



JANUARY 2009

COUNTRY SUMMARY

Turkmenistan

In the two years since the death of Turkmenistan's president-for-life Saparmurad Niazov, the government under President Gurbanguly Berdimukhamedov has abolished aspects of his cult of personality, adopted a new constitution, and has begun to reverse some of Niazov's most ruinous social policies. The government ended the country's self-imposed isolation and has attracted unprecedented international interest in the country's hydrocarbon wealth.

But Turkmenistan remains one of the most repressive and authoritarian countries in the world because the government has not altered the institutions of repression that characterized Niazov's rule. Hundreds of people, perhaps more, languish in Turkmen prisons following unfair trials on what would appear to be politically motivated charges. Draconian restrictions on freedom of expression, association, movement, and religion remain in place. Teaching of the *Ruhnama*, Niazov's "book of the soul," has been cut back, but is still part of the state education curriculum.

There is no possibility to establish and operate an independent NGO or media outlet, and independent activists and journalists face government threats and harassment. The severity of those restrictions, in particular, make it impossible to assess a series of violent clashes in September 2008 that brought special forces and armored vehicles to the streets of a neighborhood in Ashgabat, the capital. The government stated that the clashes arose when law enforcement bodies sought to disarm drug dealers. Independent sources blame law enforcement for mishandling the situation, and put casualties at around a dozen dead and a similar number wounded. Little is known about the clashes' aftermath.

Constitutional Reform

The new constitution, adopted on September 26, 2008, dissolved the 2,507-member People's Council (Halk Maslakhaty), the supreme government body that had mixed

legislative and executive powers and had been used by Niazov to rubberstamp his decisions. But the constitutional reform otherwise strengthened the already dominant institution of the presidency. The president appoints and dismisses judges without parliamentary review, forms the central election commission, and has the right to issue edicts that are mandatory. There are no presidential term limits. Political parties can be created, but a residency requirement would automatically prevent all members of Turkmen opposition movements who have been driven into exile from running for office. The constitution does not provide for a constitutional court or ombudsman.

Civil Society and Media Freedom

Independent activists and journalists in Turkmenistan and in exile are under constant threat of government reprisal for their work. Security services warned activists in Turkmenistan not to meet with European Union and other officials who visited the country, including the United Nations special rapporteur on freedom of religion or belief. Government proxies tried to pressure at least two exiled human rights activists to stop their work, and one exiled political activist, Annadyurdy Khajiev, received death threats by phone in August 2008.

Sazak Durdymuradov, an unpaid contributor to Radio Free Europe/Radio Liberty, was seized in his home in June 2008, detained, and transferred to a psychiatric clinic, where he was held for two weeks and beaten.

No independent organization has been permitted to carry out research on human rights abuses inside the country, and no international agency—governmental or nongovernmental—has had access to detention facilities. The utter vacuum of human rights monitoring in Turkmenistan was highlighted by a June 2008 European Court of Human Rights decision (*Ryabikin v. Russia*), which held that a Turkmen businessman living in Russia could not be extradited to Turkmenistan, in part because the authorities systematically refused international observers access to the country.

Political Prisoners, Government Purges, and Enforced Disappearances

The harsh repression that prevents civic activism impedes determining the number of political prisoners. Only one individual believed to be imprisoned for political reasons was released in 2008, having served his full prison term. None benefited from any of the three presidential pardons granting release to about 3,700 inmates. Well-known Niazov-era political prisoners, including Mukhmetkuli Aimuradov, Annakurban Amanklychev, and Sapardurdy Khajiev remain behind bars, the latter two in incommunicado detention.

Moreover, at least two persons were arrested in 2008 on politically motivated grounds. Civil activist Valery Pal was arrested in February and sentenced in May to 12 years' imprisonment on bogus embezzlement charges. In September Pal suffered a stroke in prison. Gulgeldy Annaniazov, a former dissident who had refugee status in Norway, returned to Ashgabat in June and was promptly arrested and charged with illegal border crossing. On October 7, he was sentenced to 11 years' imprisonment, the exact charges are unknown.

Still imprisoned are Ovezgeldy Ataev, the constitutionally designated successor to Niazov, and his wife. The fate of about 50 prisoners implicated in the alleged November 2002 attack on Niazov's life remains unknown, as do the whereabouts of imprisoned former foreign minister Boris Shikhmuradov, his brother Konstantin Shikhmuradov, and the former ambassador to the Organization for Security and Co-operation in Europe (OSCE), Batyr Berdiev.

In a July 2008 decision (*Komarovski v. Turkmenistan*), the UN Human Rights Committee found that in the aftermath of the alleged November 2002 attack the authorities flagrantly abused the justice process and failed to investigate and prosecute torture and arbitrary detention of suspects. The government so far has taken no action to implement the decision. The utter lack of a system to prevent torture and ill-treatment in Turkmenistan prompted the European Court of Human Rights to issue a ruling in October 2008 (*Soldatenko v. Ukraine*) amounting to a de facto ban on extraditions to the country.

Freedom of Movement

While some individuals have been permitted to travel abroad, the system of arbitrary restrictions on foreign travel remains in place. For example, after spending several months trying to clarify his status, Andrei Zatoka, an environmental activist, in July 2008 received a letter from the Prosecutor General's Office stating that he is still prohibited from travelling abroad. No explanation was provided.

Rashid Ruzimatov and Irina Kakabaeva, relatives of an exiled former government official, have been banned from travel abroad since 2003. Svetlana Orazova, sister of opposition leader Khudaiberdy Orazov, and her husband Ovez Annaev cannot travel abroad despite numerous attempts to challenge their travel ban in court, most recently in April 2008. In October the daughter of Gulgeldy Annaniyozov and her family were not allowed to leave Turkmenistan.

Freedom of Religion

Following her September 2008 trip to Turkmenistan, the UN special rapporteur on freedom of religion or belief noted that religious freedom has improved since 2007. But she raised concerns about vague or excessive legislation regulating religion and its arbitrary implementation, prohibition of the activities of unregistered religious communities, and continued restrictions on places of worship and on importing religious material.

Key International Actors

Turkmenistan has hosted an unprecedented number of international delegations and conferences, some of which have included policy discussions with the government on human rights and the rule of law. The Turkmen government has misrepresented these occasions as unequivocal support for government policies.

In February 2008 the European Parliament upheld the human rights benchmarks previously adopted by its international trade committee. The Turkmen government must fulfill the benchmarks before the European Union can proceed with an Interim Trade Agreement with the country. These benchmarks include the release of political prisoners, abolishing the impediments to travel abroad, realigning the educational

system with international standards, allowing free access for NGOs, and permitting UN bodies to operate freely. Under the EU's Central Asia Strategy the EU will guarantee loans by the European Investment Bank for projects in the region. A European Parliament resolution adopted in September would impose human rights conditionality on the lending, although at this writing the conditionality mechanism has not been elaborated.

In June the EU held a structured human rights dialogue with Turkmenistan, as part of its Central Asia strategy. But it failed publicly to comment on the numerous serious problems marring the Turkmen government's human rights record, including the arrests of Durdymuradov and Annaniazov, which coincided with the talks.

The United States' interest in Turkmenistan's energy wealth prompted active engagement with the Turkmen government and a reluctance to prioritize human rights. President Bush met President Berdymukhamedov on the sidelines of the April 2008 NATO summit.

The UN special rapporteur on religious freedom became the first UN special mandate holder to gain access to the country. Nine other UN special procedures remain barred from Turkmenistan as a result of the government's failure to extend these monitors the required invitations for country visits. Turkmenistan appears to treat its reporting obligation to various UN human rights bodies as a mere formality. In its report for the UN Human Rights Council's Universal Periodic Review due in December 2008, the Turkmen government did not recognize any serious problems in meeting its human rights obligations. In September Turkmenistan was also reviewed by the Human Rights Council's confidential complaint procedure, a body which considers "consistent patterns of gross and reliably attested violations of all human rights." While the council did not appoint a special rapporteur on Turkmenistan, it requested that the government respond to the numerous individual complaints received and agreed to reexamine the situation during its March 2009 session.