

# Amnesty International

## Public Statement

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### **Turkmenistan: The authorities should reveal the whereabouts of the disappeared**

On the tenth anniversary of the November 2002 events in Turkmenistan Amnesty International's Secretary General Salil Shetty called on the President of Turkmenistan to reveal the whereabouts of those convicted for participation in the alleged assassination attempt on the then President in unfair trials, investigate all cases of enforced disappearances and make sure that the perpetrators are brought to justice in fair trials.

Ten years ago, on 25 November 2002 the motorcade of then President of Turkmenistan Saparmurad Niyazov was attacked. According to the authorities opposition supporters carried out an armed attack on the President's motorcade in the capital Ashgabat in an attempt to assassinate him and to overthrow the constitutional order. The alleged assassination attempt left the then President unharmed and led to a new wave of repression. The investigation into the alleged attack and the subsequent trials have been marred by serious human rights violations. Amnesty International is gravely concerned that dozens of people have been subjected to enforced disappearance after these events.

At least 59 people were convicted in unfair trials between December 2002 and January 2003, including Boris Shikhmuradov, Foreign Minister from 1995 until 2000, his brother Konstantin Shikhmuradov, and Batyr Berdyev, Foreign Minister from 2000 until 2001 and a former representative of Turkmenistan to the Organization for Security and Co-operation in Europe. They received sentences ranging from five years to life imprisonment for their alleged involvement in the assassination attempt. Many of them were labelled as "traitors to the motherland". In most cases the charges brought included "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". Boris Shikhmuradov was sentenced to 25 years' imprisonment in a closed trial on 29 December 2002. The People's Council (Khalk Maslakhaty) reportedly increased his sentence to life imprisonment the next day. His brother Konstantin Shikhmuradov was sentenced to a prison term of 17 years and Batyr Berdyev was sentenced to 25 years' imprisonment.

The authorities continue to withhold information about the whereabouts of this group of prisoners; deny them all access to their families and independent bodies including the International Committee of the Red Cross and refuse to respond to allegations that at least eight of them died in custody. Family members and lawyers have not been able to visit them or even learn of their fate or whereabouts. Since her husband's arrest, Boris Shikhmuradov, on 25 December 2002, Tatyana Shikhmuradova has regularly written to government officials appealing for information about her husband and his brother Konstantin. However, she has not received any information and her letters to government officials have remained unanswered. There are reports that the authorities reportedly harass and intimidate relatives of detainees who try to lodge appeals.

In another case of incommunicado detention, Turkish Tyrmyev, the former Commander of Border Troops of Turkmenistan, was sentenced to ten years for abuse of power in 2002. His relatives have not heard of his whereabouts since May 2002. In March this year, they were

informed that Turkish Tyrmyev was given an additional sentence of seven years and eleven months as the date of his release approached, allegedly for a crime against a prison guard.

Amnesty International received reports that many of those accused of involvement in the alleged assassination attempt as well as their relatives were subjected to torture, other ill-treatment and psychological pressure. Such pressure was reportedly aimed at forcing the detainees to 'confess' to their involvement in the attack, to incriminate others or to disclose the whereabouts of people wanted by the police. Several detainees were pressurized to 'confess' publicly or to publicly denounce their parents. Batyr Berdyev's and Boris Shikmuradov's televised 'confessions' were broadcast on 18 and 29 December 2002 respectively and there were reports that the text of the confessions were dictated to them. Reportedly, several dozen defendants who were convicted in a series of closed trials were not represented by independent lawyers. 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. Reportedly, many detainees have been denied appropriate medical treatment. To Amnesty International's knowledge, no investigations have been carried out into any of these allegations. Representatives of embassies and international organizations were not given access to any of the court hearings.

#### **Background information**

Detaining someone while concealing their fate or whereabouts, and thereby placing them outside the protection of the law, constitutes an enforced disappearance, in violation of international law.

Enforced disappearance is defined in the International Convention for the Protection of All Persons from Enforced Disappearances as: "the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law". Enforced disappearance – which is specifically prohibited as a crime under international law – also violates a range of other human rights, including freedom from arbitrary detention, the right to recognition as a person before the law, and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment.

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