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Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories, who campaign on human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. We research, campaign, advocate and mobilize to end abuses of human rights. Amnesty International is independent of any government, political ideology, economic interest or religion. Our work is largely financed by contributions from our membership and donations

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INTRODUCTION

In view of the upcoming consideration of Turkmenistan's initial report under the International Covenant on Civil and Political Rights (ICCPR) in March 2012, Amnesty International submits to the Human Rights Committee the following brief summary of the organization's main concerns about the key human rights challenges currently persisting in Turkmenistan.¹

Amnesty International is particularly concerned that Turkmenistan remains closed to international scrutiny. No independent international organization has been granted access to carry out research or monitoring. A request by the United Nations (UN) Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for permission to visit the country has been pending since 2003. The UN Working Group on Arbitrary Detention has also requested a visit to the country, but to date has not been granted access.

In its concluding observations in June 2011, the UN Committee against Torture (CAT) renewed calls for Turkmenistan to take steps to increase cooperation with United Nations human rights mechanisms. It also highlighted the lack of information provided by the state and the continuing difficulties international organizations have in assessing the human rights environment in the country.²

LACK OF ACCESS TO THE COUNTRY AND DETENTION FACILITIES

The authorities have denied international non-governmental human rights organizations requests to visit the country. Amnesty International's own repeated requests to visit Turkmenistan have been ignored by the authorities. The only UN human rights mechanism that has been able to visit Turkmenistan to date is the Special Rapporteur on freedom of religion or belief who visited the country in September 2008. Many other UN special procedures have requested visits, but have not been granted access. Foreign journalists have, in many cases, been prevented from entering Turkmenistan.

The authorities continue to deny the International Committee of the Red Cross (ICRC) access to prisons and detention facilities. According to information available to Amnesty International, prison conditions in Turkmenistan fall far short of international standards. Overcrowding, unsanitary conditions and poor nutrition are reported to be common and facilitate the spread of diseases. Bribes are often the only way to meet basic needs, including for food and medicine.

¹ Initial report of Turkmenistan under the ICCPR, CCPR /C/TKM/1, 19 February 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/411/28/PDF/G1041128.pdf?OpenElement>. The Human Rights Committee's List of Issues to be taken up in connection with its consideration of the state report is available at: http://www2.ohchr.org/english/bodies/hrc/docs/AdvanceVersions/CCPR_C_TKM_Q_1_en.pdf.

² Concluding observations of the Committee against Torture, Turkmenistan, CAT /C/TKM/CO/1, 15 June 2011, paragraph 14, <http://www2.ohchr.org/english/bodies/cat/docs/co/CAT.C.TKM.CO.1.pdf>.

In its concluding observations on the report submitted by Turkmenistan in June 2011, the UN Committee against Torture (CAT) called on the government of Turkmenistan to grant independent governmental and non-governmental organizations, and “in particular ICRC”, access to all detention facilities.³

PROHIBITION OF TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT; LIBERTY AND SECURITY OF PERSON, TREATMENT OF PERSONS DEPRIVED OF THEIR LIBERTY, INDEPENDENCE OF THE JUDICIARY AND FAIR TRIAL (ARTS. 7, 9, 10 AND 14)

Torture and other ill treatment

Amnesty International has received credible allegations of torture and other ill-treatment committed against human rights defenders, journalists, members of certain religious minorities, conscientious objectors, and those labelled as “traitors to the motherland” in connection with the alleged assassination attempt on former President Saparmurad Niyazov in November 2002.

The few remaining civil society activists in Turkmenistan report that people suspected of committing criminal offences are routinely subjected to torture and other ill-treatment throughout the country. Perpetrators include police, officers of the Ministry of National Security and prison personnel.

Torture appears to be used to extract confessions and other incriminating information and to intimidate detainees. Methods of torture and other ill-treatment reported to Amnesty International have included the administration of electric shocks; asphyxiation applied with a plastic bag or forcible wearing of a gas mask to which the air supply is cut; rape; forcibly administering psychotropic drugs; beating with batons, truncheons, or plastic bottles filled with water; punching; kicking; depriving the detainee of food and drink; and exposing them to extreme cold while removing warm clothes.

Impunity for torture and other ill-treatment is the norm in Turkmenistan, with complaints by victims rarely being pursued. A non-governmental source in Turkmenistan told Amnesty International that, only individuals who have “influential friends or relatives” are able to have their claims of ill-treatment investigated.

No independent and effective investigation appears to have been carried out into the death in custody of Radio Free Europe/ Radio Liberty correspondent and former member of the NGO Turkmenistan Helsinki Foundation, **Ogulsapar Muradova**, in 2006. There were allegations that she died as a result of torture. Ogulsapar Muradova had been convicted of “illegal acquisition, possession or sale of ammunition or firearms” and was sentenced to six years in prison. She was convicted in the same trial as prisoners of conscience, Annakurban Amanklychev and Sapardurdy Khadzhiev who were also reportedly tortured and coerced to confess (see also section on freedom of expression below).

³ Ibid.

Enforced disappearances and incommunicado detention

Amnesty International remains concerned about the continuing enforced disappearance of dozens of people convicted in 2002 and 2003 in unfair trials in connection with the alleged assassination attempt on then President Saparmurad Niyazov in November 2002. At least 59 people were convicted in unfair trials between December 2002 and January 2003, including **Boris Shikhmuradov**, a former Foreign Minister of Turkmenistan, his brother **Konstantin Shikhmuradov**, and **Batyr Berdyev**, a former representative of Turkmenistan to the OSCE. They received sentences ranging from 5 years to life imprisonment, with many of them being labelled as “enemies of the people.”⁴ Reports also suggested that many were tortured by law enforcement officers in pre-trial detention.

Boris Shikhmuradov resigned from office in November 2001 and announced his opposition to the Turkmenistan ruling government. In December 2002, he was sentenced to life imprisonment in an unfair trial. Boris Shikhmuradov's family has not heard from him since his arrest on 25 December 2002 and has no information about his whereabouts, or if he is still alive. Boris Shikhmuradov's wife has repeatedly requested information on her husband from the President, the Prosecutor General, the Ministry of Justice and the Ministry of Internal Affairs, but all of her requests have been ignored.

Non-governmental organizations believe that most of these prisoners are being held in the Ovadan-depe prison, not far from the capital Ashgabad. This prison is infamous for its particularly harsh conditions. Since their arrest the prisoners have been denied all access to families and independent bodies, including the ICRC. 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 have died in prison. They have received no written reply but government officials have reportedly told them that their requests have been denied.

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”. This period has now expired, since the prisoners were convicted in December 2002 and January 2003. However, the prisoners continue to be held incommunicado.

Gulgeldy Annaniyazov was imprisoned for having organized a demonstration calling for democratic reforms in July 1995. Having served 3 years of his 15 year sentence, he was freed following a presidential amnesty in January 1999. He was granted refugee status and resettled in Norway in 2002, but returned to Turkmenistan on 24 June 2008 and was arrested shortly after at his family home. He was reportedly sentenced to 11 years' imprisonment in a closed hearing on 7 October 2008. He is still being held incommunicado and the government refuses to disclose his location and condition.

⁴ OSCE Rapporteur's Report on Turkmenistan, 12 March 2003, <http://www.osce.org/odihr/18372>.

FREEDOM OF MOVEMENT AND RIGHT TO PRIVACY (ARTS. 12 AND 17)

The authorities of Turkmenistan continue to severely limit freedom of movement. A Presidential Decree, reportedly issued in August 2010, specifically prohibits the exit from, and entry to, Turkmenistan of thousands of named individuals.

A document of those denied entry to the country acquired by Najot, an Uzbek human rights organization operating near the border with Turkmenistan, lists prominent human rights defenders such as Farid Tukhbatullin and Vitaly Ponomarev as well as 73 foreign journalists among people barred from travelling to the country.⁵ Amnesty International, the Open Society Foundations and Memorial are also included in a list of human rights organizations barred from entering the country along with 8000 named individuals of various nationalities.

The Presidential decree reportedly lists a total of 37,057 individuals barred explicitly from leaving Turkmenistan. Human rights defenders believe that the travel restrictions are used to punish human rights activists and those perceived to be critical of the authorities and their families. In some cases, individuals have been prevented from travelling abroad despite requiring urgent medical treatment not available in Turkmenistan.

Former director of the state-run Association *Turkmen Atlary* (Turkmen Horses) **Geldy Kyarizov** was sentenced to six years' imprisonment in an unfair trial in April 2002 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 October 2007 presidential pardon and released from prison. Amnesty International received credible reports that he is currently suffering from a serious heart condition, has an enlarged liver and high blood pressure, and needs access to urgent specialist medical treatment. Amnesty International fears that if he is not provided immediately with specialist medical treatment, his life may be in danger. Amnesty International understands that his condition cannot be treated in Turkmenistan. However, he and his family believe they are on the "black list" and therefore are not permitted to travel abroad. His wife, sister-in-law and daughter attempted to leave Turkmenistan in 2006, 2008 and 2010 respectively but were denied exit. Amnesty International called on the government of Turkmenistan to lift the travel restrictions violating Geldy Kyarizov's right to health and his family's right to freedom of movement and allow them to leave Turkmenistan⁶.

On 15 November 2009, **Ovez Annaev** died at the age of 46 after being denied permission to travel to Moscow for treatment not available in Turkmenistan, for his heart condition. He and other members of his family were barred from leaving the country after his brother-in-law,

⁵ See Amnesty International Public Statement: *Turkmenistan: Severe restrictions on freedom of movement remains*, 16 August 2010, AI Index: EUR 61/002/2010, <http://www.amnesty.org/en/library/info/EUR61/002/2010/en>.

⁶ See Amnesty International Urgent Action: *Turkmenistan: Former prisoner unable to get medical care: Geldy Kyarizov*, AI Index: EUR 61/001/2012, 3 February 2012, <http://www.amnesty.org/en/library/info/EUR61/001/2012/en>.

Khudayberdy Orazov, exiled leader of the opposition movement Vatan (Motherland), was sentenced to life imprisonment in his absence for his alleged involvement in the armed attack on former President Niyazov in November 2002.

According to the Turkmen Initiative for Human Rights (TIHR), on 16 July 2010, civil society activist **Umida Dzhumabaeva** was barred from leaving Turkmenistan. Conversely, individuals such as Turkmenistani human rights defender Farid Tukhbatullin are prohibited from entering Turkmenistan because of their human rights activities.

Such practices are in violation of an individual's right to leave any country, including their own and to return to their own country as enshrined in Article 12 of the ICCPR and raise serious concern about the state party's failure to comply with its obligations under several other provisions of the Covenant, including the right of human rights defenders and opposition activists to freedom of expression and opinion (see section on freedom of expression below).

According to RFE/RL News Service, in September 2009 dozens of students were refused permission by the Turkmenistani authorities to continue their studies at the American University of Central Asia (AUCA) in Bishkek, Kyrgyzstan, due to newly introduced document requirements to seek permission to leave the country. Subsequently, their enrolment was transferred to a similar institution, the American University of Bulgaria but in October, the students were prevented from boarding planes to Bulgaria. Two other ex-AUCA students found out that they were barred from leaving the country when they wanted to travel to Uzbekistan. The border guards told them that their names were on the "black list" and that for the next five to seven years they are not allowed to leave the country.⁷ The TIHR reported that only due to international pressure these students were allowed to leave, and only more than six months later.

More recently, around 1600 Turkmen students studying in Tajikistan's universities who had come home for the holidays were barred from returning to resume their studies on 1 August 2011. In October, the ban was lifted but some students were still prevented from returning to their universities. The Ministry of Migration did not explain the reason for this.

FREEDOM OF RELIGION AND BELIEF (ART. 18)

Amnesty International also remains concerned that religious activity in Turkmenistan is strictly controlled. In its report to the Human Rights Committee the country states that "[t]he activity of the unregistered religious organizations is prohibited"⁸ and that only 123 religious organizations were registered in the country.⁹ Many minority religious groups continue to be

⁷ See Amnesty International: *Continuing Human Rights Concerns in Turkmenistan*, AI Index: EUR 61/001/2010, 1 June 2010, page 2, <http://www.amnesty.org/en/library/info/EUR61/001/2010/en>.

⁸ See paragraph 577 of the state report.

⁹ See paragraph 587, page 81.

denied registration, such as Shia Muslims, the Armenian Apostolic Christians, Catholics, Protestants and Jehovah's Witnesses, often without explanation. Since the submission of the state report in January 2010, Ashgabad Catholic Parish was reportedly registered in March 2010, but only 13 years after its first application.

Ilmurad Nurliev, a Pastor of the unregistered Light to the World Pentecostal Church, was sentenced to four years' imprisonment for fraud. His supporters believe he was targeted for his religious activity and that the evidence against him was fabricated. The court reportedly ordered that he be forcibly treated for an alleged drug addiction. His supporters denied illegal drug use. Reportedly, Ilmurad Nurliev has been denied medication to treat diabetes since his detention in August 2010. In December 2010 he was transferred to a prison colony near the town of Seydi in the Eastern Lebap Region.

Furthermore, Amnesty International is concerned that the refusal to serve in the army on conscientious grounds is effectively a criminal offence in Turkmenistan on account of the lack of an alternative civilian service for conscientious objectors. At least six Jehovah's Witnesses are known to be serving prison terms for refusal to do military service. They are **Mahmud Hidaybergenov, Dovleyet Byashimov, Ahmet Hidaybergenov, Matkarim Aminov, Sunet Japbarov** and **Dovran Matyakubov**.

FREEDOM OF OPINION AND EXPRESSION, FREEDOM OF ASSEMBLY AND OF ASSOCIATION (ARTS. 19, 21 AND 22)

Independent political parties do not exist in Turkmenistan and independent civil society activists cannot operate openly. Many opposition politicians have been forced into exile. Many of those remaining in the country have faced house arrest, arbitrary detention, imprisonment following unfair trials and torture and other ill-treatment. The adoption of legislation on 11 January 2012 formally legalising the formation of political parties is a positive step, but Turkmen human rights defenders and opposition political activists living in exile have expressed doubt about the application of the new law.

For many years the authorities are believed to have closely monitored communication channels such as telephone lines and the internet. Human rights defenders believe that the authorities were monitoring their communications partly in order to prevent information about human rights violations reaching international human rights organizations and media.

Critical media reporting is very rarely tolerated. Self-censorship is commonplace. Journalists working with foreign media outlets known to publish criticism of the authorities frequently face harassment and intimidation. Independent civil society activists are unable to operate openly, with some forced to live in exile. Fear for dissidents' safety heightened after President Gurbanguly Berdimukhamedov called on the Ministry of National Security (MNS) in September 2010, to fight those who, according to the government website, "defame our democratic law based secular state and try to destroy the unity and solidarity of our society."

Prisoners of conscience **Annakurban Amanklychev** and **Sapardurdy Khadzhiev**, associated with the NGO Turkmenistan Helsinki Foundation, were convicted in August 2006 on charges

of “illegal acquisition, possession or sale of ammunition or firearms” and sentenced to 7 years imprisonment. Human rights activists believe that these charges were retribution for their human rights activities. There were strong indications that they were ill-treated in detention to pressurise them to confess.¹⁰ The OSCE reported in August 2006 that government sources had told the organization that Annakurban Amanklychev was detained for the “illegal collection of information in order to encourage public dissatisfaction” and “transmitting materials to foreign citizens”. In August 2010, the UN Working Group on Arbitrary Detention concluded that both men were arbitrarily detained and sentenced in unfair trials for exercising their rights to freedom of expression and association, and for their human rights work. It called on the authorities to promptly release them and award them appropriate financial compensation.

Annakurban Amanklychev and Sapardurdy Khadzhiev were tried along with **Ogulsapar Muradova**, a correspondent with Radio Free Europe/Radio Liberty, who died in custody in disputed circumstances in September 2006 (see section on right to life and the prohibition of torture and other ill-treatment above).

In September 2010, the satellite TV channel K+ that broadcasts to Central Asia aired an interview with **Farid Tukhbatullin**, director in exile of the Turkmen Initiative for Human Rights (TIHR). It provided people in Turkmenistan with rare information about human rights in their country from a non-governmental source. Subsequently, the TIHR website was disabled following an attack by unknown hackers, until the group moved its site from a Moscow host to one in another country. In October 2010 Farid Tukhbatullin received information from a reliable source who requested anonymity that MNS officials had discussed a potentially life-threatening plot against him; according to the source they had discussed “get[ting] rid of [him] quietly”, in a way that was hard to trace.

Amangelen Shapudakov, an 80-year-old human rights activist, was detained on 7 March 2011 and confined for 40 days in a psychiatric hospital, after conducting an interview for Radio Azatlyq (the Turkmen language service of Radio Free Europe/ Radio Liberty), in which he accused a local government official of corruption.

The independent émigré news site **Chronicles of Turkmenistan** was hacked into and disabled on 18 July 2011, days after publishing information about an explosion at an arms depot near Ashgabat. The hackers reportedly published the personal information of the site’s users online, putting them at risk of harassment and persecution by the authorities. The editor’s mother reported being under surveillance after this, and that local officials had visited her and asked intimidating questions.

More recently, RFE/RL correspondent **Dovletmyrat Yazkulyev** was sentenced to a 5 year prison term on 5 October 2011 under Article 106.2 of the Criminal Code of Turkmenistan on the charge of encouraging a relative to attempt suicide. There are concerns that the real reason for his arrest was to intimidate him for his coverage of blasts at a weapons depot in the town of Abadan in July 2011. He was later warned at a local police station that there may

¹⁰ See Amnesty International: *Continuing Human Rights Concerns in Turkmenistan*, AI Index: EUR 61/001/2010, 1 June 2010, page 3, <http://www.amnesty.org/en/library/info/EUR61/001/2010/en>.

be consequences for his reporting. Relatives of Dovletmyrat Yazkuliev reported that the police had forced them to sign statements incriminating him and that their subsequent attempts to retract them were ignored during the trial. Dovletmyrat Yazkuliev was freed by a presidential pardon on 26 October 2011.