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Turkmenistan: Severe restrictions on freedom of movement remain

Amnesty International is concerned that Turkmenistan appears ever more determined to bar human rights monitors and restrict the free movement of its population. This concern has been heightened by recent reports from a source inside Turkmenistan about a new presidential decree which prohibits the exit and entry to the country of thousands of named individuals. According to the source the order, signed by Turkmenistan's President Gurbanguly Berdymukhamedov, came into force on 1 August and was sent to migration service, border guard, security force and police stations around the country.

Amnesty International is calling on the Turkmenistani authorities to immediately lift all travel restrictions which violate their obligations under international law, to allow individuals to exercise their right to freedom of movement - in particular to allow Turkmenistanis to exercise their right to leave and return to their own country, and to open the country up to international scrutiny.

The new decree is reported to explicitly bar 37,057 listed individuals from leaving Turkmenistan. It is also reported to instruct Turkmenistani border authorities to prevent entry to the country by listed international human rights organizations, including Amnesty International, as well as over 8,000 named individuals of various nationalities.

The source provided Najot, an Uzbek human rights organization operating near the border with Turkmenistan, with a detailed breakdown of those who should be denied entry to Turkmenistan. In addition to Amnesty International, this list is reported to specifically forbid entry to human rights organizations the Open Society Foundations and Memorial, as well as individual prominent human rights defenders such as Farid Tukhbatullin and Vitaly Ponomarev. According to Najot, included in this list are 73 foreign journalists who are banned from entering Turkmenistan.

Amnesty International has repeatedly raised concerns about human rights violations in Turkmenistan and the government's determined resistance to international scrutiny. The only UN Special Rapporteur to have visited Turkmenistan is the Special Rapporteur on freedom of religion or belief. A request by the Special Rapporteur on torture to visit Turkmenistan 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. Amnesty International's own repeated requests to visit Turkmenistan have remained without response.

News of the presidential order comes shortly after reports began in early July that holders of dual Russian-Turkmenistani citizenship were not being allowed to leave Turkmenistan using their Russian passports. Several people attempting to do so were told by border authorities that they must surrender one of their passports.

On 7 July an announcement by Turkmenistan's Ministry of Foreign Affairs appeared to confirm a new hard-line approach to dual citizenship by citing Article 7 of the 1992 Constitution of Turkmenistan, which stipulates that a Turkmenistani national cannot hold any other citizenship.

Despite Article 7 former Presidents Boris Yeltsin of Russia and Saparmurat Niyazov of Turkmenistan agreed a dual nationality arrangement in 1993. Under that arrangement around 100,000 people in Turkmenistan acquired dual citizenship and since 1993 holders of dual Russian-Turkmenistani citizenship have routinely been allowed to leave Turkmenistan using their Russian passports. In late 2002 former President Niyazov attempted to unilaterally rescind the agreement, but since then dual citizens have continued to travel in and out of Turkmenistan using Russian passports. By doing so they were able to by-pass the onerous requirement for Turkmenistani citizens to obtain official permission to leave the country. This permission is only granted to a specified destination and valid for a limited period of time.

Amnesty International is concerned that in effect the only way that these individuals were able to enjoy their right to leave their own country was by acquiring the citizenship and the passport of another state and becoming dual nationals. Following recent developments Amnesty International is now also concerned that, by forcing such individuals to give up one passport, the Turkmenistani authorities hope to expel Turkmenistani activists protected by Russian citizenship, or to force them to give up the protection afforded by Russian citizenship.

This hard-line approach to prohibit dual nationality, which has been permitted since 1993, may be a response to the Russian government's intervention on behalf of environmental activist and dual citizen Andrei Zatoka when he was imprisoned on 29 October last year. After they reportedly received a diplomatic note from the Russian government, Turkmenistani authorities commuted his five-year prison sentence to a fine, on the condition that he leave the country and renounce his Turkmenistani citizenship.

Moreover, Amnesty International is concerned that the attempt to remove Russian citizenship from individuals without proper legal procedures and without the possibility of appeal or review by an independent court, despite the individuals having acquired citizenship lawfully under an international agreement between the two states, may amount to a violation of the right not to be arbitrarily deprived of nationality, set out in the Universal Declaration of Human Rights and which over the years has been reiterated continually in declarations by UN, regional and other bodies.

Restrictions on the right to leave the country are also being used to punish activists for their activities. According to the Turkmen Initiative on Human Rights, on 16 July civil society activist and former representative of Andrei Zatoka, Umida Dzhumabaeva, was barred from leaving Turkmenistan. She attempted to fly from the city of Bekdash to visit friends in Kazakhstan, when the migration service at the airport stopped her leaving without any explanation and despite the fact that all her documents were in order.

In some cases, individuals have been prevented from travelling abroad despite requiring urgent medical treatment not available in Turkmenistan. In November 2009 Ovez Annaev died aged 46 after being denied permission to travel to Moscow for treatment for heart disease. He and his family were barred from leaving the country after his brother-in-law, Khudaiberdy Orazov, exiled leader of the opposition movement Vatan (Motherland), were sentenced *in absentia* to life imprisonment after the 2002 November attacks on former President Niyazov.

Conversely, individuals such as Turkmenistani human rights defender Farid Tukhbatullin, as mentioned above, 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 by Article 12 of the International Covenant on Civil

and Political Rights (ICCPR). Since 1997 Turkmenistan has been a party to the ICCPR, which places an obligation on the state to protect this right.

In September the European Parliament will vote on whether to sign a Partnership and Cooperation Agreement (PCA) with Turkmenistan. Amnesty International urges the European Parliament to consider these and other human rights violations in Turkmenistan whilst finalising agreements.

Background:

Over several years Amnesty International has documented the Turkmenistani government's punishment and intimidation of human rights activists, relatives and friends of exiled dissidents, and opposition members, in order to silence their critical voices. Restrictions of the right to freedom of movement have been used in an attempt to punish human rights defenders and have even targeted the relatives of those perceived to be critical of the government of Turkmenistan.

In December 2008, Turkmenistan underwent the Universal Period Review at the UN Human Rights Council, a process which assesses the human rights compliance of UN member states every four years. During this session, held at the UN in Geneva, Turkmenistan accepted 19 recommendations from other UN member states; including measures to guarantee the rights to freedom of expression, association and assembly; to allow independent non-governmental organizations to register and work freely; and to end harassment and intimidation of journalists. The Turkmenistani government also committed to ensuring that members of civil society were allowed to meet with representatives of foreign media, governments and international organizations, without fear of harassment. However, since the Universal Periodic Review, the Turkmenistani government has made no effective progress with implementation of the recommendations, nor set a timeframe for their implementation. Repeated requests for access to the country by international organizations remain unanswered.

Human rights defenders and other independent civil society activists are unable to operate openly in the country. Opposition parties do not exist. Many opposition activists live in exile. All printed and electronic media remain under state control and there are widespread violations of the right to freedom of expression. According to the Turkmen Initiative of Human Rights all Turkmenistani citizens are "prohibited from subscribing to all print media published abroad. The right to subscribe to a restricted number of foreign newspapers and journals was solely granted to ministries, departments and some governmental organizations." The authorities continue to block websites run by exiled members of the opposition and dissidents and use of the internet is monitored and filtered by the government-owned main service provider. Journalists working with foreign independent media outlets are harassed and detained by law enforcement and national security service officials. Turkmenistani human rights organizations in exile have highlighted that the fear of harassment results in self-censorship by journalists and media outlets.

[Turkmenistan: Further information: Environmental activist released](#)

[Turkmenistan: Andrei Zatoka sentenced in unfair trial](#)

[Turkmenistan: Environmentalist arrested in Turkmenistan](#)

[Individuals continue to be at risk of violations in Turkmenistan \(AI Index Number: EUR 61/001/2009\)](#)

[Turkmenistan: No effective human rights reform \(AI Index: EUR 61/004/2008\),](#)

[Amnesty International urges Turkmenistan to fully implement recommendations made under the Universal Periodic Review \(AI Index Number: EUR 61/002/2009\)](#)

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