's last avenue of appeal against his death sentence, Amnesty International fears that he may have been executed very shortly afterwards, although at the time of writing Yury Ayriyev's fate could not be confirmed.

AMNESTY INTERNATIONAL'S RECOMMENDATIONS TO THE GOVERNMENT OF TURKMENISTAN

1. Respect human rights law and standards

As a successor state of the former USSR Turkmenistan is bound by international human rights treaties to which the USSR was a party, including the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (the Convention against Torture). However, Amnesty International calls upon the Government of Turkmenistan to reaffirm explicitly that it is a party to individual United Nations treaties on human rights, including the ICCPR and the Convention against Torture.

Amnesty International calls upon the Government of Turkmenistan to respect the detailed CSCE human rights commitments, which it has voluntarily and expressly agreed to implement.

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

The Government of Turkmenistan should stop detaining political opposition figures for exercising their rights to freedom of expression, opinion and association. This detention includes the use of short-term police custody and house arrest as a means of intimidation or to prevent activists from participating in political activities, and the bringing of fabricated criminal charges.

3. Investigate and prevent ill-treatment of opposition figures

(i) The Government should conduct a full and independent investigation into cases of assault on opposition figures by unknown assailants, and bring those responsible to justice.

(ii) The Government should conduct a full and independent investigation into all complaints of ill-treatment by police officers, the findings of which should be made public, and should bring to justice any perpetrators identified by the investigation.

4. Abolish the death penalty

(i) The Government should declare an immediate moratorium on all death sentences and executions pending a comprehensive review of the death penalty in Turkmenistan. All pending death sentences should be commuted.

(ii) If Turkmenistan is not yet ready to abolish the death penalty, the Government should at least reduce its scope as a step towards total abolition. It should also ensure that all legal proceedings in which a death penalty could be imposed conform to international minimum standards including those set forth in the ICCPR, the United Nations Economic and Social Council (ECOSOC) Safeguards guaranteeing protection of the rights of those facing the death penalty, annexed to Resolution 1984/50 of 25 May 1984, and ECOSOC Resolution 1989/64 of 24 May 1989 implementing those Safeguards.

Turkmenistan - a summary of AI's concerns

(iii) The Government should publish comprehensive statistics for the application of the death penalty.