

PUBLIC

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31 August 2006

Further Information on UA 172/06 (EUR 61/003/2006, 19 June 2006) and follow-up (EUR 61/005/2006, 4 July 2006) - Arbitrary detention/Fear of torture/unfair trial

TURKMENISTAN

Ogulsapar Muradova (f), aged 58, journalist
Annakurban Amanklychev (m), aged 35
Sapardurdy Khadzhiiev (m), aged 47

On 25 August Ogulsapar Muradova, Annakurban Amanklychev and Sapardurdy Khadzhiiev were sentenced to terms of imprisonment in an unfair trial. Their lawyers lodged appeals against the verdicts on 29 and 30 August.

The trial of the three human rights defenders in Azatlyk district court in the capital, Ashgabat, reportedly lasted less than two hours. Ogulsapar Muradova was sentenced to six years' imprisonment and both Annakurban Amanklychev and Sapardurdy Khadzhiiev were sentenced to seven years' imprisonment. The three were charged with "illegal acquisition, possession or sale of ammunition or firearms" (Article 287, part 2 of the Criminal Code of Turkmenistan). Tadzhiigul Begmedova, director of the human rights group Turkmenistan Helsinki Foundation and the sister-in-law of Sapardurdy Khadzhiiev, told Amnesty International from exile in Bulgaria on 30 August: "In pre-trial detention, law enforcement officers put pressure on the defendants to 'confess' that Khadzhiiev found cartridges in his summer house and gave them to Amanklychev in Muradova's house so that he would sell them."

The trial fell far short of international fair trial standards. The defence lawyers were reportedly not given the indictment before the trial commenced. International observers and relatives of the defendants were barred from the trial. Officers from 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 took down the names of anybody they could identify. The defendants' relatives have to date been unable to obtain a copy of the verdict.

While the three were held in pre-trial detention, there were strong indications that they were ill-treated in order to extract a "confession" to the accusations made by the authorities and so that they would incriminate each other. Secret service agents reportedly put pressure on lawyers for the three, urging them not to inform the detainees' relatives of any violations of the detainees' rights. The defendants' relatives have been denied access to them since their arrest in June.

There are strong indications that the charge brought against Ogulsapar Muradova, Annakurban Amanklychev and Sapardurdy Khadzhiiev was fabricated to punish them for their human rights activities. On 19 June 2006, shortly after their detention on 16 and 18 June, the Minister of National Security of Turkmenistan was broadcast on national television as stating at a meeting of law enforcement bodies that Annakurban Amanklychev had been engaged in "subversive activities" and had 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 THF in Bulgaria; and cooperation with foreign journalists from the British Broadcasting Corporation (BBC) and the French media production company *Galaxie Presse*. At the same meeting President Saparmurad Niyazov was reported as saying: "Let people condemn the traitors. The entire population is proud of their motherland, whereas they are trying to harm it."

According to a 28 August press release issued by Miklos Haraszti, the Representative on Freedom of the Media of the Organization for Security and Co-operation in Europe (OSCE), 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".

Tadzhigul Begmedova told Amnesty International on 30 August: "Law enforcement officers were unable to prove that they were involved in espionage or that they were preparing an overthrow of the government. Therefore they came up with the story about the cartridges".

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

- expressing concern that the trial of Ogulsapar Muradova, Annakurban Amanklychev and Sapardurdy Khadzhiyev fell far short of international fair trial standards;
- expressing concern at credible allegations that they were detained and imprisoned solely to punish them for exercising their right to freedom of expression, and as such they appear to be prisoners of conscience;
- urging the authorities to conduct a full and impartial investigation into reports that the three were ill-treated in detention, and calling on them to take appropriate measures to ensure that none of the detainees is subjected to any form of ill-treatment;
- reminding the authorities of their obligation as a party to the International Covenant on Civil and Political Rights to ensure that "everyone shall have the right to freedom of expression".

APPEALS TO:

President

President Saparmurad Niyazov
Presidential Palace, 744000 Ashgabat, Turkmenistan

Fax: + 993 12 35 51 12

Salutation: Dear President Niyazov

Minister of Foreign Affairs

Rashit Meredov
Minister of Foreign Affairs
Magtymguly avenue, 83
744000 Ashgabat, Turkmenistan

Fax: + 993 12 35 42 41

E-mail: mfatm@online.tm

Salutation: Dear Minister

COPIES TO: diplomatic representatives of Turkmenistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 12 October 2006.