

HUMAN RIGHTS IN TURKMENISTAN

A Division of Human Rights Watch

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July 1993

Helsinki Watch

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Helsinki Watch executive director Jeri Laber, research associate Erika Dailey and associate Alexander Petrov travelled to the Turkmenistan capital, Ashgabat, between April 31 and May 4, 1993. They met with government officials, journalists, western diplomats and private citizens. Several individuals declined to meet with Helsinki Watch representatives during the trip or to speak with them subsequently citing fear of retribution by government officials. This report is based in part on testimony gathered during the trip. Some testimony has been omitted at the request of those interviewed who were concerned for their own security and the security of individuals associated with them.

The report was written by Erika Dailey, and edited by Jeri Laber and Alexander Petrov. Mr. Petrov also provided expert research assistance, and Christina Derry provided essential technical assistance.

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NOTES ON GEOGRAPHY AND DEMOGRAPHY

The Republic of Turkmenistan, an arid land comprising some 188,500 square miles (488,200 sq. km.), borders the Caspian Sea to the west, Uzbekistan to the northeast, Kazakhstan to the north, and Iran and Afghanistan to the south. Although mostly desert, Turkmenistan is dotted with oases, including the capital, Ashgabat, which lies at the foot of the Kopet Dag mountain range near the Iranian border. With a population of some four million people, Turkmenistan has one of the lowest population densities in the former USSR.¹ According to the last census (1989), some seventy-two percent in Turkmenistan identified themselves as ethnic Turkmen; 9.5 percent as Russians; nine percent as Uzbeks; and the remaining approximately ten percent as Kazakhs, Tatars, Ukrainians and other ethnic groups.²

Turkmenistan was traditionally a nomadic herding region, with portions of its population engaged in brigandage and trade. Irrigation was introduced during the Soviet era, and drew parts of its nomadic society into agriculture and industry. Its current economy is based primarily on production of cotton and minerals and its large reserves of oil and natural gas are now being explored.

Turkmenistan (literally "Land of the Turkmen") was ruled by various local rulers until the thirteenth century, when the Mongols conquered it. For approximately a century, the Timurid empire incorporated Turkmenistan; eventually it came under the control of the emirates of Bukhara and of Khiva. In the late nineteenth century Tsarist Russia seized Turkmenistan. The Turkmen Soviet Socialist Republic was proclaimed in 1924. It declared its sovereignty on August 22, 1990, and gained its independence on October 27, 1991. It is a secular, constitution-based republic, a member of the Commonwealth of Independent States and of the United Nations.

The majority ethnic group, Turkmen (also Turkomans, Turcomans), are originally descended from the Oghuz Turks. Traditionally they live in extended families as tribes and are nominally Sunni Muslims, although Islamic roots are not considered deep. Turkmen was declared the state language in 1990. Turkmen is an Altaic language similar to Azerbaijani and Osmanli (Ottoman) Turkish. Originally it used the Arabic script, but in 1928-29 adopted the Latin alphabet and in 1940 the modified Cyrillic script used today. A presidential decree calls for a transition back to the Latin script to take effect on January 1, 1996.

Spellings of proper names appearing in this report conform to United Nations specifications. In all other cases, Turkmen proper names are transliterated from Turkmen; Russian names are transliterated from Russian.³

¹ *Turkmenistan* (Ashgabad: RPHPA "Turkmenistan," 1992), p. 3. The population as of the last census (1989) was 3,522,717. *Natsional'nyi sostav naseleniia SSSR po dannym vsesoiuznoi perepisi 1989g.* (Moscow: Finansy i statistika, 1991), p. 136.

² *Natsional'nyi sostav naseleniia, op. cit.*

³ Transliterations from Turkmen are based on the system used in Edward Allworth, *Nationalities of the Soviet East: Publications and Writing Systems: A Bibliographical Directory and Transliteration of Iranian- and Turkic-Language Publications, 1818-1945, located in U.S. Libraries* (New York: Columbia University Press, 1971). Transliteration from Russian is based on the Library of Congress system.

INTRODUCTION

Although the Republic of Turkmenistan became a member of the United Nations in March 1992, its geography and culture and the consequences of Soviet nationality policy have made it perhaps the most isolated and conservative country in the constellation of newly independent states. The huge potential of its natural resources, primarily oil and natural gas, has encouraged the current leadership under President Saparmurat Niyazov to follow an independent course into the post-communist future and is partially responsible for his administration's complacency about fulfilling its obligation to protect human rights, as a member of the United Nations and as a signatory to the Helsinki accords.

This report focuses on violations of human rights in Turkmenistan since Saparmurat Niyazov was elected president on October 27, 1990.¹ There are regular violations of freedom of speech in Turkmenistan: criticism of the government is suppressed, censors approve only what is in harmony with government policy, and residents who dissent or who have contact with dissidents are prevented from leaving the country, impeded from associating freely with some foreign observers, and are put under *de facto* house arrest. Their attempts at working freely as organizations are thwarted and their public meetings forcibly dispersed. This report represents part of Helsinki Watch's ongoing efforts to monitor the protection of human rights in Turkmenistan.

The government's attitude toward dissent varies from denial that it exists to justification of its use of repression. In meetings with Turkmenistan officials, Helsinki Watch representatives were told repeatedly that there are no registered alternate political parties in the republic because there is no broad support for such parties.² President Niyazov himself has said that "People forgot how to think independently. They wait to be told what to do and how to do it."³ Turkmenistan officials explained that government officials consulted with the roughly four million other residents of the republic and reached consensus. Government officials numbered individuals who opposed the Niyazov administration at "five or six" or "no more than ten." The government also attributes the relative absence of open dissent to the people's minimal experience in political pluralism in this isolated country, and the existence of human rights violations to the slowness of officials in the judicial, executive and law enforcement branches of government to disavow abusive practices.

President Niyazov openly acknowledges his responsibility for ordering restrictions on the rights of citizens — restrictions that violate human rights law. Reportedly, he not only acknowledges but endorses the existence of a censor, citing the need to deter inter-ethnic tension in the republic. Heavy government control is everywhere — in the law on religion, which reportedly allows free practice of religion but prevents private religious instruction, and even in the way in which the government reportedly

¹ President Niyazov was re-elected president on June 21, 1992. Helsinki Watch has also documented numerous violations of international human rights law that took place while Saparmurat Niyazov was First Secretary of the Community Party of Turkmenistan. It should be noted that many of these violations affected victims mentioned in this report.

² According to Turkmenistan law, this would require only one thousand people out of a population of four million signing their names to a petition of support for an alternate group.

³ *The Washington Post*, April 1, 1993, p. A1.

encouraged foreign investment from smaller, more manageable companies rather than from large ones.⁴

The government justifies its repressive control by asserting the need for stability and the desire to stem the emigration of educated (mainly Russian) residents from the republic. The internal conflict in neighboring Tajikistan is frequently cited as an alternative to be avoided, and the exodus of Russians from other republics is used to explain why inter-ethnic harmony must be maintained. First Deputy Minister of Foreign Affairs Charnazar Annaberdiyev told Helsinki Watch representatives, "The people fully support the president's policy because it guarantees citizens calm in this transitional period."⁵

Government officials who met with Helsinki Watch in Ashgabat appear to set economic and social rights as their highest priority. The government has initiated a land grant program, for instance, allocating fifty hectares (about 124 acres or 500,000 square meters) of free land to any citizen who can turn a profit on the land within two years. The government often uses the unsatisfactory state of economic and social rights in Turkmenistan as an excuse for neglecting the protection of civil and political rights. One senior member of the legislative body called the Majlis told Helsinki Watch that "Social issues must be primary now. Without a worthy life, a person doesn't need a multi-party system."⁶ At a meeting at the Conference on Security and Cooperation in Europe (CSCE) in July 1992, President Saparmurat Niyazov rejected the concept of the universality of human rights: "For us, human rights are inextricably linked with national interests and are their essential components."⁷

The current president, Saparmurat Niyazov, was a leading political figure in the republic under the Soviets, becoming First Secretary of the Central Committee of the Communist Party in 1985. He enjoys strong constitutional power; indeed the Republic of Turkmenistan is legally defined as a "presidential republic."⁸ Article 60 of the constitution states, for example, that "the president enjoys the right of inviolability" and a special law exists that provides stronger legal protection for the president's "dignity and honor" than for that of ordinary citizens. In addition, the April 12, 1993, session of the Turkmenistan parliament granted the president the power to adopt decrees. This, in addition to privileges provided for in the constitution, gives the president supreme power simultaneously in both executive and legislative branches of government, an inherent conflict of interest.

Helsinki Watch is also concerned that the new constitution and recent parliamentary rulings severely compromise the principles of representative government. For example, the Turkmenistan government has developed a unique branch of the legislature called the *Khalq Maslakhati* (People's Council). The Khalq Maslakhati resolves such fundamental issues as passage of amendments to the constitution; moreover, according to members of parliament with whom Helsinki Watch spoke, all

⁴ Interview with U.S. Ambassador Joseph S. Hulings, III, April 31, 1993, Ashgabat.

⁵ Interview, May 1, 1993, Ashgabat.

⁶ Interview with Alla Snezhko, chairman of the Committee of the Majlis on Social Policy, May 1, 1993, Ashgabat.

⁷ Interfax, July 15, 1992; cited in Christopher J. Panico, "Turkmenistan Unaffected by Winds of Democratic Change," *RFE/RL Research Report*, Vol. 2, No. 4, January 22, 1993, p. 8.

⁸ Article 1 of the constitution.

decisions of the Maslakhati are binding on all branches of the government.⁹ Yet, with a few exceptions, including the president himself, all members of this ostensibly highly powerful body are appointed, not elected, greatly diminishing its ability to function as a representative body, and compromising the principle and practice of separation of powers.¹⁰

Turkmenistan's enormous natural resources enable it to play a strong role on the international scene. In recent meetings of the Commonwealth of Independent States, Turkmenistan has been aloof when it comes to regional economic cooperation. Turkmenistan's increased role in the economic arena, however, makes it more susceptible to criticism of its human rights record. During a meeting with the U.S. Helsinki Commission in Washington in March 1993, President Niyazov bowed to pressure and indicated that three individuals who had been denied exit visas to attend a conference in the United States would be allowed to leave.¹¹ Criticism of the government's actions in deporting monitors from Amnesty International in October 1992, and the refusal of President Clinton to meet with President Niyazov in March 1993, may explain why Helsinki Watch representatives were allowed to work unimpeded in Ashgabat in May 1993, and indeed were welcomed by government officials.¹²

LEGAL OBLIGATIONS

On December 21, 1991, the government of Turkmenistan signed the Minsk Agreement creating the Commonwealth of Independent States. In doing so, Turkmenistan, like the other successor states to the Soviet Union, assumed the legal obligation to uphold all international legal agreements to which the USSR was signatory, including the International Covenant on Civil and Political Rights (ICCPR).¹³ Article 6 of Turkmenistan's new constitution (adopted on May 18, 1992) states that "Turkmenistan recognizes the priority of commonly accepted norms of international law."

Many articles of Turkmenistan's new constitution also protect human rights. Article 3, for example, states that "The thing most valued by society and the government in Turkmenistan is the individual. The government is held responsible before a citizen and provides for the creation of conditions for free development of the individual and protects the life, honor, dignity and freedom, personal inviolability and

⁹ Interview with Alla Snezhko and Ereshkul Dzhusmaev, chairman of Committee of Majlis on State System and Legislation, May 1, 1993, Ashgabat.

¹⁰ Article 48-53 of the Turkmenistan constitution outline the rights, responsibilities and procedures of the Khalq Maslakhati.

Mr. Dzhusmaev disagreed with the conclusion that the work of the Maslakhat represented a violation of separation of powers, asserting that "relations between the Maslakhat and the government are regulated by the constitution." Interview, May 1, 1993, Ashgabat.

¹¹ To date this has not happened. *See* "Freedom of Movement." Interview, July 7, 1993.

¹² It should be noted that several individuals who wished to meet with us reportedly did not make contact either because their telephones were apparently cut off during the course of our stay or for fear of reprisals. As one person in contact with them stated, "They are tired of the harassment every time foreigners come to town."

¹³ *See* Restatement Article 210 (3) of the Foreign Relations Law of the United States on succession of newly independent states to international agreements.

natural and inalienable rights of the citizen." Article 16 states, however, that human rights are not transcendent, but subject to restrictions set by the state.¹⁴

RECOMMENDATIONS

To the Government of the Republic of Turkmenistan:

In general to protect free expression, by:

- **Ceasing immediately censorship on the basis of political content;**
- **Registering all social and political groupings that do not espouse violence and guarantee that they enjoy all rights accorded to them by law;**
- **Ceasing immediately arbitrary harassment;**
- **Insuring that militia officials treat detained individuals with all respect and rights accorded them by law;**
- **Providing access to medical care to all who seek it;**
- **Guaranteeing the inviolability of private homes and telephone conversations;**
- **Guaranteeing the right of all residents of the republic to leave the country;**
- **Guaranteeing the right of all residents of the republic freely to hold peaceful public meetings;**
- **Guaranteeing that rights be protected regardless of ethnic origin or gender; and**
- **Allowing independent human rights monitors to work unimpeded in the republic.**

Specifically, to:

- **Investigate the deaths of Bapba Geklen and Akmurad Shir, and make the findings available to the public;**
- **Provide Kakadzhah Saparov with a written explanation of his dismissal from the Procuracy;**
- **Issue Iusup Kuliev all travel documents necessary to leave Turkmenistan; and**
- **Vigorously pursue the investigation of the violent attack on Mukhammedmurad Salamatov of October 3, 1992, and bring those responsible to justice in full accordance with international**

¹⁴ Article 16 states that "No one may deprive a person of any rights and freedoms or limit him in his rights *except in such cases as conform to the Constitution and laws.*" (Emphasis added.)

standards of due process.

To the Government of the United States of America:

- **Condemn forcefully all violations of human rights by the government of the Republic of Turkmenistan;**
- **Continue to articulate and maintain its current stance on prohibiting high-level meetings for government officials until such time as Turkmenistan achieves a satisfactory record of compliance with international legal norms for the protection of human rights; and**
- **Use the Freedom Support Act of October 26, 1992, as leverage to insure that human rights are protected in Turkmenistan.**

To the International Human Rights Community:

- **Use available political and economic leverage to press for Turkmenistan's compliance with international human rights law.**

POLITICAL BACKGROUND

Violations of free expression are reported to occur most frequently in Turkmenistan in connection with political issues. Soviet communist ideology, with its abhorrence of critical thought, and the personal prerogatives of President Niyazov largely define the scope of current political activity in Turkmenistan. Article 60 of the Turkmenistan constitution stipulates, for example, that the president enjoys unspecified immunity. In addition, a law was passed on November 12, 1991, protecting the "honor and dignity" of the president of the republic. The law is based on a Soviet law, and laws similar to it exist in all of the newly independent states except Kyrgyzstan. The law has not been invoked in Turkmenistan since Saparmurat Niyazov came to power, but the very existence of such a law, the vague statement of some of its stipulations,¹ the heavy possible penalties it imposes (up to five years of imprisonment or a 50,000-ruble fine²) and the fact that similar laws have been invoked in a discriminatory manner in neighboring Uzbekistan and Kazakhstan may discourage criticism of governmental leadership and policy in Turkmenistan.

REGISTERED PARTIES

There are two registered political parties in Turkmenistan: the ruling Democratic Party, the successor to the Communist Party, led by President Niyazov, and the Peasants' Party for Justice, which is led by a scholar, Dr. Bairamov, and which has not challenged the Democratic Party and currently is not reported to be active.

Ereshkul Dzhumayev, chairman of Committee of Majlis on State System and Legislation, provided Helsinki Watch representatives with the following explanation for *de facto* one-party rule in Turkmenistan:³

I think it comes from the history of the development of Turkmenistan. Plus, all issues are resolved by other social organizations: trade unions and youth organizations. We have a Council of Elders, but any party will be registered; there is no problem in that. But there is simply no necessity to create new parties.

Alla Snezhko, chairman of the Committee of the Majlis on Social Policy, told Helsinki Watch:⁴

The last three years have been saturated with events in which our entire population has participated without restrictions. So, once the formation of the fundamental organs of power is completed, the process of the creation of new parties will probably begin. But there is no sense in rushing it.

¹ Article 1 of the law states, for example, that a person is to be punished for "deliberate degradation of the [president's] dignity and authority, having done this in an improper [neprilichny] form."

² Approximately \$83,500 according to the official exchange rate at the time of the adoption of the law, or roughly the equivalent of three and a half years salary for the average citizen.

³ Interview, May 1, 1993, Ashgabat.

⁴ *Ibid.*

Durdymurat Khojamammed, chairman of the unregistered Democratic Party, explains the phenomenon differently:⁵

If the president wishes to register some party then it is registered; and if he does not he can stall under the pretext that this party simply does not exist.

THE DEMOCRATIC PARTY (UNREGISTERED)

There is at least one unregistered party, the Democratic Party of Turkmenistan (not to be confused with the successor to the Communist Party of the same name). The Democratic Party held its constituent congress on December 22, 1990, and according to its chairman, Durdymurat Khojamammed, now living in Azerbaijan, the party draws the majority of its followers from the rural sector. The party chairman has stated that "the party's platform is that the land belongs to those who work it. We want land to be transferred into private hands free of charge."⁶ In 1992 it claimed a membership of 1,500⁷ but today, as one of its members told Helsinki Watch representatives, it "does not do anything."

AGZYBIRLIK

The Society for the Protection of the Turkmen Language "Agzybirlik" (Unity) was formed on September 1, 1989. It was registered in September 1989 as a society affiliated with the presidium of the Academy of Sciences of the Turkmen SSR, and re-registered in October of that year as the Society for the Protection of the Turkmen Language Agzybirlik. Agzybirlik draws its members primarily from the intelligentsia. Its original platform called for the independence of the republic from the USSR and recognition of certain aspects of Turkmen language and history. The Society was officially closed on January 15, 1990.

According to Ak-Mukhammed Velsapar, a journalist, writer and secretary of Agzybirlik's press service,⁸ its original membership was significantly larger than its membership today, which he reports to be a core of thirty people with some 1,000 others having officially registered their desire to join.⁹ Mr. Velsapar explained the decrease in unofficial membership by citing the group's inability to disseminate its ideas, and government repression, including the fact that several of the leading members of the movement, including himself, have lost their jobs in connection with their activities (*see* "Discrimination — Politically Motivated Dismissals").¹⁰

⁵ *Central Asia Monitor*, No. 4, 1992, p. 14.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *See* "Freedom of Expression", "Freedom of Association," "Freedom of Movement" and "Discrimination - At the Workplace."

⁹ Interview, May 1, 1993, Ashgabat.

¹⁰ *Ibid.* Members who reportedly have lost their jobs are Mr. Velsapar, Nurberdi Nurmamedov, Mamed Sakhatov and Kakadzhani Saparov. Several Turkmenistan government officials and western observers told Helsinki Watch, however,

Ak-Mukhammed Velsapar told Helsinki Watch representatives the following:¹¹

Since we declared ourselves a popular movement in 1990 we have worked semi-legally; in other words the government knows that we exist, that we are continuing our work, that we meet regularly, in an artist's studio or somewhere else, but at the same time they do not allow us to legalize our movement. We have already turned to the Ministry of Justice several time asking it to register us. We present our platform and membership list and every time we receive a rejection... It's interesting that before the fall of the USSR they declared us a "CIA organization," but now we are a "KGB organization."

Despite the fact that our platform has already partially been realized — in other words that the Turkmen language became the state language, that Turkmenistan became an independent government, that the day of remembrance for the protectors of Turkmenistan is observed annually — nonetheless the most basic problems in this country between us and the ruling structures remain the absence of free speech, of people's democratic rights and human rights.

Currently Agzybirlik seems mired in an identity crisis, caught between what it would like to be and what it is allowed to be. Party co-chairman Nurberdi Nurmamedov¹² identifies the group as a "political movement." Beginning in the fall of 1989 he and three other leading members of Agzybirlik have attempted to present themselves as candidates for seats in the Supreme Soviet of Turkmenistan but report having been harassed, threatened and physically prevented from participating in political life.¹³ Mr. Nurmamedov explained Agzybirlik's current platform to Helsinki Watch representatives in terms of its differences with the current platform of the ruling Democratic Party:¹⁴

After the Communist Party was renamed the Democratic Party many points in Agzybirlik's platform were reflected in its platform. But the main distinction is in differing understandings of one and the same concept, for example the independence of Turkmenistan, democratization of social life in Turkmenistan, economic reform and recreating the history of the Turkmen people and culture... Agzybirlik lalsol calls for the separation of powers.

In the future, depending on how our social life changes, various directions may appear in Agzybirlik, various parties, expressing the opinions of various strata of society.

that Agzybirlik has lost its initially high level of support because it fails to make its platform either known or popular.

¹¹ *Ibid.*

¹² *See* "Freedom of Assembly," "Freedom of Association," "Right to Privacy," "Discrimination — At the Workplace" and "Denial of Medical Care."

¹³ Article 30 of the Turkmenistan constitution states that "citizens have the right to elect and be elected to organs of state government."

¹⁴ Interview, May 2, 1993, Ashgabat.

Agzybirlik had its own publication briefly, called *Turkmen Ses* (Voice of the Turkmen), a Turkmen-language publication. Mamed Sakhatov, forty-one years old, is a former inspector in the Ministry of Foreign Affairs, and currently a stringer for Radio Free Europe/Radio Liberty (hereinafter RFE/RL), a part-time photographer and a member of the twelve-man board of Agzybirlik. He also identifies himself as *Turkmen Ses*'s financier and the Agzybirlik member responsible for printing and copying party literature.¹⁵ He described the publication to Helsinki Watch representatives:¹⁶

The main theme of the newspaper at the time was independence, the ideas of independence, the idea of granting state status to the Turkmen language and not to bilingualism, as Niyazov and the ideology bureau in the Central Committee were insisting at the time. Our opinion dissented. All the other opinions were also very interesting: there were political poems and pamphlets.

In 1990, two thousand copies were printed in Moscow but reportedly confiscated at the Ashgabat airport. There have been no subsequent attempts at publication of *Turkmen Ses*.

Following the 1989 publication of his articles exposing the high infant mortality rate in Turkmenistan and the dangerous effects of the cotton monoculture, writer Ak-Mukhammed Velsapar reportedly began to be singled out in statements made by then First Secretary of the Communist Party Saparmurat Niyazov. Mr. Velsapar recalled the following for Helsinki Watch:¹⁷

Beginning on September 8, 1989, all of the members of our Society, those who really created it, were called in to the KGB, the MVD [Ministry of Internal Affairs] and the TsK [Central Committee of the Communist Party] and they had talks with us. The more visible activists of the Society were called in by high-ranking Communists: Niyazov himself, the second secretary, the third. Regular members were called in by slightly lower-ranking people. Niyazov called me in on September 8 and he and I had a two-and-a-half-hour conversation.

I remember two phrases from that conversation. One of them is "I was correctly informed that you are an extremist." The second phrase was "I'll put you all in jail." This phrase surprised me very much. I had sought mutual understanding with him. I thought, "Saparmurat Niyazov is a Turkmen, and he should fight for the Turkmen." But he answered me with the phrase "I'll put you all in jail." I answered him, "You can probably do that, but we will try to make it so that you do not have enough grounds for this." He said, "Maybe you need something. Tell me and we'll do it. What do you need?" I said, "Thank you. I have everything. I am missing only two things: the dignity of my people and their health, and I will fight for them as long as it is possible." The last fifteen or twenty minutes we argued standing and we parted on a very tense note.

¹⁵ See also "Freedom of Assembly," "Freedom of Movement," and "Discrimination — Politically Motivated Dismissals."

¹⁶ *Ibid.*

¹⁷ Interview, May 1, 1993, Ashgabat.

Majlis member Ereshkul Dzhumaev first told Helsinki Watch representatives that he had never heard of Agzybirlik (Question: "Are you familiar with that name?" "No. We have no officially registered organization with that name here"). Later, he said, "I remember that there were rumors about this organization in 1990, but then they stopped. Maybe all of the issues that they raised were resolved."¹⁸

¹⁸ Interview, May 1, 1993, Ashgabat.

VIOLATIONS OF CIVIL AND POLITICAL RIGHTS

FREEDOM OF SPEECH¹

Article 19 (1 and 2) of the International Covenant on Civil and Political Rights (ICCPR) states that "everyone shall have the right to hold opinions without interference" and that "everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." Article 26 of the Turkmenistan constitution echoes this guarantee, confirming that "citizens of Turkmenistan have the right to freedom of their convictions and their free expression and also to receive information." President Niyazov affirmed the primacy of free expression in Turkmenistan at the CSCE (Conference on Security and Cooperation in Europe) summit on July 11, 1992: "We proceed from the fact that the model of a rule of law and democratic state is based on ensuring a normal and safe life to people and the freedom of speech and thought of every citizen."²

Helsinki Watch is concerned that overt interference by the government prevents individuals from exercising their right to free expression and that fear of repercussions intimidates others. Mamed Sakhatov, currently a stringer for RFE/RL and a member of Agzybirlik, told Helsinki Watch representatives how he was hounded so that he could not speak to foreign visitors:³

The cup of my patience began to spill over [in October-November 1992] when I was followed by literally five or six cars.⁴ I don't know whether it was the KGB or the MVD. I wrote down all of the license plate numbers and wrote about it to the president. I wrote: "If you are president, tell me whose cars they were and why they were following me, if you answer for human rights. There was no answer. I [also] wrote the procurator of the republic.

Finally my driver's license was taken away from me on order of General Dovletov for no reason, just because. They said "We got an order to take such-and-such a car." They took my car, my license. I got the car back the next day but they kept the license to make me re-take the driver's exam. I told them "I don't buy diplomas, like you do. I didn't buy my license; I studied for it and got it. And I'll pass [the test] again. What more can you do to me? You have nothing left." They said, "We'll find something." It's arbitrary, police arbitrariness, gendarme behavior.

Several individuals told Helsinki Watch that government authorities have tried to force them to renounce their outspoken criticism, sometimes by offering rewards, sometimes by threatening punishment. Mamed Sakhatov told Helsinki Watch the following:⁵

¹ Persecution of individuals because of their views is documented throughout this section of the report.

² *Turkmenistan* (Moscow: Rossiiskoe Informatsionnoe Aгенstvo "Novosti," no date), front inside cover.

³ Interview, May 2, 1993, Ashgabat.

⁴ See below.

⁵ Interview, May 2, 1993, Ashgabat. See "Freedom of Assembly," "Freedom of Movement," and "Discrimination —

In February of 1990, when I was not at home, four ministers came to my house, agitating among my relatives: my wife, mother, father, [saying] that they would give me a new apartment, a good job, if I would just not participate in Agzybirlik activities. Without me, they set a [time for a] meeting for me to come and promise that I will no longer participate. Of course, I didn't go to the meeting. It was bribery.

Shirali Nurmuradov, a Turkmen poet and the treasurer of Agzybirlik, told Helsinki Watch:⁶

I returned to Turkmenistan [from Moscow] to attend my sister's funeral. I was called in to the KNB [Committee for National Security, the successor to the KGB] three times. Each time I met with the KNB chairman, Saidov, and each time he told me to write an article publicly recanting, admitting that I had made a mistake, that I was guilty before the people. He told me to write a letter addressed to the president for publication in the press.

The first time, in mid-May, he requested that I do this; the second time, at the end of May, he proposed that I do it; the third time, at the beginning of June, he ordered me to do it. Saidov said, "If you don't leave Ashgabat, something is going to happen to you that's so bad that even Allah himself can't save you." They threatened like that — that crudely. They drove me out of my own home. I said, "Why should I leave my home, my family?" Saidov said, "Take your wife with you or divorce her; that's your affair. Go home to your mother [who lives 200 km. from Ashgabat]." Staying would be suicide, and I am not suicidal. I left Ashgabat on June 11.

I have not made a mistake. I have no reason to apologize and ask forgiveness. I don't fear anything anymore: things can't be any worse than they are now.

Persecution for free speech frequently is manifested in petty harassment. Mr. Velsapar, writer and member of Agzybirlik, for example, reports ongoing harassment:⁷

The latest news is that I am being deprived of a summer vacation. We have an artist's retreat [dom tvorchestva] outside Ashgabat, in the mountains. When it's fifty degrees [centigrade] in Ashgabat, it's twenty-five degrees there.⁸

I submitted my request [for a travel permit] on March 4, the very first [to do so]... Then I paid the required money, also the first [to do so].

I was officially denied the opportunity to have a vacation, in other words they denied me

Politically Motivated Dismissals."

⁶ Interview, July 7, 1993.

⁷ Interview, June 1, 1993, Ashgabat.

⁸ One hundred and twenty-two degrees and seventy-seven degrees Fahrenheit, respectively.

my travel receipt [putevkal. The director, Amanmurad Bugaev, announced this officially. He said it was motivated by the fact that "dissident writers [Ak-Mukhammed] Velsapar and Khudaiberdy [Khaliev] do not have the right to enjoy the privileges that government funding is spent on." And in answer to all my attempts to explain to him that this is not government money but built on private monies for literature, honoraria and so forth... They don't understand this. They think that it is government money....

I went to [a government figure, name withheld] and he said "Don't name me, but Niyazov himself ordered it, especially don't give it to Velsapar."

I don't know now whom to turn to, how to fix it. It's hopeless. I brought the Turkmenistan constitution to the Writers' Union. Article 17 of the constitution says — I can cite it — "Turkmenistan guarantees the equality of the basic rights and freedoms of a human being and citizen before the law, regardless of nationality, origin, material and professional status, place of residence, language, attitude toward religion, political convictions [or] party affiliation." I showed this Article to the leadership of the Writers Union and to LitFond [editorial and censorship bureau] of Turkmenistan. They said "We don't know your constitution; we were ordered [to do this]. When the president orders, we can't [refuse]."

Now I don't know [what to do]. You saw: I have a little daughter... My three children will suffer because of my political views. OK, my wife and I understand the situation very well, but the children...

The right to free speech has been violated by the practice of preventing individuals from speaking with foreign visitors to Turkmenistan. These meetings include, but are not limited to, the visits of representatives of the Australian Broadcasting Company in 1990; of former U.S. Secretary of State James A. Baker III in February 1992; of representatives of Amnesty International and guests invited to the Independence Day celebration in October 1992; and most recently, of a delegation from the CSCE, led by Margaretha Af Ugglas, the Minister for Foreign Affairs of Sweden, in April 1993.

Mamed Sakhatov, a stringer for RFE/RL, reported the following:⁹

In June of 1990 representatives of the Australian television company Australian Broadcasting Corporation came, including John Lombard. They conducted an interview near the Makhtumkuli monument. I also participated in the conversation; there were about ten or twelve people there. We just sat on a bench and talked, and for that they determined that we had held a rally. I say, "Where is your proof?"

Several individuals Helsinki Watch interviewed in Ashgabat reported having been detained by law enforcement authorities, put under *de facto* house arrest and otherwise harassed when Secretary of State Baker came to Ashgabat in February 1992. One of them was Nurberdi Nurmamedov, mechanical engineer and co-chairman of Agzybirlik:¹⁰

⁹ Interview, May 2, 1993, Ashgabat.

¹⁰ *Ibid.*

When Baker came, the day before his arrival his assistants met with us and we told them everything that we wanted to. The next day Baker came and many of our people were detained and held right up until the moment he left. They detain us, put us in a room, and don't ask anything. For the most part they treat us politely, but sometimes they also allow crude treatment of our female colleagues and it is very difficult for us to protect them, all the more so since they no longer say where they take them.

Mamed Sakhatov, the RFE/RL stringer and Agzybirlik member, told Helsinki Watch representatives the following:¹¹

When I said that I was followed by several cars, between four and eight of them,¹² I mean it was precisely the day of independence of Turkmenistan, when there were a lot of guests, so that I could not meet with guests, and particularly so that I could not meet with representatives of Amnesty International. The cars' license plates were not only from Ashgabat but from Mary and Nebitdag. They invite militia officers from other *oblast's* to carry out spying tasks, all the more so because I don't know them. They don't skimp on resources [to ensure that] we have no contact with the press and representatives of human rights organizations.

Several people reportedly were harassed in Ashgabat prior to their scheduled meetings with then U.S. Secretary of State James Baker in February 1992. Ak-Mukhammed Velsapar reportedly was "isolated in his apartment"; Shukhrat Kadyrov, a PhD in history, spent several days (although did not spend the nights) in the Soviet ROVD (Regional Division of Internal Affairs); Durdymurad Khodzhamukhamed, co-chairman of the unregistered Democratic Party of Turkmenistan (*see* "Political Background"), and other party members were interrogated by the militia; and Mukhammedmurad Salamatov, editor of *Daianch* (*see* "Freedom of the Press") was called in for questioning.¹³

Nicola Duckworth, a researcher at Amnesty International in London, and Joseph Middleton, an attorney, travelled to Turkmenistan in late October 1992. Ms. Duckworth told Helsinki Watch the following:¹⁴

We were issued business visas for Russia at the Russian embassy in London. There is no Turkmen embassy there. There was no customs at the airport in Ashgabat, so no one checked. We were met by Ak-Mukhammed Velsapar at the airport. He took us to a hostel-type place. We registered there with passports and visas and all that. We went to his place for the evening, just chatting.

¹¹ *Ibid.*

¹² *See* "Freedom of Speech."

¹³ *Moskovskie Novosti* (Moscow News), February 23, 1992, p. 14. For further information on Mr. Salamatov, *see* "Freedom of the Press," "Freedom of Movement," and "Acts of Violence."

¹⁴ Interview, June 21, 1993.

The next day a member of Agzybirlik, Khudoiberdy Khaliev, came to my room at the hostel. It was a Saturday, [October 24, 1992,] at about 10 in the morning or half past nine. Again, we were just sitting and chatting. Then police officers came into my room: four in uniform and four in plainclothes. They did not show any identification. They said that there had been an act of hooliganism outside. They asked if we had any hand grenades or land mines. They said we had to go with them to the Internal Ministry building.

We were put in separate rooms from [Khudaiberdy]. They asked us who had invited us. They said that Russia is an independent country, that the Russians should have gotten permission [for a Turkmen visa]. We said the visas were valid as far as we knew. They wanted to know what we had been talking about in the room. We said it was a private conversation. This went on for a couple of hours, back and forth. At one point I had to go to the loo and I saw Khudaiberdy sitting outside. I said, "Are you alright?" He said yes, that they were questioning him and being unpleasant. Khudaiberdy was clearly terrified, very, very frightened.

Finally, they tried to get us to move hotels, saying we would be more comfortable, although if they questioned the validity of our visas it wouldn't make much difference what hotel we were at. They moved us to somewhere where they could keep a better eye on us.

We contacted Velsapar later to warn him, and he's the one who told us Khudaiberdy had been released and was under house arrest. About six people were put under house arrest. They were released about four days later.

We were taken in again at about 6:00 or so that evening from our new hotel. They said we had to leave the following day, that we've got to pack. We tried to protest as much as possible without pushing it. There was only one flight to Moscow per day, and we missed it. They said we could fly to Krasnovodsk [a city on the Caspian Sea], and they wanted us to pay for the tickets. We said we wouldn't pay, and so they went off and consulted. They told us, "You'll get your money back at Krasnovodsk and take a ferry overnight to Baky." We left on Sunday, and before that had been held incommunicado. The people at the office were very upset because it was Monday and they hadn't heard from us since Saturday.

I don't know [why this happened]. I think they were being particularly sensitive because of the [Independence Day] festivities. They didn't want anybody to disrupt. They were afraid we would make a statement denouncing their human rights record during it.

We sent a letter to the president to protest the incident. Needless to say, there has been no response.

Mr. Khaliev, co-chairman of Agzybirlik, told Helsinki Watch the following about the incident:¹⁵

It was on October 24, 1992 — independence day for the republic... Two people came. I don't know their names. There were two of them: a man and a woman. Militia officers caught us

¹⁵ Interview, July 1, 1993.

land] took us in. I was with them at that moment... I came, we talked about our business, about Turkmenia, the situation and so forth. A group of militia officers came, right to the hotel, and took [us] from there. They looked in their passports and found that there was no Turkmen visa... There were seven of them... They showed their papers... Then they took us in, them in one car, me in another.

It happened in order that there be no contact, no relations. It's like the old regime here.

Mr. Annaberdiyev of the Ministry of Foreign Affairs acknowledged in an interview with Helsinki Watch having heard that representatives of Amnesty International had been deported. He also said he understood that the incident had taken place at a border crossing. He explained:¹⁶

It all happened during the celebration of Independence Day, and they were not working days here [at the Ministry]. We found out about it only after it all happened. There was a conversation with the [U.S.] ambassador in which we gave our explanation about what happened. The Ministry of Foreign Affairs greatly regrets what happened.

In response to the questions about whether the individuals involved had been interrogated, Mr. Annaberdiyev said:

I don't have any information about the credibility of that [assertion], but even if there were some unacceptable actions, it's possible [sic] because, you understand that we have to restructure everything, the militia and so forth, because people were working according to the previous system. That should never be forgotten. After all, a certain transition time is necessary. For example, one of the reasons the president recently released the Minister of Foreign Affairs from his professional duties is the fact that he was reforming this system too slowly.¹⁷

On April 20, 1993, several individuals reportedly were prevented from attending a scheduled meeting at the U.S. Embassy in Ashgabat with a visiting delegation from the CSCE, headed by Margaretha Af Ugglas, Minister for Foreign Affairs of Sweden. Only one of them, Khudaiberdy Khaliev, the forty-six-year-old co-chairman of Agzybirlik, reportedly made it through to the meeting; the rest reportedly were stopped apparently by Turkmenistan officials as they were entering the building or were detained at militia and Ministry of Internal Affairs stations for the duration of the scheduled meeting, and in some cases beyond.

Nurberdi Nurmamedov, the mechanical engineer and co-chairman of Agzybirlik, told Helsinki Watch the following:¹⁸

¹⁶ Interview, May 1, 1993, Ashgabat.

¹⁷ The former Minister of Foreign Affairs of Turkmenistan, Avdy Kuliev, told Helsinki Watch that he had not been fired but had resigned voluntarily; he noted that "it is advantageous for the president to say that he fired me." Mr. Kuliev said that after some two years in office he left because of "my disagreement with the president... He says one thing but does another... I never publicly criticized him, but I have given interviews and one could read between the lines. Nothing I said, though, is something I have not said directly to [the president]." Interview, July 9, 1993.

¹⁸ Interview, May 2, 1993, Ashgabat.

As soon as someone comes and want to meet with us, they take us in. [But] I never would have thought that they would have taken me in because the Minister of Foreign Affairs of Sweden wanted to meet with me during her last visit.

It happened like this: I was already dressed. This was about 4:00 in the afternoon. I was getting ready with time to spare. Three people came from the Soviet ROVD [Regional Division of Internal Affairs], one of them in a captain's uniform, the deputy chief of the OVD [Division of Internal Affairs] (he introduced himself). He demanded that I go with them to see the chief of the ROVD. I had to obey and upon arrival I asked what was going on. The chief of the ROVD answered that he was given an order to detain me. Before that the captain had told me that I was planning on going to a meeting with foreigners. I said that was my right, but nonetheless I had to go [with them]. I was not once presented with one document, like an order sanctioning my detention. I asked, "How long are you planning on keeping me?" "For an hour," he said. "What time," I asked, "will you release me?" He said, "At six."

At 6:00 he let me go. I went on to the meeting but by the time I caught a car fifteen minutes had gone by and on the way I sensed that I was too late. So half way there I got out of the car and walked home on foot. When I got home my wife said that the same captain with the same people had just come and gone and left a phone number for me to call the chief of the ROVD when I got home. I didn't call him; I called the guys and they said that they had been taken in again. They were able to walk up to the building and they were taken in. Apparently there had been an order from the chief of the ROVD that they had been released early and that they should take [us] in a second time, probably because Margaret hadn't left immediately but had waited. Then, at about 8:00, a precinct militia officer came and kept guard at my house all night.

Usually they speak with me politely so in this respect I have no complaints against them.

The fact that some who are critical of the government but who claim ignorance of the meeting with the CSCE were also harassed underscores the political nature of the harassment. The writer and leading member of Agzybirlik Ak-Mukhammed Velsapar reported the following to Helsinki Watch:¹⁹

A militia officer came and said, "Come on. We're going to the station." I was at home and writing a work, wasn't even poking my head out the window. I said, "Why should I go to the station?" He said, "I was ordered to take you into the militia." "Why? Who is calling me in?" He said, "Galiev,... one of the deputy ministers of the MVD." I said, "What's going on?" I just didn't know that Margaret Ugglas had come, otherwise I would have understood why he had appeared at my house. I said, "Where is your warrant?" He didn't have one. I said, "Go and bring an official warrant, then I'll go with you, otherwise I can't go with you because I don't know how things will end up." He went back and didn't return.

I thought about it and came to the conclusion that someone must have arrived. I turned on

¹⁹ Interview, May 1, 1993, Ashgabat.

the radio and television and found out that Margaret Ugglas had arrived. Unfortunately my phone was cut off then. It was cut off on April 12, one day before the beginning of the international conference in Wisconsin²⁰ and they didn't turn it on for ten days, in other words until the conference was already over. But still they didn't turn my telephone back on but then, when everything was over, when Margaret Ugglas had flown out, they turned on my phone.

Murad Divanaev, artist and singer, told Helsinki Watch the following about the visit of the CSCE delegation:²¹

I wasn't invited and I didn't even know about it. When I came home on the day Margaretha Af Ugglas arrived, [I saw] a note: my wife had written that they had called and said "Come to the restaurant 'Aina' at 5:00." I don't know why.

Then two men in militia uniforms came for me. In fact, the militia officer who lives across from me got sick of coming for me. He has stopped coming so now others come. They didn't present any [identifying] papers. But I know them anyway by sight. These were not "mine" — they were others. They came to get me and said, "Let's go." I said, "Go where?" [They said,] "You are being summoned by the chief of the second division of the UVD [Directorate of Internal Affairs]. They put me in a car and took me away.

We get there and the chief says to me, "How was your trip to Bishkek? Tell [me] about it."²² We had a talk about Bishkek, and [then he said]: "Now we are asking you not to go to the meeting with the person who has come from Sweden on human rights business." I said, "I am not aware of this, I don't know what this is all about, I wasn't planning on going anywhere." They kept me for half an hour and let me go, brought me back, this time on a motorcycle.

I had only just gotten undressed and hadn't had the chance to get dressed again when again I get a knock at the door. This time it was different militia officers. They ask me to come in again. Again I went... When they were taking me in they said, "You are going to be speaking with Colonel Galiev, chief of the UVD of Proletariat borough." I waited about fifteen minutes, and they let me go. That time I walked home. When I got up to the house I looked around: a militia officer is riding behind me on a motorcycle and smiling. Apparently they were following me — maybe I would go see Margaret. I said, "What, the militia again?" But he said, "No, no, no. Go on. Go on." That's how it went.

This makes my family very upset. At the time my wife was pregnant, and really sick of the militia. I said to them, "My child might be born psychotic. Why are you bothering me?" My

²⁰ See "Freedom of Movement."

²¹ Interview, May 3, 1993, Ashgabat. See "Freedom of Assembly," "Freedom of Movement" and "Right to Privacy."

²² See "Freedom of Movement." Mr. Divanaev recounts how he was similarly detained and asked not to attend a scheduled meeting, in this case a human rights conference in Bishkek, Kyrgyzstan, December 5-7, 1992.

child was born and genuinely, she is very upset and nervous. Once I ran into [my neighbor] the officer and said, "I want to sue you, Comrade Officer." He said, "Why?" I said, "I want to sue you because my little girl was born nervous and upset." He said he wouldn't bother me anymore. And, in fact, he probably refused to come after me right then and there. Now others come.

We don't live in a prison anymore; they let us out of the prison. But they are constantly watching us. If I invited you to my house, they would call me in to the KGB the very next day. That was before. Now, you see, it's more or less free. It's better.

Charnazar Annaberdiiev, First Deputy Minister of Foreign Affairs of Turkmenistan, told Helsinki Watch:²³

As far as I know the meeting took place, perhaps not with Margaretha Af Ugglas herself, but they did meet with someone. It is true that there was information that, so they say, they were arrested and weren't given the chance to meet with them during the visit of the CSCE representatives. [But] no, [that is not true].

FREEDOM OF THE PRESS

Legal obstacles to censorship were removed in Turkmenistan when the provision banning censorship in the mass media was annulled prior to the adoption of the current constitution. Censorship is now controlled by the Committee for the Protection of State Secrets in the Press and other Mass Information Media, under the Cabinet of Ministers, which was created on February 27, 1991; reportedly there is a censorship office in every publishing house. Restrictions of a free press in Turkmenistan include censorship and denial of registration to some newspapers and journals.

Ak-Mukhammed Velsapar, the outspoken writer, told Helsinki Watch:²⁴

In the years of stagnation²⁵ I worked for six years in Turkmen television and radio, and comparing Brezhnevite censorship with Niyazov's I come to the conclusion that Brezhnevite censorship was child's play and a very intellectual censorship by comparison with Niyazov's. Brezhnev's censorship demanded only a few, understandable things: that there be no names of military departments in your article, that you did not curse out socialism, Lenin, Marx or communist ideals. But Niyazov's censorship is omnipresent, penetrating right down to a person's name, to any image; it searches for things against Niyazov on every line.

Another journalist told Helsinki Watch representatives that he also would not write anything critical of President Niyazov, noting that he believed it would not pass the censor; another disagreed,

²³ Interview, May 1, 1993, Ashgabat.

²⁴ Interview, May 1, 1993, Ashgabat.

²⁵ Generally considered the Brezhnev period.

however, saying that he would not hesitate to write criticism, but stated that thus far he had not.²⁶

Tight government control of the media has resulted in stories of a very circumscribed scope, by all accounts, exclusively positive toward government policies — a tone reminiscent of media coverage in the communist era. During Helsinki Watch's monitoring of the Russian-language media in Turkmenistan, for example, the stories in all daily newspapers were almost identical, and almost all the articles, particularly on the front pages, were about the president and recent government decrees and statements. As one life-time resident told Helsinki Watch:

It reaches the point of absurdity: on the first page of all newspapers, even the children's pioneer newspaper, they print official statements. All of the statements [say]: Niyazov met with someone, said this. Then it is repeated on television and several times on the radio.

Although other countries have already emerged onto a level of democratic reformation, we haven't [even] gotten to *perestroika* [restructuring] yet. For example, Radio Rossii, Maiak and other official mass information media in Russia publish polar-opposite opinions: there Khazbulatov can say his piece, and [so can] Baburin and Yeltsin. Here, however, only the official point of view is heard.

Iusup Kuliev, a young journalist and former employee of the newspaper *Esh Kommunist* (Young Communist) (*see* below), is currently working as an editor at a documentary film studio and stringing for Radio Free Europe/Radio Liberty.²⁷ He reported the following to Helsinki Watch about the nature of censorship in Turkmenistan:²⁸

We had a satirical magazine at our film studio [called] *Naida*, sort of a *Fitil'* [a satirical film magazine published in the Soviet era]. They changed this magazine, too. Criticism was abolished in the magazine: you can only make people laugh. The president has a rule that materials which are critical or which lower people's spirits should not be published. Even literary works about sad things are forbidden from being published.

One woman, a Turkmen, whom I interviewed recently, wrote a fairy tale for publication in a children's Pioneer newspaper. This fairy tale was banned because a fair tsar, a shah, figures in it. The censor immediately said, "It's about our president." But it's absolutely not about that. It's almost funny at this point.

Daianch (Support, Source of Strength) is an independently funded newspaper/journal (the first issue was a journal, the second and third a newspaper) that was registered in Moscow on April 25, 1991. The magazine's financial backer, who asks that his name be withheld (*see* "Mistreatment in Detention"), describes *Daianch* as "an alternative to official propaganda, which creates the image of Turkmenistan as a little corner of heaven for everyone but especially for those who live in the country." He also calls it a

²⁶ Interviews, May 3, 1993, Ashgabat.

²⁷ *See* "Right to Privacy" and "Possible Violations of Freedom of Movement".

²⁸ Interview, May 3, 1993, Ashgabat.

"journal of personal opinions" and has likened it to *samizdat* in the 1970s; *Daianch*'s founder has termed it a human rights magazine.²⁹ *Daianch* features articles in Turkmen and Russian.

Copies reportedly have been confiscated, its founder and editor, Mukhammedmurad Salamatov, fined on several occasions, and Mr. Salamatov and others connected with its publication report that they have suffered harassment. *Daianch*, in the words of its financial backer, "has been given a burial." Both Mr. Salamatov and the backer say that they are not members of any political or social organization or movement.

According to Mr. Salamatov, 24,500 copies of the first issue of *Daianch* were seized on March 11, 1992, as they were being delivered to Ashgabat from Moscow, where the publication was printed.³⁰ The financial backer states that he believes the issues were later destroyed.³¹ On April 28, 1992, MVD officials reportedly confiscated a special, 2,000-copy edition of *Daianch*, called *Daianch-Ekspress*, which was devoted to reporting about what had happened to the first issue, at the Ashgabat airport. Mr. Salamatov reports that he was fined 400 rubles in connection with distribution of the first issue and 1,000 rubles for distribution of the second.

The financial backer explained that the fines were levied as punishment for alleged violation of the law on the mass media of the Turkmenistan Soviet Socialist Republic, which the court ruled could not be appealed. Authorities apparently charged that since *Daianch* had been registered in Moscow (as were all publications under the Soviet system) it could not be distributed in Turkmenistan without permission from Turkmenistan authorities.

The staff of *Esh Kommunist* reportedly quit en masse in the late summer of 1992 when the newspaper's editor-in-chief was fired by government order; a new editor reportedly was appointed and the newspaper was renamed *Vatan* (Fatherland). A former correspondent for the newspaper, Iusup Kuliev, told Helsinki Watch representatives that *Esh Kommunist*³²

was considered the most democratic publication in our republic. It had pluralism of opinion. They closed the newspaper in 1992 and we, the newspaper staff, including the technical staff, some thirty people, tried to appeal to the president, but nothing came of it and everyone was forced to leave.

First they wanted to fire our editor-in-chief, and then take care of the rest. But we stood by the editor-in-chief... The government broke the law. They said, "The government pays the money [for publication] and whoever it wants to be the editor will be the editor... We went out immediately and [expressed] our dissatisfaction, and immediately security officers were called in and they said right away that if we don't disperse within five minutes they

²⁹ Helsinki Watch interview with Mukhammedmurad Salamatov, November, 1992.

³⁰ *Ibid.*

³¹ Helsinki Watch interview, Moscow, May 10, 1993.

³² Interview, *op. cit.*

will take us into the station... There have already been cases when [people] have been detained for several days, and then at home. [Protesting further] already wouldn't yield us anything, so we were forced to disband.

FREEDOM OF ASSEMBLY

Article 21 of the ICCPR recognizes the right of peaceful assembly and Article 27 of the Turkmenistan constitution states that "the freedom of assembly, rallies and demonstrations [held] according to procedures set by legislature is guaranteed." Yet a resolution passed by the Ashgabat city council on October 4, 1991, banning demonstrations and hunger strikes in public places has been invoked on several occasions, apparently overriding these guarantees.

Mamed Sakhatov, the RFE/RL stringer and member of Agzybirlik, told Helsinki Watch representatives:³³

In January 1990, I was fined 100 rubles... without evidence, because 500 people participated [in a rally]. They tried only five people. I didn't even speak at the rally, I wasn't even an organizer. The rally was in support of the [Turkmen] language and Agzybirlik.

On April 19 a "Silk Road" expedition by UNESCO was to be held in Ashgabat. I was arrested because I appeared in the city. They warned me that "Today you will not go to the city." The militia was standing around [my] house: four militia officers were standing there, surrounding my house. I walked out unnoticed and went to the city. That time, because I had walked out toward town [that's how it was said].

I was forcibly put in a car near the hotel. Moreover, five people took me by my hands and feet and threw me into the car, although I didn't even touch them. I spent that night at the militia station, then they held a trial the next day. They showed a video; they shot it with two cameras: one, KGB, the other, MVD. There you can see that, to the contrary, the militia officers themselves violated [the law]. I was given a fifty-ruble fine for resisting a militia officer. I have the sentence: [it says] "Destroy the video tape." I immediately protested to the procurator: "Why destroy the videotape? Don't: there you can see who is guilty." The militia should be tried. But the judge wrote: the videotape should be destroyed by erasure.

I was detained at 6:00 p.m. and released at 9:00 a.m. That's fifteen hours. According to the law, detention may last three hours; I was held until the next morning.

Murad Divanaev, the singer and artist, told Helsinki Watch representatives the following:³⁴

There have been rallies where I was grabbed and pushed into a car violently. But I haven't even ever spoken at a rally. I have never incited anyone to do anything. I am not a supporter of rallies in general, of the irresponsible speeches of some members of

³³ Interview, May 2, 1993, Ashgabat.

³⁴ Interview, May 3, 1993, Ashgabat.

Agzybirlik: crude, extremist attacks, insulting the president and parliament. But for some reason I believe that I have the right to attend rallies. Look at my library. I am interested in history. What is going on before our own eyes is history because what is going on is the break-up of one social order and the transition to another social order. I am a witness. I want to see everything with my own eyes. But they don't even let me see, let me attend.

FREEDOM OF ASSOCIATION

Article 22 of the ICCPR guarantees the freedom of association. There are no explicit provisions in the Turkmenistan constitution to protect this right.

Helsinki Watch was received hospitably by the Ministry of Foreign Affairs of Turkmenistan and was not impeded from meeting with anyone of our choosing, nor were there any immediate, noticeable ill effects on those we met with (*see* "Introduction"). Unquestionably, most foreign nationals who visit Turkmenistan and individuals they meet with during their stays do not experience harassment because of their meetings. Likewise, there are groups within the republic, such as veterans, women's and youth groups, that meet regularly and apparently unimpeded. Helsinki Watch is concerned, however, about a pattern of incidents of government harassment of groups who have openly criticized President Niyazov's policies, and individuals believed to be affiliated with them.

Agzybirlik

Members of the self-styled political movement Agzybirlik have been a consistent target of harassment by the militia and Ministry of Internal Affairs.³⁵ Co-chairman Nurberdi Nurmamedov reportedly was fired from his job for political reasons on December 25, 1989, three months after the founding of the movement;³⁶ other members report they were fired subsequently.³⁷ Other violations of human rights

³⁵ *See* "Political Background."

³⁶ Mr. Nurmamedov told Helsinki Watch:

Speaking at the first session of people's deputies of the USSR, Niyazov, on behalf of the people, declared that the Turkmen people want bilingualism, although there had been no referendum or plebescite on that topic. I wrote him a letter in which I protested: how could he say such a thing? And so after that, in September 1989, the Agzybirlik movement was formed. But before that the head of the ideology department called me in several times to the Central Committee. They argued with me. They didn't threaten or anything. After that unpleasant things began to happen with work. They would call me in from time to time. The chairman of the presidium of the Supreme Soviet, Bazarova, spoke on behalf of Niyazov... [and said:] "If you participate in Agzybirlik activities we will fire you from work." The Minister called me in and said, "I am firing you on order of Niyazov."

He added that at the time of his dismissal he was working as the head of the planned economy, reorientation and proforganization division of the Republic Employment Center, under the Ministry of Labor and Social Welfare of Turkmenistan.

Mr. Nurmamedov reported to Helsinki Watch that he was offered alternate — and more highly ranking — positions on at least three occasions on condition that he quit Agzybirlik. He reports that in November 1989 Mr. Niyazov offered him the post of first deputy minister, and that the following month secretary of the Central Committee, Mr.

Agzybirlik members have experienced are documented elsewhere in this report (*see*, for example, "Freedom of Speech," "Freedom of the Press," and "Freedom of Movement"). Mr. Nurmamedov reports that the government has exhibited deeply ambivalent attitudes toward the group, ranging from non-recognition to overt harassment. He told Helsinki Watch representatives:³⁸

It is forbidden altogether to mention Agzybirlik in the press, but they muddy us regularly without calling us Agzybirlik.

Altogether, for the length of time I have been in Agzybirlik I have been tried four times (in January 1990, February 1990, July 1990 and March 1991). In this connection it is interesting that more than half of the time Agzybirlik has been in existence I have spent under written oath (podpiska o nevyezde) not to leave Ashgabat because investigations were being conducted on me. Investigations have been initiated against me about fifteen times... Thank God more often than not I have met with people of conscience (in the courtroom), worthy (lay) assessors.³⁹

Ak-Mukhammed Velsapar, the outspoken writer and Agzybirlik press service secretary, told Helsinki Watch about the following events, which took place in 1989, the year Agzybirlik was formed:⁴⁰

It was awful. They were always walking around with me on my heels, threatening me, insulting me. They put some sort of people in civilian clothes in front of my house... For the last two or three meetings (of Agzybirlik) I simply could not leave the house. In other words I had already begun to be scared, and my wife began to be afraid and she told me, "Wait, even just a little bit." Then I had the feeling that they were going to kill me. But nonetheless the desire to fight in earnest encouraged me and I again began to appear at meetings.

Now I am just happy that I was able to overcome my fear. Now I know that these people can kill me, and at that time could have killed me, but that they would do it like real cowards. Maybe they did what they did with two of our guys — leaders of the popular movement, the writers Akmurad Shir and Bapba Geklen — from behind. These guys died under very strange circumstances, and the criminal cases that were initiated in connection with their deaths were turned over very quickly, and the evil-thinkers have remained unpunished. All

Rebrik, offered him the position of Minister of Automobile Transportation. Soon after, Mr. Nurmamedov claims, Mr. Babaev, then president of the Academy of Sciences of the Turkmenistan SSR, offered him the position of "minister of any field." He reports that he turned down all offers. He also reports that he has left work voluntarily under pressure from the government and out of concern for his co-workers. Interview, May 2, 1993, Ashgabat.

³⁷ *See* "Discrimination — At the Workplace."

³⁸ Interview, May 2, 1993, Ashgabat.

³⁹ The court system in practice in Turkmenistan at the time of these trials, as today, consists of a judge and two lay assessors.

⁴⁰ Interview, May 1, 1993, Ashgabat.

of this makes us consider possible political underlying causes for their deaths.⁴¹

When questioned about Agzybirlik, Charnazar Annaberdiev, First Deputy Minister of Foreign Affairs, told Helsinki Watch:⁴²

There has been no repression of [Agzybirlik] in terms of preventing them speaking out about their position, their platform. On the contrary, meetings were scheduled on a regular basis at the Academy of Sciences because the core of this group consisted of employees of the Academy of Sciences and the Institute of Language and Culture. But time has passed, and it has become clear who is right... They always have the opportunity to meet with foreign correspondents and official representatives. There are no restrictions.

The artist and singer, Murad Divanaev, reported that:⁴³

The president himself spoke on television and said that he will not object if parties and societies are created. So after that, I, like an idiot, began to attend events. I thought, "Since the president isn't going to object, and won't repress me for it, that means it is possible." But then it turned out that the militia has become a member of my family!⁴⁴

Mr. Divanaev reported that the militia frequently harasses him under the mistaken impression that he is a member of Agzybirlik. During the visit of the CSCE delegation,⁴⁵ Mr. Divanaev reports he was taken in to the militia station:⁴⁶

There some guy tells me, "You are a member of Agzybirlik and you were supposed to gather today at the American embassy." I said, "I am not a member of Agzybirlik. I don't know what this is about, I don't know anything."

FREEDOM OF MOVEMENT

Article 12 (1) of the ICCPR guarantees the "liberty of movement and freedom to choose his residence." Article 12 (2) states that "everyone shall be free to leave any country, including his own." Article

⁴¹ Mr. Velsapar reported that Akmurad Shir died on May 11, 1991, from injuries suffered from a fall from his third-story office window in the film studio where he worked. He also stated that Bapba Geklen, a writer and journalist, died on December 23, 1991, after having been hit by a car as he was returning from an appointed date at a local theater which turned out to be closed that night. Helsinki Watch has submitted a formal inquiry about the deaths to the procuracy of the republic. As of this writing there has been no response.

⁴² Interview, May 1, 1993, Ashgabat.

⁴³ Interview, May 3, 1993, Ashgabat.

⁴⁴ *See* "Right to Privacy."

⁴⁵ *See* "Freedom of Speech."

⁴⁶ *Ibid.*

24 of the Turkmenistan constitution states that "everyone has the right to move freely... Limitations on movement in separate territories or for individuals may be founded only on the basis of the law."

Despite international and constitutional protections, however, numerous violations were reported involving both the forcible restriction of movement within the country and the violation of the right to leave the country. Most blatantly, violations of free movement are reported to have taken place in connection with the expected participation of several residents of Turkmenistan in the conference "Human Rights and the Fate of Nations" in Bishkek, Kyrgyzstan, December 5-7, 1992, and the conference "Democratization in Central Asia" at the University of Wisconsin — Madison, U.S.A., April 15-18, 1993. Mamed Sakhatov, a stringer for RFE/RL and member of Agzybirlik, told Helsinki Watch representatives the following:⁴⁷

On December 1 or 2, 1992, I was taken in from my home, sick, to the militia station. They said, "There is a human rights conference going on. It is not desirable that you attend, although you have an invitation." I said, "I am sick now. My house is constantly surrounded by the militia. I'm ashamed in front of my neighbors, like I was a big criminal, the leader of some narcotics ring." I was later released. They remained [around the house] to keep watch, and checked in regularly to see whether I was home. They were afraid that I would somehow leave. But I really was sick and couldn't leave.

Murad Divanaev, the artist and singer, told Helsinki Watch the following:⁴⁸

A person came from Bishkek and gave my name, in other words invited me. I went. I went in spite of the militia's arguments... They put everyone under house arrest, about seven or eight people: Khudoiberdi Khaliev, the writer; Shukhrat Kadyrov, the ethnographer and historian; Mukhammedmurad Salamatov...; Nurberdi Nurmamedov; Ammana Gaushutova, they didn't let her go either.

For me, it happened this way: I just grabbed my suitcase. I called Karadzha Karadzhaev⁴⁹ on the phone and said, "Let's make a run for it!" Right then and there, when they released me from the militia station, we collected our things and right away ran straight out of town, got a car and in our own way, taking buses and cars, got to Mary. There we got the train and went to Tashkent. But in Tashkent there were no tickets. We sat up all night in the video room watching videos. That's how we got to Bishkek.

I got back from Bishkek on December eighth, and on the tenth I was called in to the UVD [Directorate of Internal Affairs]. A major spoke with me, very properly, politely. In general, the junior officers treated me very well. But when I went in to the senior officer, Colonel Galiev, he started yelling at me: "Who do you think you are? Who sent you? On what basis do you go defend human rights? Who gave you the right?" I said, "I know who I am, and the people know it, too." He said, "So you're the only artist who is so smart?" I said, "I am the

⁴⁷ Interview, May 2, 1993, Ashgabat.

⁴⁸ Interview, May 3, 1993, Ashgabat.

⁴⁹ Mr. Karadzhaev is an accountant and entrepreneur living in Ashgabat.

only one who is so brave. I'm not afraid of you." He ranted and screamed and [then] calmed down. I said, "I am not involved in political activity, but no one has the right to prohibit me from going where I want." He talked with me for about thirty minutes and then one of the officers said, "We will destroy those in Turkmenia who want to create a Tajikistan."

Ak-Mukhammed Velsapar, the writer, told Helsinki Watch that he had been invited abroad three times, twice under Soviet rule in September of 1990 and 1991, respectively, and most recently in 1993. On none of those occasions has he been allowed to leave the country. He described to Helsinki Watch his most recent attempt: to travel to the United States to participate in the international conference "Democratization in Central Asia," held at the University of Wisconsin - Madison in April 1993.⁵⁰

We received the invitations well ahead of time. There were no loopholes, in other words we submitted our documents [for processing] very early. There were four people invited to the conference, three of whom live in Turkmenistan: Shukhrat Kadyrov, Mukhammedmurad Salamatov and I. (Nurmurad Khudzhimkhamed, co-chairman of the Party for the Democratic Development of Turkmenistan, lives in Baky, Azerbaijan.) The first one to submit his papers was Shukhrat Kadyrov, [who went to OVIR, the government bureau responsible for issuing visas and passports] in January. I was in the hospital at that point. Salamatov came and told me that Kadyrov had been at OVIR and at MID [the Ministry of Foreign Affairs]. MID answered, "You have a personal invitation; we can't process your documents. Go to MID." MID responded that this question is resolved in the international affairs division of the president's office. Both Salamatov and I followed this same route. I went to OVIR several times when I was released from the hospital; that was in February. There was still two and a half months before the start of the conference. When I went to OVIR they looked at my documents and said, "No, we already had someone invited there come by and we explained to him 'You have to do to MID.'" I went to MID and addressed myself to the consular division.

According to one report, the U.S. Department of State has made granting President Niyazov high-level meetings in the United States contingent on the issuance of exit visas for Mr. Velsapar, Mr. Kadyrov and Mr. Salamatov.⁵¹ Mr. Velsapar was aware of this in a comment he made to Helsinki Watch:⁵²

I found out that Niyazov promised congressmen in America to let out three dissidents to go to the conference. Some hope sprang up, we even almost thought he would keep his word. But then it turned out he didn't keep his word. I don't know how the congressmen he gave his promise to view the whole thing.

Possible Violations of Freedom of Movement

⁵⁰ Interview, May 2, 1993, Ashgabat.

⁵¹ *The Washington Post*, March 23, 1993.

⁵² Interview, May 2, 1993, Ashgabat.

Iusup Kuliev, a young journalist, told Helsinki Watch the following:⁵³

I was supposed to go to Munich beginning in January of 1993 to intern there for a few months. I have been waiting for the [passport] documents since January 13 but nothing is happening. Soon it will be four months that I have not been able to leave here. I submitted the documents formally. I could have gone through Moscow, made a copy of the passport or some other way, but I wanted to leave officially so that they didn't say I work illegally. I submitted all the necessary documents, which went through MID. But our presidential council has an international section where one has to go through this step. According to the old system, the KGB was in charge of this, but now only they are. My documents went through MID and now are at the international sector.

Senior staff members of Radio Liberty have even come here from Munich. They have also been to the international section of the presidential council and raised this issue. They were promised, saying "It's just about to be issued, just now," and then they leave and... nothing. Zero emotions.

I know why the documents are being delayed: they aren't giving me a foreign passport.

As of this writing, Mr. Kuliev has still not received documents permitting him to leave Turkmenistan.

THE RIGHT TO PRIVACY

Article 17 (1 and 2) of the ICCPR states that "no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence" and that "everyone has the right to the protection of the law against such interference or attacks."

Article 22 of the Turkmenistan constitution states that one's "housing [zhil'e] is inviolable. No one has the right to enter a home or in any other way violate the inviolability of the home against the will of the individuals living in it without legal foundation." Article 23 of the Turkmenistan constitution states that "every citizen has the right to protection from arbitrary interference in his private life as well as to infringements on the privacy [tainal] of correspondence, telephone and other [forms of] communication and his honor and reputation." Article 42 provides that "no one may be forced to give testimony and explanations against himself and close relatives."

HARASSMENT OF FAMILY MEMBERS

Several individuals told Helsinki Watch that members of their family have been harassed because of association with them (*see* "Freedom of Expression" and "Discrimination — At the Workplace").

One member of Agzybirlik reported the following, asking that his name be withheld to protect his relatives:

⁵³ Interview, May 3, 1993, Ashgabat. *See* "Harassment of Family Members."

[Government authorities] have tormented members of my family terribly, including my younger brother,... who works at [an educational institution]. They constantly harass him and have already twice told him "We know who you are, so leave." It's a miracle he is still working at the moment. The last time they proposed he leave [work] was on February 12, 1993, when they told him "You don't work here anymore." But he said, "Give me another two or three months and I'll leave myself." He is still there only under this condition.

He defended his dissertation in [Russia]; they wouldn't have allowed him to defend it here, simply because he wears [my family name]. He was never a member of the opposition, he is just my brother.

Sometimes my relatives suffer for no reason — they don't share my political views. Here is a recent example: in January [1993] a correspondent from *Moskovskie Novosti* (Moscow News) came through [Ashgabat] who writes under the name of [name withheld]. She asked me on the phone "Help me. I don't know Ashgabat, and I can't stay at a hotel. I told her, [name withheld], come, you won't be left out on the street," and the next day I went to meet her. At that time a very distant relative had come to get medical treatment for his wife. He came by car because his wife was very ill and I asked him, since I was short on time and anyway it was cold outside, to drive me to the station. We arrived at the station, met her, and then he left. And they fired him from work. Simply because he drove [name withheld], a correspondent for *Moskovskie Novosti*, at my request. They just asked him to stop by and said, "It appears you are connected with [name withheld]. Don't you know that he is an enemy of the people, that he is working against Turkmen statehood, against the Turkmen government... They didn't even listen to his arguments, [saying] that he had brought his sick wife, and so on.

Another of my relatives was also called in. They interrogated him just because his car was parked [near my home]. He came to see me, and they wrote down his [license] number and — that's it! — he might also be tied to the opposition. In this way the KGB, MVD and the leadership of Turkmenistan try to isolate me from all of my friends and relatives and have me remain alone. Essentially they have already done this. I'm OK; I'm already used to it. I already take it as a given. I understand that as long as the Niyazov regime exists, we can't expect anything better. I'm just sorry for these innocent people, my relatives and friends, who sometimes, unaware [of the situation], come to see me and then find themselves unemployed. There have been three such instances since 1989, from the moment we joined Agzybirlik, in other words wound up in the opposition.

The journalist, Iusup Kuliev, told Helsinki Watch:⁵⁴

It's become difficult to prepare materials [for broadcast]. Now they record all materials, then call at your workplace and approach relatives and say, "If he broadcasts such critical materials then we will bother you through [your] relatives — a cousin or an uncle — or through other means. It doesn't happen only to me. [Government powers] still work according to old methods in the republic. We Turkmen have the custom that one shouldn't

⁵⁴ Interview, May 3, 1993, Ashgabat. See "Possible Violations of Freedom of Movement."

impede someone and his career, even if he's not your blood brother but a distant relative. I say, "Why is that the way it is?" They say, "We can't refuse you openly [permission to travel to Munich for an internship at RFE/RL], but it's an ultimatum." That's how we work.

[Turkmen] maintain ties even with distant relations. And it's just awkward when because of you someone is separated from his work or it interferes with someone. And [the relative] tells you "Don't bother me. You are keeping me from living, from working, with your public statements. Those kinds of methods. Maybe that's not the way it is in other countries but we in Turkmenistan keep close ties with relatives.

I'm not breaking any laws. I do everything legally. But they find a way [to act on you] through your relatives. It's the only gate open to them. They call in relatives and say, "Your brother or relative is acting in such-and-such a way. If you don't tell him [not to] we will settle scores with you — in other words, fire you from work — because your brother is against our policies." In other words they threaten to fire relatives from work.⁵⁵

The artist and singer Murad Divanaev told Helsinki Watch:⁵⁶

I was not here [when Secretary of State Baker was in Ashgabat]. I was in Tiraspol' [Moldova] but they came to my wife and upset her. She was pregnant, and when they would come she would cry all the time. When they didn't come, she would cry. I told her, "Don't cry. This is natural. It would be strange if they made the transition immediately from a communist regime to freedom. They can't do it because they built the communist society themselves. And they themselves think that people should not be given freedom."

Mr. Divanaev's wife, Valentina, told Helsinki Watch representatives the following:⁵⁷

They came here four times when Murad was in Bishkek. They came right into the apartment, went into that room [indicated next room], looked at the library, and advised me to convince my husband not to be involved with politics. They said, "Let him take care of his family, his house, have him develop hobbies and interests, but there is no reason for him to poke his nose into politics."

They came right into the house. I am speechless over such behavior. I was very frightened. There was a policeman in the stairwell for three days, first in uniform, then in civilian clothes. Twice they made me sign an explanatory statement about for what length of time and for what purpose my husband had gone to Bishkek.

I was constantly protesting. I would ask them the question why they don't go catch criminals and murderers. Why do they going around constantly and harass such honest

⁵⁵ See "Discrimination - Politically Motivated Dismissals."

⁵⁶ Interview, May 3, 1993, Ashgabat.

⁵⁷ *Ibid.*

people as Divanaev? I told them, "If everyone were like Divanaev, we would have been living under communism long ago." They all smiled at the word 'communism.' I just meant 'having a good life.' I said, "As far as I know Divanaev, wherever he is, [whether it's] at rallies or just with people in society, he is always for internationalism, for fairness, for freedom, only for good things, not for anything bad."

In a separate interview she added:⁵⁸

[Law enforcement officials] have been in [my] field of vision since that time, although it began before Baker's visit.⁵⁹ I'm not sure they don't tap our phone, that there is no tail on us. I'm afraid that one day "a brick" will fall on my husband's head. The militia can't work any other way.

Mukhammedmurad Salamatov, founder and editor of *Daianch*, recounted the following events for Helsinki Watch representatives which took place at the time of the visit of Amnesty International representatives and the celebration of Independence Day.⁶⁰

On October 21, 1992, I was in Moscow. This was several days after I was attacked on the street near my house.⁶¹ While I was away, my wife was called in to the MVD and they threatened her. On October 22 at about 4:00 in the morning, men came to the house and tried to get in. There were a total of three such night visits between October 22 and 28. I was not at home, but my wife was in the house. It is psychological terror.

Nurberdi Nurmamedov, mechanical engineer and co-chairman of Agzybirlik, confirmed the pattern of harassment of wives:⁶²

My wife has undergone five operations. When they come to her [at the house] her blood pressure changes. I tell them, "If you need something, call on the phone and I will come." But for some reason they always come themselves.

Wiretapping

Numerous individuals with whom Helsinki Watch representatives spoke reported that their telephone lines were interfered with, usually coinciding with the visits of foreign observers. Mukhammedmurad Salamatov, editor of *Daianch*, reported the following:⁶³

⁵⁸ Interview, May 1, 1993, Ashgabat.

⁵⁹ See "Freedom of Speech."

⁶⁰ Interview, November, 1993.

⁶¹ See "Acts of Violence."

⁶² Interview, May 2, 1993, Ashgabat.

⁶³ Interview, May 10, 1993.

What happened with the CSCE is par for the course, in the order of things here.⁶⁴ My phone did not work during the time of the Wisconsin conference,⁶⁵ during the visit of the CSCE, and when Jeri Laber [of Helsinki Watch] was here.

Iusup Kuliev, the journalist, told Helsinki Watch:⁶⁶

After I speak with Munich [the headquarters of RFE/RL] sometimes, my telephone doesn't work for three or four months afterwards. I live with my parents and it's hard for me, [knowing] that the telephone doesn't work for three or four months because of me.

Durdymurat Khojamammed, chairman of the unofficial Democratic Party, said in a recent interview:⁶⁷

Harassment persists twenty-four hours a day — of me personally and of my colleagues. And it entails a broad range of things: wiretapping, provocations, people getting fired from their jobs, all kinds of intrigues, telephone threats.

DISCRIMINATION

Political Dismissals At the Workplace and Deprivation of Work

Discrimination in the workplace on the basis of political convictions is a violation of the fundamental right to free speech and free expression, enshrined in Article 19 (1 and 2) of the ICCPR. It guarantees that "everyone shall have the right to hold opinions without interference." In addition, such acts violate the right to be free from discrimination on political grounds, a rights guaranteed by Articles 2 (1) and 26 of the ICCPR. Article 31 of the Turkmenistan constitution states that "all citizens have the right to work and to choice of profession according to his judgement." Article 35 states that "citizens of Turkmenistan have the right to freedom of artistic, scholarly and technical creativity."⁶⁸

Numerous individuals who have made public statements critical of the government, are members of a banned political group, or are a relative of such a person, reportedly have been fired from their places of work, forced under pressure to leave voluntarily, or denied work altogether.

Mamed Sakhatov, the former employee of the Ministry of Foreign Affairs, currently a stringer for

⁶⁴ *See* "Freedom of Speech."

⁶⁵ *Ibid.*

⁶⁶ Interview, May 3, 1993, Ashgabat.

⁶⁷ *Central Asian Monitor, op. cit.*

⁶⁸ *See also* "Freedom of Speech" and "Right to Privacy."

RFE/RL and Agzybirlik member, told Helsinki Watch representatives the following:⁶⁹

My last place of work was in the republican employment center. I worked there as the division director and was fired on December 25, 1991, on the order of Minister Nedurmamed. He said outright, "Your dismissal serves as [repayment for] the fact that you participate in the Agzybirlik movement and criticize." You bring First Secretary of the Central Committee Niyazov under suspicion. (At the time he was only the first secretary of the Central Committee.) "For that you will be fired." And in December they fired me.

Mukhammedmurad Salamatov, the founder and editor of *Daianch*, reported the following:⁷⁰

I have not worked since *Daianch* was confiscated. That was in April 1992, so I have been without work for about one year. I am a journalist by profession, but journalism was a way of making a living, the means, not the end. I would like to be involved with scholarship. Despite all of this, I am an optimist.

If I say "Long live Niyazov!" and so on I will have the opportunity to work, but if I express my own opinion I won't have such an opportunity.

Nurberdi Nurmamedov, a mechanical engineer, told Helsinki Watch the following:⁷¹

I have a private enterprise, a small enterprise. The day before yesterday (April 31, 1993) the KGB demanded the documentation for my enterprise... A week ago KGB representative Saidov called me in to see him and in the course of the conversation, toward the end of it, said, "Now you will do what you can, and we will do what we can." There wasn't a word about legality.

Previously I worked as the director of the Scientific Research Institute for Automobile Transportation, but I had to leave there in 1990. They refused work not only to me but to the [whole] enterprise because I participated in Agzybirlik.⁷² They demanded that I quit Agzybirlik, offering positions if I did. Then I worked as director in another enterprise, and they didn't give work there either. The last time I conducted a general meeting, the militia, with video cameras, led by two deputies of the Minister of Internal Affairs, surrounded the enterprise. It was then that I decided to leave.

They have offered positions to many members of Agzybirlik so that they quit Agzybirlik, but no one from Agzybirlik has been seduced by this. There were people from the sidelines who spoke out against Agzybirlik for the sake of receiving a position. If they didn't obey,

⁶⁹ Interview, May 2, 1993, Ashgabat.

⁷⁰ Interview, May 10, 1993.

⁷¹ Interview, May 2, 1993, Ashgabat.

⁷² See "Freedom of Association."

Niyazov would fire them from work, try them, put them in jail.

Ak-Mukhammed Velsapar, the writer, journalist and secretary of the press service of Agzybirlik, told Helsinki Watch:

Niyazov personally is concerned with what I am doing, whether I can publish anything anywhere and things like that...⁷³ I have not been able to publish even one line of my work since 1991. Not even my poetry or my literary works, which have no politics in them.⁷⁴

Kakadzhan Saparov worked for sixteen years as an investigator in the *oblast'* procuracy for Chardzhev and Ashgabat. He has stated:⁷⁵

I left the Communist Party during the days surrounding the August 1991 putsch. After that I refused to enter the Democratic Party of Turkmenistan, which was created on its foundations. For that reason I was fired from work on September 25, 1992, by the procurator general of Turkmenistan. Currently I am unemployed.

He told Helsinki Watch representatives:⁷⁶

On September 4, 1992, Ak-Mukhamed Velsapar came to see me after work. A common acquaintance of ours had died in an automobile accident and we wanted to visit his home. We went there and the next day I was called in. They said, "Do you know who you are spending time with?" I said, "Whom I spend time with after work is my business. The fact of whom I see in no way effects my work." "No, you have to leave." I was there several times; there was no order [of dismissal]. From a legal point of view they should acquaint me with it, [so that I know] why I was fired so that I can submit a complaint.

Mr. Saparov explained that he had requested a transfer in February 1992 from Ashgabat to a regional procuracy headquarters closer to his home because he has cataract problems. He stated:⁷⁷

My petition has not been reviewed and they returned it to me in September. They took away the cases I had been investigating. They should have reviewed [my petition] within ten days and given an answer, yes or no. They withheld [the petition] until September and just gave it back to me. I haven't submitted a statement about the dismissal.

I have gone several times to get [my documents] because I need to retrieve my work record [trudovaia knizhka] and then I need to find a job. I have four children and a wife.

⁷³ Interview, June 1, 1993.

⁷⁴ Interview, May 3, 1993, Ashgabat.

⁷⁵ Written statement by Kakadzhan Saparov, March 29, 1993, Turkmenistan.

⁷⁶ Interview, May 3, 1993, Ashgabat.

⁷⁷ *Ibid.*

Legally [they should tell me], "Here is the order. Acquaint yourself with it." I have to sign whether I agree to it or not, and present my explanatory statements in which I refute or confirm some sort of accusation. Where is it?... Where is it? I don't know what they fired me for. Needless to say, they are not going to write there "For political reasons."

[The main reason for my dismissal was not my relations with Velsapar but] the issue of my political views.

I used to love to garden, to grow flowers: gladiolus, chrysanthemums, irises. I used to do it as a hobby, but now [I garden] to make money. I have a wife and four children. Please don't think that I am complaining. I consider myself a strong person.

Other individuals recounted how their relatives had been fired from work, and had been told at their workplace that their dismissal was because of their outspoken or politically active relative. They asked that we not print the details, however, for fear of further retribution against their relatives.

Ethnic Discrimination

Helsinki Watch did not have time during its recent mission to investigate reports of ethnic discrimination in a comprehensive way and therefore we draw no conclusions at this time about the status of ethnic equality in the republic. The reports we received were contradictory and inconclusive. Some individuals reported that ethnic Turkmen were being given preferential job placement and opportunities for professional advancement. On the other hand, although reliable statistics on actual migration trends are as yet unavailable, Helsinki Watch representatives received no evidence that Turkmenistan is experiencing a pronounced emigration of minority ethnic groups from the country, as are some other former Soviet republics. Most attributed this more to Turkmenistan's good economic prospects than to its healthy inter-ethnic climate, however.

Helsinki Watch is concerned about the stipulation in Article 55 of Turkmenistan's new constitution that "the president may be a citizen of Turkmenistan from among the number of Turkmen younger than forty years of age living in Turkmenistan." Helsinki Watch believes the requirement to be discriminatory on the basis of both ethnic origin and age.

Gender Discrimination

Article 18 of the Turkmenistan constitution guarantees men and women equal civil rights, and violations carry criminal penalties. This provision goes farther than most constitutions from the newly independent states to enshrine equal rights on the basis of gender.

A number of local residents of Ashgabat with whom Helsinki Watch representatives met, however, believed that traditional gender relations in Turkmenistan do not naturally lend themselves to this principle, and that violations of it and the constitutional provision do occur. United States Ambassador Joseph S. Hulings, III, told Helsinki Watch representatives that recently only boys had been allowed to take the entrance examination needed to apply for participation in a government-sponsored academic program in U.S. elementary schools. Ambassador Hulings reported that the Turkmenistan government agreed to accept at least forty percent female applicants to sit for the examination under pressure that the U.S. side would call off the program if the government failed to comply. The Ambassador also indicated that

under a new governmental ruling women are not allowed to be married and study simultaneously: they are forced to give up one or the other status, whereas men are not.⁷⁸

ACTS OF VIOLENCE AND CRUEL, INHUMAN AND DEGRADING TREATMENT

Article 7 of the ICCPR states that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Principle 6 of the United Nation's "Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment" (1989) mandates that "no person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No circumstances whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment." Principle 21 (2) of the "Body of Principles" further states that "No detained person while being interrogated shall be subject to violence, threats or methods of interrogation which impair his capacity of decision or his judgement." Article 21 of the Turkmenistan constitution states that "no one can be subjected to torture, [or] cruel, inhuman treatment or punishment which is degrading to his dignity."⁷⁹

Mistreatment in Detention

The financial backer of *Daiianch* (see "Freedom of the Press"), who requested that his name be withheld, recounted the following to Helsinki Watch:

I had trouble when Amnesty International came to Ashgabat. October 27, 1992, I was Independence Day. At 7:00 p.m. on October 26, I was walking past a beer bar. Militia officers came up to me. They said they wanted to take me in for drunkenness. They said I had bought a glass of beer and had taken it out onto the street. I never bought any beer. I said I wanted to call my wife to let her know. They refused. So I ran away to warn my wife. They caught up to me and grabbed me. They took me to the station. There they beat me. They pounded me. The chief of militia Akhmet Annaklychev himself and his assistant beat me. Why? Because I ran away. They said I was drunk, that I had insulted them. They beat me on my kidneys, on my back. The next morning I couldn't walk. I was all bruised.

They kept me there until the next morning. My wife found out about what happened only twelve hours later. She was pregnant at the time.

They never took a blood test. All their witnesses were militiamen. Besides, if I really had been drunk they would have taken me to the dry-out clinic, not to the militia station. They fined me thirty rubles for insulting a militia officer, which is an administrative violation. It was all a lie.

I paid the fine right away. What would be the point of suing? I wouldn't achieve anything. If I sue, I will only be making it worse for myself. The main thing is just not to have contact with them. I feel sorry for the militia officers.

⁷⁸ Interview, April 30, 1993, Ashgabat.

⁷⁹ See also testimony of Ak-Mukhammed Velsapar under "Freedom of Association."

Rufina Arabova is a forty-year-old economist who alleges she was fired from work in 1986 as punishment for having written a letter to the procuracy exposing alleged financial misdeeds at her place of work. She alleges that numerous protests of the dismissal led to her being sent to a psychiatric hospital under the communist era. (Helsinki Watch has confirmed that Ms. Arabova received two letters from the Procuracy of Turkmenistan (January 6, 1991, and December 11, 1991, respectively), one from the Supreme Court of Turkmenistan (undated) and one from the International Independent Research Center on Psychiatry (July 15, 1990), all confirming that there was no psychiatric basis for her incarceration.) She recounted the following to Helsinki Watch representatives:⁸⁰

On January 20, 1992, I went to the Government House [Dom pravitel'stva] with a sign. On the sign [a statement] was written about the illegal doings of law enforcement authorities, and on the sign I wrote that I demand the punishment of the guilty parties who brought me to despair, to poverty, to the point where my rights were violated. Not five minutes went by before the militia was called. No one spoke with me, [no one] asked anything, they just grabbed me by the back of the neck and pushed me into the car and took me to the militia station. There they laughed at me, mocked me, insulted me. They humiliated me, saying "You have no rights." [They said] that here we do what we like, that we are the boss here, that you are a woman, you should be soft, gentle. I was very aggravated [and] upset at such treatment. I demanded that I be released immediately, I said that they had detained me illegally. In response I got more mockery of me. They just laughed for the fun of it.

They kept me there the whole day. I was detained at 9:00 in the morning, and was kept until 5:00 at night, when I was taken to court. There there were no investigation, no evidence, although I had witnesses [who could confirm] that I had committed no acts of hooliganism, that I hadn't offended anyone. I was punished for petty hooliganism: allegedly I had cursed [netsenzurno vyrazhalas'] at the president. I said "Where is your evidence? First of all, I never use curse words. I respect myself too much to lower myself to such a filthy thing." There were people whom I named and asked to be questioned. No one needed that. They just took me and punished me for hooliganism."

Ms. Arabova reported cruel and inhuman treatment at the hands of law enforcement authorities in a separate incident.⁸¹

On March 15, 1993, I went to Deputy Minister of Internal Affairs of Turkmenistan Davletov during office hours with the request that he resolve an everyday domestic problem. [I had] a complaint against the militia officers who are harassing us at home. Precinct militia harass us. It's connected with my brother. My brother likes to get drunk and I have sought [help] often about this. They not only have not taken steps against him but said, "Let him drink at home. He is in his own home, he is registered to live there [propisan]. In other words, they specially, deliberately did not take any measures, so I turned to Davletov with this problem. He not only did not take any measures, he took measures against me. First, he

⁸⁰ Helsinki Watch interview, Ashgabat, May 3, 1993.

⁸¹ *Ibid.*

started yelling, did not allow me to say one word. He started insulting me, saying I was mentally ill. He called in the militia and, just like last year, when I went to the Government House with a sign [see above] without asking any questions or understanding the situation, they grabbed me the same way, by the neck, pushed me into a car and brought me to the militia station. There, no sooner had I entered, than a Turkmen militia officer attacked me. I don't know his name; they refused to say his name. He attacked me with his eyes popping out of his head: "Shut up! Shut the hell up! This is my land. Here all the rights are my rights, I do what I want." He lit on me with those words and hit me in the face. He split my lip. I had bruises on my legs. I had a cut here [indicates her rib]. I even have a scar left.

After that, they beat me again, insulted me with filthy words. I can't even repeat the filthy things they said to me. They called an ambulance and sent me off to the psychiatric hospital. Fortunately, this time the psychiatric hospital did not take me. I was taken again to the militia station. There they took away my passport and again wanted to punish me for hooliganism. Can you imagine? I went to ask Davletov's help and he sends me to the militia, the psychiatric hospital, I was beaten and they punish me for hooliganism. What kind of hooligan am I?

My passport was returned to me thanks to the intervention of the municipal procurator. My appeal for the punishment of the militia officers who beat me and my complaint against Davletov, about the fact that he sent me to the militia and then to a psychiatric hospital illegally, have not been reviewed. There is no movement on it and no response from the *raion* procuracy for Proletariat borough. Now I have wound up at the municipal procuracy. I know the municipal procuracy won't take any measures either. A month's time will go by, I'll turn to the republican procuracy and it won't do anything either. I know perfectly well that is the way it will be.

Assault by Unidentified Assailants

Mukhammedmurad Salamatov, editor of *Daianch*, told Helsinki Watch the following:⁸²

On October 31, 1992, I was walking down a quiet street about ten minutes from my home. Two men, one a Turkmen, came up from behind and asked the time. I said "ten of four." Then they asked where I worked. When I turned around to see them, they began hitting and kicking me, karate-style. These were clearly not street fighters, but were trained. When I fell to the street they kept kicking me. Nothing was broken, but I was very bloodied. I recognized them by face from my multiple visits over the years to the KGB and MVD.

I took the case to the police, who said they would investigate. Now, one month later, they have asked for no testimony or evidence from me, such as photographs. It is clear that the investigation is a sham.

⁸² Interview, November, 1993.

Denial of Medical Care

Article 33 of the Turkmenistan constitution states that "citizens have the right to medical care, including free use of a network of state health care institutions."

Nurherdi Nurmamedov, mechanical engineer and co-chairman of Agzybirlik, claims that he has been denied access to medical care since 1989. He told Helsinki Watch representatives.⁸³

I am deprived of the opportunity to get treatment... I found out in 1989 that a resolution had come down from the municipal health department: "Do not receive Nurmamedov." [When] I went to the [medical center] the doctor — a woman — was in tears. Since then I have been deprived of the opportunity to receive any treatment.

⁸³ Interview, May 2, 1993, Ashgabat.

APPENDIX
Helsinki Watch Press Release and Letter to President Niyazov
November 5, 1992

