



Human Rights Watch
UPR Submission

Turkmenistan

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Introduction

This submission summarizes Human Rights Watch's key concerns regarding Turkmenistan's compliance with its international obligations in the context of three areas that have been the focus of Human Rights Watch's work on the country in recent years—political prisoners, governmental impediments for travel abroad, and restrictions on non-governmental organizations (NGOs) and independent media to function freely.¹ We believe the upcoming Universal Periodic Review of Turkmenistan provides a welcome opportunity for reviewing the Turkmen government's record in these areas. We hope that the information provided here will help inform the upcoming review and contribute to the resulting recommendations for the improvement of human rights in Turkmenistan.

Under Saparmurat Niazov, Turkmenistan's president-for-life who died in December 2006, the country suffered one of the world's worst tyrannies. Still today, a year and a half since President Gurbanguly Berdymukhamedov assumed power, Turkmenistan remains one of the most repressive and authoritarian countries in the world.

Niazov terrorized government and society: his government tolerated no dissent, media or political freedoms, and drove opposition political figures, human rights defenders, and independent journalists into exile or put them in prison. Frequent purges of his government resulted in lengthy prison sentences for officials. Niazov's government severely set back Turkmenistan in social and economic development. The country is rich in natural gas, but most of the population lives in grinding poverty.

The new government is ending the self-imposed international isolation of the Niazov era and has begun to reverse some of the most ruinous social policies. It reinstated pensions and social allowances,

¹ These and other violations of civil and political rights were detailed in a November 2007 Human Rights Watch published a briefing paper <http://hrw.org/backgrounder/eca/turkmenistan1107/turkmenistan1107web.pdf>. The present submission summarizes and updates this publication.

restored the tenth year of secondary education and the five-year course of university-level education, and increased enrollment in universities. The above measures are welcome but have not changed Turkmenistan's abysmal human rights record.

There is no indication for example that the government is proposing comprehensive reform needed to restore the public health, social welfare, and education systems to levels that would ensure access to basic health care, food, housing, and education is available to all, or that full enjoyment of such rights will be progressively realized.

While serious institutional reform is needed in every aspect of human rights practices in Turkmenistan, releasing political prisoners, abolishing governmental impediments for travel abroad, and allowing non-governmental organizations (NGOs) and independent media to function freely in Turkmenistan can and should be accomplished promptly.

Political prisoners of past years

After two decades of intolerance to dissent and widespread abuse of the criminal justice system for governmental purges, hundreds and possibly thousands of people have either served or continue to serve lengthy prison terms as a result of closed, unfair trials. Berdymukhamedov's government has released approximately two dozen people believed to have been imprisoned for political reasons, but has not proposed a process for reviewing all such cases. Until such a process is established, and until independent human rights monitoring is possible in Turkmenistan, it will remain exceedingly difficult to estimate the numbers of political prisoners, past or present. However, three cases described below can and should be addressed immediately.

Human rights activists

In August 2006 Annakurban Amanklychev, Sapardurdy Khajiev, and Ogulsapar Muradova, affiliated with the Turkmenistan Helsinki Foundation, were sentenced in a closed trial to prison terms of six to seven years on false charges of "illegal weapons possession." Security services cited Amanklychev's participation in human rights trainings in Poland and Ukraine and his work with British and French journalists who visited Turkmenistan to justify his arrest. Ogulsapar Muradova died in custody in September 2006 under suspicious circumstances and no reliable investigation of her death was conducted.

Longest-serving political prisoner

Also still incarcerated is the country's longest serving political prisoner, Mukhametkuli Aymuradov. He was convicted in 1995 of trumped-up charges of anti-state crimes, including "attempted terrorism," and sentenced to 12 years' imprisonment. In 1998, he was sentenced to an additional 18 years'

imprisonment in connection with an alleged prison escape attempt. Aymuradov has very limited contact with his family, and is reported to be in very poor health.

Political prisoners since Berdymukhamedov

Valery Pal, social activist

Valery Pal, a computer engineer who helped other activists use information technology to send information about Turkmenistan to the outside world and participated in a number of human rights projects, was arrested in February 2008. He was charged in connection with the apparent theft in 2004 of printer cartridges and other items at the oil refinery where he worked. Against the backdrop of overall pressure on activists in Turkmenistan, the fact that charges against Pal were brought only four years after the alleged theft, and numerous procedural violations in his case indicate a political motivation to his imprisonment. He was sentenced on May 13, 2008, to 12 years of imprisonment on embezzlement charges.

Gulgeldy Annaniyazov, dissident

Gulgeldy Annaniyazov is a former political prisoner who lived from 2002 until 2008 in exile in Norway, where he holds refugee status. In spring 2008 Annaniyazov had announced his decision to return to Turkmenistan in order to “help his fatherland to improve its education and public health systems.” He returned to Turkmenistan on June 23, and was arrested, without a warrant, the next day. According to his son, Annaniyazov has been charged with illegal border crossing (for returning to his own country), which is punishable by up to 10 years of imprisonment.

Victims of torture and enforced disappearance

Human Rights Watch is aware of several cases in which individuals detained in Turkmenistan reported that they had been subjected to torture and cruel treatment, and no investigation into these allegations took place.

Sazak Durdymuradov, Radio Free Europe/Radio Liberty contributor

Sazak Durdymuradov, an unpaid contributor to the U.S. government-funded Radio Free Europe/Radio Liberty and a history teacher, was seized in his home on June 20, 2008. As Radio Free Europe reported, he was detained and transferred to a psychiatric clinic known to many as the “Turkmen gulag.” He was held there for two weeks, badly beaten, and subjected to psychological pressure before being released on July 4. Durdymuradov was pressured to sign a statement that he would stop writing for Radio Free Europe, but when he was released, he was told only to provide “correct information.”

Boris Shikhmuradov and other defendants of 2002 alleged assassination attempt

The fate of some of about 50 prisoners convicted in relation to the November 2002 alleged assassination attempt on Niyazov—including former foreign minister Boris Shikhmuradov and

Turkmenistan's former ambassador to OSCE Batyr Berdiev—remain unknown, with their whereabouts not disclosed even to their families. Human Rights Watch is aware of unconfirmed reports that eight defendants in the 2002 plot case have died in detention.

The investigations and subsequent trials following the 2002 assassination attempt were characterized by a blatant disregard for basic due process and fair trial standards. The trials were closed, and defendants were held incommunicado and not granted counsel of their choice. Human Rights Watch received credible reports of ill-treatment and torture of suspects. Amanmukhamet Yklymov made a public statement in court describing how he had been tortured but the court disregarded it. Relatives of many suspects were also detained and subjected to torture and psychological pressure in an effort to force them to incriminate their loved ones. Many of these relatives remain in detention.

Freedom of movement

While some individuals have been permitted to travel abroad, the system of restrictions on foreign travel inherited from the Niazov era remains in place, and people continue to be arbitrarily forbidden from traveling. For example, after spending several months trying to clarify his status, Andrei Zatoka, a well-known environmental activist, received on July 4, 2008 a letter from the Office of the Prosecutor General stating that he is still prohibited from traveling abroad. No explanation was provided.

Another recent case is that of Rashid Ruzimatov and Irina Kakabaeva, relatives of an exiled former government official, who have been banned from travel abroad since 2003. In the past six years they wrote to government officials repeatedly to inquire as to why they were forbidden from traveling and to request that they be permitted to do so. No justification for this decision has been provided, and they remain banned from foreign travel.

Svetlana Orazova, sister of exiled opposition leader Khudaiberdy Orazov, repeatedly attempted to challenge her travel ban in court. The latest court ruling, on April 14, 2008, upholds the ban citing only Turkmenistan's law on migration and provides no reason for the ban's imposition in the first place. In June 2008, her husband Ovez Annaev came for a visit from Moscow, where he was receiving treatment for heart disease, and was barred without explanation from boarding his return flight to Moscow on June 15.

Restrictions on NGO activities and human rights monitoring

Monitoring by international organizations

The post-Niazov era has seen an unprecedented number of international delegation visits to Turkmenistan, some of which have included policy discussions with the government about human rights. However, no independent organization has been permitted to carry out research on human rights abuses inside the country, and no agency—governmental or nongovernmental—has had access to

detention facilities. (Human Rights Watch has been denied entry to Turkmenistan since 1999 and hence remains unable to travel to the country to do in situ research.)

This lack of possibilities for human rights monitoring in Turkmenistan was highlighted by the European Court of Human Rights in a June 19, 2008 decision (*Ryabikin v Russia*), which held that a Turkmen businessman living in Russia could not be extradited to Turkmenistan in part because the authorities systematically refused access by international observers to the country.

Harassment of Turkmen civil society

NGO activists continue to report harassment in Turkmenistan. NGOs are legally banned from carrying out any work unless they are registered, yet no independent NGO has obtained registration under Berdymukhamedov.

Following a high-level European Union meeting in Ashgabat in April 2008 pressure on Turkmen activists and dissidents intensified, including those in exile. Activists in exile were approached by Turkmen officials who proposed that they stop their work in return for favors for their families.² Also, the Turkmen Initiative for Human Rights (operating out of Austria) reported that in spring 2008 Turkmen special services intensified pressure against Andrei Zatoka. Radio Free Europe/Radio Liberty and Institute for War and Peace Reporting reported that authorities constantly pressure their contributors inside Turkmenistan to stop cooperating with international media.

The government also interferes with civil society by preventing civic activists and journalists from having unmonitored access to the internet. Activists reported to Human Rights Watch that there was an instruction to relevant ministries and services to identify all correspondents writing for international media and websites, and to limit their internet access. Since April 2008, at least one activist's access to an alternative server was blocked.

Recommendations

- Launch a nationwide, transparent review of all political cases of past years in order to establish an accurate number of political prisoners and begin to provide them with justice;
- Immediately release Annakurban Amanklychev, Sapardurdy Khajiev, Mukhametkuli Aymuradov, Valery Pal, and Gulgeldy Annaniyazov;

² For more information on the pressure on the activists after EU troika meeting see Human Rights Watch submission in advance of EU-Turkmenistan Human Rights Dialogue on June 24, 2008 <http://hrw.org/english/docs/2008/06/23/turkme19175.htm>.

- Immediately disclose the whereabouts, and if relevant information on the fate, of all the defendants of the 2002 alleged assassination attempt on former president Niazov, and release their imprisoned relatives; afford those in detention full due process including visits from their family members and conduct a review of their convictions;
- Thoroughly investigate all allegations of torture, make public the results of such investigations and bring perpetrators to justice.
- Fully respect the right of everyone to be free to leave and return to their own country and in this regard revoke the travel bans on Andrei Zatoka, Rashid Ruzimatov, Irina Kakabaeva, Svetlana Orazova and Ovez Annaev.
- Allow domestic non-governmental organizations to register and function without undue interference and cease imposing pressure on activists, both in Turkmenistan and in exile;
- Allow national and international organizations to conduct independent human rights monitoring, including through effective access to places of detention; and
- Cease interference with access to the internet.