



## Human Rights Reform in Turkmenistan Rhetoric or Reality?

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## Summary

Under Saparmurat Niazov, Turkmenistan suffered one of the world's worst tyrannies. Since Niazov's death in December 2006, the government of his successor, President Gurbanguly Berdymukhamedov, has begun to reverse some of the most ruinous social policies of Niazov's rule and to end the country's international isolation. But the government remains one of the most repressive and authoritarian in the world. It has yet to commit to a reform agenda that reinstates fundamental rights for people in Turkmenistan. As this briefing paper will show, untold numbers of political prisoners languish in Turkmen prisons. Draconian restrictions on freedom of expression remain in place. Independent nongovernmental organizations (NGOs) that deal with human rights cannot function properly due to government threats and harassment. While some individuals have been permitted to travel abroad, the system of foreign travel restrictions inherited from the Niazov era remains in place.

To his credit, President Berdymukhamedov reinstated pensions and social allowances and has begun a series of discussions with foreign governments and international organizations to support government reform in a number of areas that would improve the social welfare system. He has restored the tenth year of secondary education, restored the five-year course of university-level education, and held discussions with the Russian and other governments on extensive and important educational exchanges, particularly in higher education; the result cannot but be an improvement after Niazov's wilful degradation of the education system. But there is no indication to date that the government is proposing comprehensive reform needed to restore the public health, social welfare, and education systems to levels that would ensure basic health care, food, housing, and education are available to all. As a result of the government's continued repression of civil society, there are no independent institutions that can scrutinize, assess, and report accurately on developments in these areas.

The president established an intergovernmental commission to improve Turkmenistan's compliance with its international human rights obligations, has

created a Commission on the Actions of Law Enforcement Bodies,<sup>1</sup> and has received numerous foreign diplomatic delegations and several international human rights delegations. In addition, the government has held a human rights dialogue with the European Union in the framework of the EU's new Central Asia strategy, and the government of the United States agreed with President Berdymukhamedov to send a delegation to the country to "focus on democracy and human rights."<sup>2</sup>

These developments indicate a welcome willingness to engage in dialogue with foreign governmental and intergovernmental bodies. However, according to the best information we were able to obtain from Turkmenistan, they have not been accompanied so far by a reversal in the widescale violation of civil and political rights or a commitment to fundamental change.

This paper focuses mostly on civil liberties. Denial of freedom of expression, association, religion, and movement, as well as of core guarantees of the justice system such as protection from torture and the right to fair trial, were egregious and longstanding aspects of Niazov's tyranny. While serious institutional reform is needed in every aspect of human rights practices in Turkmenistan, the problems that are discussed in this paper in most cases can be resolved promptly if there is a strong political will. So far, the new Turkmen government has failed to demonstrate such commitment.

Authorities continue to severely suppress dissent and isolate the population from contacts with the outside world. They continue to informally ban some activists, relatives of political opposition members, religious minorities, and journalists from traveling abroad.

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<sup>1</sup> "Gurbanguly Berdymukhammedov issues decree 'On Establishing a state commission to consider citizens' appeals dealing with the issues of activities of the law enforcement agencies under the president of Turkmenistan,'" *Turkmenistan.ru*, February 19, 2007, [http://www.turkmenistan.ru/?page\\_id=3&lang\\_id=en&elem\\_id=9390&type=event&sort=date\\_desc](http://www.turkmenistan.ru/?page_id=3&lang_id=en&elem_id=9390&type=event&sort=date_desc) (accessed October 30, 2007). The commission consists of members of law enforcement bodies. The scope of its competence is not known, but the commission is reported to play an important role in identifying people who should be included in presidential pardons.

<sup>2</sup> "Turning the Page' in U.S.-Turkmenistan Relations," Remarks to the Carnegie Endowment for International Peace by Evan A. Feigenbaum, deputy assistant secretary of state for South And Central Asian Affairs, September 17, 2007.

Hundreds and possibly thousands of people sentenced to lengthy prison terms as a result of closed, unfair trials remain in prison, and the government has not proposed a process for reviewing their cases. At least three well-known political prisoners—Mukhametkuli Aymuradov, Annakurban Amanklychev, and Sapardurdy Khajiev—remain deprived of their liberty, and a fourth, Ovezgeldy Ataev, is said to still be imprisoned as well, although we could not independently confirm this. Dozens of prisoners are held incommunicado, their whereabouts unknown. At this writing, the government has not agreed to access to places of detention for any independent national or international observers, including the International Committee of the Red Cross. No independent investigation into the death in custody of Olgusapar Muradova, a human rights defender, has been conducted.

With the courts utterly dependent on the executive, there is no institution that can provide redress or relief for widespread abuses in the criminal justice system. The government has not proposed any serious judiciary reform, and, as in the Niazov era, uses criminal prosecution as a tool for repression.

Some 20 people believed to have been sentenced on politically motivated charges—about half of them relatives of persecuted opposition members—have been released as a result of two recent presidential pardons, one small- and one very large-scale, which affected in total over 9,000 prisoners.<sup>3</sup> This is an important humanitarian step, though a far cry from justice for these 20, and no relief at all for the many others who may have been wrongfully imprisoned and remain incarcerated. The first of these pardons, an August 9, 2007 presidential order to release 11 prisoners, included Nasrullah ibn Ibadullah, the former chief mufti of Turkmenistan, who had been serving a 22-year sentence on politically motivated charges. In early October, 9,013 prisoners were released to mark the Muslim holy month of Ramadan. Hopes that this pardon would include significant numbers of political prisoners were unanswered. One high-profile prisoner, Geldy Kiyarizov, benefited from the October pardon, as well as a small number of formerly imprisoned relatives of dissidents and former governmental officials.

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<sup>3</sup> See below, Section “Political Prisoners.”

The release of Ibn Ibadulla and Kiyarizov indicates that the Berdymukhamedov government is not averse to effecting high-profile releases. Therefore, the increase in international contacts under Berdymukhamedov should be an opportunity for the international community to urge the release of all political prisoners and to urge the establishment of a nationwide process to ensure the full justice for victims of political repression. Compensation and restitution of confiscated property should accompany the release of wrongfully convicted people.

Speaking at Columbia University, New York, in September 2007, Berdymukhamedov stated that there are no restrictions on the press or on local or international NGOs in Turkmenistan.<sup>4</sup> But in fact it is in this area that the human rights situation in today's Turkmenistan most resembles the Niazov era. There have been no improvements in the dire situation for nongovernmental organizations, independent journalists, or other civil society actors. The government fails to register NGOs and harasses, detains, interrogates, or warns activists and journalists. Government agents have prevented activists from having contact with international delegations that visited the country during 2007. The government has allowed some foreign journalists to visit the country, but banned others.

The release of Ibn Ibadullah notwithstanding, to date there is no clear evidence that the government has loosened its tight control over all aspects of religious life. Forum 18, an independent, international religious freedom group, has reported a rise in arrests, deportations, raids, and threats against religious minorities since Niazov's death.

The Turkmen government needs urgently to prioritize reforms to reinstate the rights to freedom of expression, religion, and association. It should allow independent NGOs and media, local and international, to work without government interference. It should establish a nationwide process to ensure a remedy for victims of injustice during the Niazov era that would involve impartial review of criminal charges laid

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<sup>4</sup> "Turkmenistan: President Says Press, NGOs Operate Freely," Radio Free Europe/Radio Liberty, September 24, 2007, <http://www.rferl.org/featuresarticle/2007/09/96cbe108-ba4b-4b35-ba75-6b2d4064ae97.html> (accessed October 15, 2007).

against political figures and dissidents, the fairness of criminal proceedings in such cases, and where appropriate, reparations for violations of human rights. The government should allow independent monitors, including international ones, to access detention places. Turkmenistan should promptly extend invitations to the thematic special procedures of the United Nations Human Rights Council that have requested country visits.

Governments and multilateral institutions seeking to be Turkmenistan's partners are right to welcome recent changes, particularly the government's openness to international engagement, after so many years of self-imposed isolation. But they must insist on a full program of human rights reform and on measurable human rights progress as a condition for deepening their engagement with the Turkmen government. They should examine the government's progress not only by comparing it to Niazov's tyrannical rule but by measuring it against Turkmenistan's international obligations to implement human rights standards. To do otherwise is to lose a crucial opportunity for change at a time when the government of Turkmenistan is defining its future path.

### **A Note on Methodology**

This paper provides an overview rather than comprehensive, detailed documentation of human rights practices in Turkmenistan today. It is based primarily on secondary sources as well as interviews with human rights defenders who are expert on Turkmenistan.

Human Rights Watch has been denied entry to Turkmenistan since 1999 and was thus unable to travel to the country to do in situ research for this briefing paper. In late March 2007 we requested to meet with the Turkmen embassy in Washington to discuss organizing meetings on human rights issues with government officials in Ashgabat.<sup>5</sup> So far we are still waiting for concrete acceptance of the preliminary embassy meeting.

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<sup>5</sup> Human Rights Watch telephone call to Embassy of Turkmenistan to the United States, Washington DC, March 2007.

The fact that key sources from Turkmenistan whom we interviewed outside the country urged us not to use their names illustrates the level of fear still prevalent in the country today.

## Background

### Turkmenistan Under Niazov

Saparmurad Niazov died on December 21, 2006, from a heart attack, at age 66. He had been Turkmenistan's last Soviet-era leader and its only post-independence president. Named president for life in 1999, in total he ruled Turkmenistan for 21 years.

Turkmenistan under Niazov became one of the most closed and repressive countries in the world. Niazov terrorized government and society. Frequent purges of his government resulted in lengthy prison sentences for officials. His government tolerated no dissent, allowed no media or political freedoms, and drove into exile or imprisoned opposition political figures, human rights defenders, and independent journalists. Dissidents were also subjected to internal exile, forced eviction from their homes, and confiscation of their personal property. Several were forcibly detained in psychiatric hospitals.

Niazov personally controlled the country's foreign-held hard currency accounts.<sup>6</sup> His official title was Turkmenbashi, or father of the Turkmen people, and he also called himself a prophet. Niazov's *Rukhnama*, or "book of the soul," a collection of his sayings, was made paramount in school curricula and required reading for civil servants, who had to pass exams on their knowledge of it. Niazov's pervasive personality cult gained much attention abroad.

Niazov's government sent the country backwards in social and economic development. The country is rich in natural gas, but most of the population lives in

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<sup>6</sup> For details on this, see Global Witness, *It's a Gas, Funny business in the Turkmen-Ukraine Gas Trade*, April 2006, [http://www.globalwitness.org/media\\_library\\_detail.php/479/en/its\\_a\\_gas.\\_funny\\_business\\_in\\_the\\_turkmen\\_ukraine\\_g](http://www.globalwitness.org/media_library_detail.php/479/en/its_a_gas._funny_business_in_the_turkmen_ukraine_g) (accessed November 2, 2007).

grinding poverty. In 2004 Niazov was reported to have ordered the dismissal of an estimated 15,000 healthcare workers and replaced them with military conscripts. Beginning in 1994 the government limited compulsory education to nine years,<sup>7</sup> and it cut back drastically on state-funded health care. The government banned opera, ballet, the circus, the philharmonic orchestra, and non-Turkmen cultural associations. Religious believers, particularly followers of faiths other than Sunni Islam and Russian Orthodoxy, faced criminal prosecution, police beatings, deportation and, in some cases, demolition of their houses of worship.

A foreign policy of “permanent neutrality” became one of the vehicles toward Turkmenistan’s isolationism. Concerns from the international community about the human rights situation were openly defied: only one of 11 requests for visits to Turkmenistan by thematic special procedures of the United Nations Human Rights Commission/Human Rights Council was met positively with an invitation—the special rapporteur on freedom of religion or belief.<sup>8</sup> Turkmenistan is a member of the Organization for Co-operation and Security in Europe (OSCE), but in 2003 it refused to cooperate with a special rapporteur appointed under that body’s “Moscow Mechanism” to investigate a “particularly serious threat” to the situation of human rights in Turkmenistan, after political repression spiked in the wake of a November 2002 assassination attempt against Niazov.<sup>9</sup>

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<sup>7</sup> The law “On Education” and the decree of the president “On the State Program on Implementation of the New Educational Policy,” adopted in October and November 1993 respectively created the basis for the cut in education. “Education in Turkmenistan” (Образование в Туркменистане), Turkmenistan Helsinki Initiative, [http://www.eurasianet.org/turkmenistan.project/files2/040611eduTHI\(rus\).doc](http://www.eurasianet.org/turkmenistan.project/files2/040611eduTHI(rus).doc) (accessed November 2, 2007).

<sup>8</sup> The other requests were from the special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (requests in 2003 and 2007); the special rapporteur on the right to education (2006); the special rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (2006); the special representative of the secretary-general on the situation of human rights defenders; the special rapporteur on independence of judges and lawyers; the special rapporteur on the promotion and protection of the right to freedom of opinion and expression (2003); the Working Group on Arbitrary Detention; the representative of the secretary-general on the human rights of internally displaced persons; the special rapporteur on extrajudicial, summary or arbitrary executions (2003); the special rapporteur on violence against women, its causes and consequences (2007). Country visits by Special Procedures Mandate Holders since 1998, <http://www.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm> (accessed October 30, 2007).

<sup>9</sup> Organization for Security and Co-operation in Europe, Moscow mechanism, Moscow, 1991 (Par. 1 to 16) as amended by Rome 1993 (Chapter IV, par. 5), <http://www.osce.org/odihr/13498.html> (accessed October 30, 2007), para. 12.

## **Berdymukhamedov's Succession**

Gurbanguly Berdymukhamedov was formally elected to succeed Niazov on February 11, 2007. It was an entirely pro forma election: although a multi-candidate contest, all six candidates were from the only permitted political party, the Democratic Party of Turkmenistan, and were pre-selected by the country's supreme legislature. Candidates must have held state office and been resident in Turkmenistan for at least the past 15 years, conditions that made it impossible for opposition candidates to participate, since most opposition leaders were in exile and barred even from entering the country. The only potential independent candidate inside Turkmenistan, Nurberdy Nurmamedov, was reportedly abducted and beaten shortly after Niazov's death was announced.

Berdymukhamedov was the health minister at the time of Niazov's death, and his election was a foregone conclusion. The constitutionally designated acting successor to Niazov, legislative assembly (Majlis) chairman Ovezgeldy Ataev, was arrested within hours of Niazov's death being announced. Berdymukhamedov was named acting president, and a constitutional provision barring the acting president from contesting the election was hastily stuck down by the People's Council (Halk Maslakaty, ostensibly the country's supreme representative body but an entirely rubber-stamp entity). The Central Election Commission chairman declared his commitment to "do everything necessary" to secure Berdymukhamedov's victory

## **Turkmenistan's Human Rights Obligations**

The Constitution of Turkmenistan contains progressive clauses providing for core human rights and fundamental freedoms, but it remains largely a dead letter.

Turkmenistan has acceded to the majority of core international human rights instruments. It is a state party to

- the International Covenant on Civil and Political Rights (ICCPR) and its Optional Protocols,
- the International Covenant on Economic, Social and Cultural Rights (ICESCR),
- the International Convention on Elimination of All Forms of Racial Discrimination (ICERD),

- the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
- the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and
- the Convention on the Rights of the Child (CRC).

Turkmenistan has for a long time ignored its obligations to report on the implementation of these human rights instruments to the United Nations treaty bodies.<sup>10</sup> In 2002 the UN Committee on the Elimination of Racial Discrimination (CERD) reviewed the situation in Turkmenistan based on a variety of intergovernmental and nongovernmental sources as the Turkmen authorities failed to present the state report and to attend the hearings.<sup>11</sup> Only in 2004 did Turkmenistan make its first submission to the CERD, combining into one document its initial to fifth periodic reports. The same year, Turkmenistan reported to the Committee on the Elimination of Discrimination against Women. The initial report to the Committee on the Rights of the Child was submitted in 2005 after an almost 10-year delay. The government has not so far submitted long-overdue reports to the Human Rights Committee,<sup>12</sup> the Committee on Economic, Social and Cultural Rights and the Committee Against Torture.

Turkmenistan is also a state party to six conventions of the International Labour Organization.<sup>13</sup> Its first reports were due in 1999 but to date none has been submitted.

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<sup>10</sup> Turkmenistan acceded to these treaties in the period 1993-99, and all mentioned conventions and covenants require state parties to present their initial reports on the implementation of the treaties within a year or two and then regular periodic reports every two, four, or five years.

<sup>11</sup> UN Committee on the Elimination of Racial Discrimination, Concluding observations, Turkmenistan, CERD/C/60/CO/15, <http://daccessdds.un.org/doc/UNDOC/GEN/Go2/420/94/PDF/Go242094.pdf?OpenElement>.

<sup>12</sup> The Human Rights Committee has also registered four individual complaints against Turkmenistan; no decisions have yet been adopted. See statistical survey of individual complaints dealt with by the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights, October 4, 2007, <http://www.ohchr.org/english/bodies/hrc/stat2.htm> (accessed October 30, 2007).

<sup>13</sup> Convention 29 (Forced Labour Convention); Convention 87 (Freedom of Association and Protection of the Right to Organise Convention); Convention 98 (Right to Organise and Collective Bargaining Convention); Convention 100 (Equal Remuneration Convention); Convention 105 (Abolition of Forced Labour Convention); and Convention 111 (Discrimination (Employment and Occupation) Convention).

President Berdymukhamedov has established an intergovernmental commission to improve Turkmenistan's compliance with its international human rights obligations. The issues summarized in this briefing paper show that Turkmenistan has persistently and comprehensively flouted its international human rights treaty obligations. It will take much more than the establishment of an official commission to overcome this.

## **Human Rights Under the Berdymukhamedov Presidency**

### **Political Prisoners**

Providing justice for victims of the past years' political repression should be one of the major human rights benchmarks for the new government of Turkmenistan. Among the individuals in need of justice and compensation are dissidents, supporters of the political opposition, and some of the targets of the numerous government purges during the Niazov era. Also of concern are numerous cases of persecution, including through trumped-up criminal charges, of relatives of these groups of individuals.

President Berdymukhamedov announced in October that several amnesties would be held each year, timed to coincide with official holidays.<sup>14</sup> There have been two mass pardons under Berdymukhamedov so far, one small- and one very large-scale, which affected in total over 9,000 prisoners. Mass pardons were a regular phenomenon under Niazov: those pardoned had to acknowledge their guilt, ask for forgiveness, and praise the president. It is known that people released under the first of the Berdymukhamedov pardons, in August 2007, went through a similar process.

The presidential order of August 9 was for the release of 11 prisoners, including Nasrullah ibn Ibadullah, the former chief mufti of Turkmenistan, who had been serving a 22-year sentence on politically motivated charges. The second presidential

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<sup>14</sup> Berdymukhamedov proposed this new policy during the session of the cabinet of ministers of Turkmenistan on October 9, 2007. See *Neitralnyi Turkmenistan* #196, August 10, 2007. He repeated it during the speech in Columbia University, New York. "Turkmenistan: President Says Press, NGOs Operate Freely," Radio Free Europe/Radio Liberty.





imprisonment.<sup>23</sup> No information on these cases was published in official Turkmenistan sources at the time of arrest or trial. Rejepov senior is still in prison. Given Rejepov senior's closeness to Niazov, an open trial could not only have allowed to assess the charges against him, but also to facilitate review of his possible involvement in human rights abuses committed during his years at the heart of the regime.

The case demonstrates at minimum that the new government continues to operate behind closed doors rather than allow open and transparent review of possible official criminal action. Human Rights Watch is concerned that court hearings of political figures are still held secretly, in violation of the right to a fair and public trial.

Also released in October were mother and son Aina Shikhmuradova and Aman Shikhmuradov, close relatives of Boris Shikhmuradov. Their case illustrates how phenomena such as pressure on and collective punishment of relatives of imprisoned politicians have persisted under Berdymukhamedov.

On June 27, 2007, Aina and Aman Shikhmuradov were sentenced each to three years' imprisonment on charges of bribery and forging documents, because Shikhmuradova had allegedly given US\$160 and documents to a driving school instructor who had promised to help expeditiously arrange a driving test for her son.<sup>24</sup> According to information received by Human Rights Watch from an independent source, Shikhmuradova had prior to this had a conversation with a Radio Free Europe/Radio Liberty (RFE/RL) correspondent, which may have precipitated the charges against her. Furthermore, after Niazov's death she had appealed to the newly created Commission on the Actions of Law Enforcement Bodies with a request to review the cases of Boris and two other relatives, her husband, Konstantin Shikhmuradov and their son Murad. She received an answer only with regard to Murad, which stated only that he was "justly" sentenced.<sup>25</sup>

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<sup>23</sup> Foreign Policy Association, "Turkmenistan: Kingmaker's Wheel of Fortune," <http://centralasia.foreignpolicyblogs.com/2007/08/03/turkmenistan-kingmakers-wheel-of-fortune/> (accessed October 30, 2007), citing fergana.ru.

<sup>24</sup> On July 10, 2007, an appellate court upheld the initial sentence.

<sup>25</sup> Human Rights Watch interview with expert from Turkmenistan, date and location withheld. Murad Shikhmuradov had been sentenced in 2001 to 20 years' imprisonment.

The relatives of several imprisoned former government officials reported that prison officials have threatened inmates that they will not be included in pardon lists if their cases are raised abroad, and for this reason these relatives have asked Human Rights Watch not to engage in advocacy on their behalf. One exiled former governmental official reported increased pressure on his relative in custody when his case was discussed internationally.<sup>26</sup>

### *Political Prisoners Under Niazov Still in Custody*

The following list of political prisoners is meant to be illustrative rather than comprehensive. Many of these cases were not investigated directly by Human Rights Watch, but the allegations of trumped-up charges or miscarriage of justice are widely publicized and merit thorough investigation.

#### **Civil society activists**

In August 2006 Annakurban Amanklychev, Sapardurdy Khajiev, and Ogulsapar Muradova, affiliated with the Turkmenistan Helsinki Foundation, were sentenced in a closed trial to prison terms of six to seven years on false charges of “illegal weapons possession.” They had been arrested in Ashgabad in June 2006. President Niazov publicly accused the three of “subversive activities” and “gathering slanderous information to spread public discontent.” Security services also cited Amanklychev’s participation in human rights trainings in Poland and Ukraine and his work with British and French journalists who visited Turkmenistan and reported on the human rights situation.<sup>27</sup> The whereabouts of Annakurban Amanklychev and Sapardurdy Khajiev remain unknown.<sup>28</sup>

Ogulsapar Muradova died in custody in September 2006 and no reliable investigation of her death was conducted. Turkmen authorities declared that

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<sup>26</sup> Human Rights Watch interview with exiled former government official, October 11, 2007.

<sup>27</sup> Amnesty International, “Turkmenistan: Victims Need Justice now - a Compilation of Cases,” AI Index: EUR61/004/2007, February 8, 2007, <http://web.amnesty.org/library/index/engEUR610042007> (accessed November 1, 2007). Human Rights Watch, *World Report 2007* (New York: Human Rights Watch, 2007), Turkmenistan chapter, <http://hrw.org/englishwr2k7/docs/2007/01/11/turkme14831.htm> (accessed November 2, 2007).

<sup>28</sup> Human Rights Watch email correspondence with Tadzhiagul Begmedova, Turkmenistan Helsinki Initiative for Human Rights, August 30, 2007.

Muradova “died of natural causes.”<sup>29</sup> Muradova was held incommunicado throughout her detention (almost three months from June 18). Muradova’s son, Berdy Muradov, was summoned on September 14, 2006, to the morgue to collect his mother’s body. Authorities first refused to show him Muradova’s body and threatened unspecified consequences if he did not stop asking to see it. When Muradova’s body was finally delivered to their home, he noticed a wound on her head.<sup>30</sup>

### **Longest-serving political prisoner**

Also still incarcerated is the country’s longest serving political prisoner, Mukhametkuli Aymuradov. He was convicted in 1995 of trumped-up charges of anti-state crimes, including “attempted terrorism,” and sentenced to 12 years’ imprisonment. He and his co-defendant Khoshali Garaev were associated with the former Foreign Minister Boris Shikhmuradov, who in the early 1990s was an exiled rival of Saparmurad Niazov. In December 1998 both men were sentenced to an additional 18 years’ imprisonment in connection with an alleged prison escape attempt. Khoshali Garaev died in prison in 1999. Aymuradov is in a maximum security prison in the city of Turkmenbashi. He has very limited contact with his family, and is reported to be in very poor health.<sup>31</sup>

### **People imprisoned in relation to the 2002 armed attack on President Niazov**

The fate and whereabouts of more than 50 prisoners convicted in relation to the November 2002 armed attack on Niazov—including Boris Shikhmuradov and Batyr Berdiev—remain unknown, though as noted above Berdymukhamedov has said publicly that they are alive. There are unconfirmed reports that most of this group are

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<sup>29</sup> Human Rights Watch, *World Report 2007*, Turkmenistan chapter, (New York: Human Rights Watch, 2007), <http://hrw.org/englishwr2k7/docs/2007/01/11/turkme14831.htm> (accessed November 2, 2007).

<sup>30</sup> “Turkmenistan: Journalist Dies in Custody, Authorities Must Permit Independent Forensic Examination,” Human Rights Watch news release, September 15, 2006, <http://hrw.org/english/docs/2006/09/15/turkme14201.htm>.

<sup>31</sup> Amnesty International, “Turkmenistan: Victims Need Justice now - a Compilation of Cases.” Further details on the background of the case of Aymuradov and Garaev are available at “Turkmenistan. Mukhametkuli Aymuradov and Khoshali Garaev: Possible Prisoners of Conscience,” Amnesty International, AI Index: EUR 61/002/1999, January 1, 1999 <http://web.amnesty.org/library/Index/ENGEUR610021999?open&of=ENG-TKM> (accessed November 2, 2007). The court verdict on the Aymuradov and Garaev case is on file with Human Rights Watch.

being held in strict isolation in the Ovadan-Depe prison, near Ashgabat.<sup>32</sup> The August 2007 presidential pardon included two people imprisoned on charges directly related to the attack and two relatives of main defendants,<sup>33</sup> and the September pardon included one such individual.<sup>34</sup> By the beginning of 2008, the five-year term to which some of defendants were sentenced to spend in “restricted detention” (as part of longer prison sentences) is due to expire.<sup>35</sup>

The investigations and subsequent trials following the assassination attempt were characterized by a blatant disregard for basic due process and fair trial standards. The OSCE Moscow Mechanism rapporteur on Turkmenistan, Prof. Emmanuel Decaux, characterized them as “political justice.”<sup>36</sup> The trials were closed, and defendants were held incommunicado and not granted counsel of their choice. In some cases defense counsel had little or no notice prior to the beginning of court hearings. “Confessions” by some defendants were broadcast on television, including by Shikhmuradov, Berdiev, former chairman of parliament Tagandurdy Khallyev, and the former head of Gayrat (a private corporation) Guwanch Jhumaev, his son Timur and father Rozy.<sup>37</sup> Reports suggested that these “confessions” were scripted and likely the result of torture and mind-altering drugs administered in custody. Human

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<sup>32</sup> Amnesty International, “Turkmenistan – The clampdown on dissent and religious freedom continues,” AI Index: 61/003/2005, May 2005, [http://web.amnesty.org/library/pdf/EUR610032005ENGLISH/\\$File/EUR6100305.pdf](http://web.amnesty.org/library/pdf/EUR610032005ENGLISH/$File/EUR6100305.pdf) (accessed November 2, 2007).

<sup>33</sup> Yusup Khaidov is the only person included in the pardon who was listed among 56 people officially charged with the 2002 plot. The list was published in January 2003 in Adolat law weekly. Nasrullah ibn Ibadullah, the former chief mufti of Turkmenistan, was charged with involvement in the plot at a later stage. Esenaman Yklymov, a nephew of Saparmurad Yklymov, a member of the political opposition in exile, and Olga Prokofieva, reportedly a civil union partner of Yklym Yklymov, were released as well. Yklym Yklymov is Saparmurad Yklymov’s brother and was sentenced to life imprisonment in relation to the attack, Esenaman Yklymov, was sentenced to five years in jail by the Supreme Court of Turkmenistan for “illegal possession of ammunition” on January 13, 2003. Relatives are believed to be imprisoned as part of “collective punishment” practices.

<sup>34</sup> Dovlet Nyazdurdyev, a nephew of Saparmurad Yklymov.

<sup>35</sup> “Restricted detention” in practice has meant prolonged incommunicado detention, which is prohibited by international law. Most of the defendants were sentenced in December 2002 and January 2003, so the term should expire in December 2007 and January 2008.

<sup>36</sup> Organization for Security and Co-operation in Europe (OSCE), Prof. Emmanuel Decaux, OSCE Rapporteur’s Report on Turkmenistan, March 12, 2003, [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/EoC19712A5C9BD03802570B7005A56AA/\\$file/oscereport303.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/EoC19712A5C9BD03802570B7005A56AA/$file/oscereport303.pdf) (accessed October 30, 2007).

<sup>37</sup> Ibid.

Rights Watch received credible reports of ill-treatment and torture of suspects. Methods reportedly included suffocation with plastic bags, beatings with batons, food and sleep deprivation, and injection of unknown narcotics.<sup>38</sup> Amanmukhamet Yklymov made a public statement in court describing how he had been tortured but the court disregarded it.<sup>39</sup>

Life imprisonment as a punishment was added to the Criminal Code of Turkmenistan after Boris Shikhmuradov was already sentenced to serve 25 years' imprisonment, and the People's Council, a nominally representative, rather than judicial body, handed him the harsher sentence, despite the fact that the Criminal Procedure Code of Turkmenistan provides that only courts can adjudicate criminal cases.<sup>40</sup>

Relatives of many suspects were also detained and subjected to torture and psychological pressure in an effort to force them to incriminate their loved ones or, in cases where the suspects remained at large, to disclose their whereabouts. Many remain in detention. No investigation into the torture allegations was conducted.<sup>41</sup>

An individual recently released from the Ovadan-Depe prison reported that inmates sentenced for the 2002 attack are treated more harshly than others, that they are beaten for the smallest infraction of prison rules, and that they were severely beaten in spring 2007, in retaliation for passing on to the outside information about their condition in custody.<sup>42</sup> Human Rights Watch is also aware of unconfirmed reports that eight defendants in the 2002 plot case have died in detention.<sup>43</sup>

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<sup>38</sup> Human Rights Watch, *World Report 2004* (New York: Human Rights Watch, 2004), Turkmenistan chapter, <http://hrw.org/english/docs/2003/12/31/turkme7274.htm>. See also press releases of Moscow Human Rights Center "Memorial" at <http://www.memo.ru/hr/politpr/asia/r3p.shtml>. For a detailed account of the 2002 arrests, trials and public confessions, see Decaux, OSCE Rapporteur's Report on Turkmenistan, citing, inter alia, numerous reports by Human Rights Center "Memorial."

<sup>39</sup> "Turkmenistan: Repression continues" ("Туркменистан: репрессии продолжаются"), Human Rights Center "Memorial," January 23, 2003, [http://www.memo.ru/hr/politpr/asia/2004/pres-tu/\\_arest9.htm](http://www.memo.ru/hr/politpr/asia/2004/pres-tu/_arest9.htm), (accessed November 2, 2007).

<sup>40</sup> Criminal Procedure Code of Turkmenistan, article 10.

<sup>41</sup> Human Rights Watch, *World Report 2003*, Turkmenistan chapter, (New York: Human Rights Watch, 2003), <http://hrw.org/english/docs/2003/12/31/turkme7274.htm> (accessed November 2, 2007).

<sup>42</sup> Human Rights Watch interview with an expert from Turkmenistan who spoke with the former inmate, date withheld.

<sup>43</sup> Online journal *Oasis* published information on 10 possible deaths. "Alumnus' Day" ("День 'выпускника'"), *Oasis* #19 (63), October 2007, <http://www.ca-oasis.info/oasis/?jrn=64&id=493> (accessed October 30, 2007).



Ataev is said to still be imprisoned although Human Rights Watch is not able to independently confirm this. The Turkmen Initiative for Human Rights, an independent, Vienna-based organization, reports that Ataev's wife was sentenced as well and remains in the women's prison.<sup>47</sup> Human Rights Watch is not able to assess the substance of the charges or the fairness of the trial, but the timing and circumstances of the criminal charges indicate a political motivation.

Payzgeldi Meredov, a former agriculture minister, and his two sons, Kurban Meredov and Batyr Meredov, were detained by the Ministry of National Security on July 29, 2007. Kurban and Batyr were released after being interrogated for four days, but Payzgeldi Meredov has continued to be held in detention. His daughter Maya Meredova reports that Payzgeldi Meredov is being kept in an isolation cell in the Ministry of National Security under inhuman conditions, with poor hygiene despite his serious health problems (Meredov had been receiving treatment for hepatitis B for the past year, including injections almost on a daily basis and a special diet; he also suffers from high blood pressure and diabetes).<sup>48</sup> According to Maya Meredova, her father has not yet been charged;<sup>49</sup> we could not independently confirm whether Meredov was not charged or the family is not informed about the charges against him. Turkmen criminal procedure establishes a one-month limit for custody, after which the detainee must either be charged or released.<sup>50</sup>

## Freedom of Expression and Access to Information

The new government of Turkmenistan has retained nearly all the draconian restrictions on freedom of expression that marked the Niazov period.<sup>51</sup> Virtually the

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<sup>47</sup> "Wives of the convicted officials also charged," Turkmen Initiative for Human Rights, April 16, 2007.

<sup>48</sup> Article 13 of the Criminal Procedure Code of Turkmenistan stipulates that if a person is kept in detention, the condition shall not represent a danger for his/her health or life.

<sup>49</sup> Human Rights Watch telephone interview with Maya Meredova, August 24, 2007. Human Rights Watch email correspondence with Maya Meredova, Georgia, September 6 and October 9, 2007.

<sup>50</sup> The Criminal Procedure Code of Turkmenistan establishes the following time limits for detention of a suspect before he/she is officially charged with committing a crime: up to 72 hours for initial detention; up to 10 days if the prosecutor issued a warrant for "preventive measure of temporary detention" but did not bring any charges. After 10 days, either charges shall be brought or a person shall be released (Article 79). Article 13 of the Criminal Procedure Code also provides for the release of a person detained beyond the terms established by law.

<sup>51</sup> Reporters Without Borders described Turkmenistan as having "the world's worst press freedom record along with North Korea," Reporters Without Borders, Annual Report 2007 – Europe "The temptation to ban," [http://www.rsf.org/rubrique.php?id\\_rubrique=663](http://www.rsf.org/rubrique.php?id_rubrique=663) (accessed November 2, 2007). Other civil liberties monitors characterize





the moment by the central authorities. However, the officer allegedly said, “We have other means of dealing with you. You can always get beaten by someone, and it will be presented as an ordinary crime. We have different scenarios ready; all we need is the permission from our bosses. The usual way would be to find someone who is a drug-addict, and make him kill the person, then put him to trial and then get him pardoned and released. Get ready, we are moving towards a new phase of interaction.”<sup>58</sup>

Several foreign journalists, in particular those working in Russia, visited Turkmenistan in 2007.<sup>59</sup> Nonetheless, the country continues to restrict foreign media access to the country. For example Arkady Dubnov, a Central Asia expert from the Russian newspaper *Vremya Novostei*, was banned from entering Turkmenistan, despite being a member of the delegation accompanying President Putin during his official visit to Ashgabat in May 2007.<sup>60</sup>

A major European broadcast corporation requested visas to Turkmenistan at the end of January 2007 in order to film a documentary. After four months of waiting for a reply and contacting the embassy, the journalists were informed by an embassy official that “if it takes that long, it means you will not get the visas.”<sup>61</sup>

### *Access to the Internet*

Turkmenistan has one of the lowest per capita internet user rates in the world, and the NGO Reporters Sans Frontières has documented the government’s filtering, blocking, and other abusive practices that violate the right to freedom of expression, access to information, and the right to privacy of those few who do use the internet

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<sup>58</sup> Interview with an expert on human rights from Turkmenistan, date and location withheld. Name of the journalist is on file with Human Rights Watch.

<sup>59</sup> Notably, a *New York Times* correspondent was able to travel to Turkmenistan for a series of articles published in July 2007. See CJ Chivers, “Behold Turkmenistan’s Marvels! (Authorized Version),” *New York Times*, July 19, 2007, <http://www.nytimes.com/2007/07/19/world/asia/19turkmenistan.html?ex=1342497600&en=oc29afc7f1efc706&ei=5088&partner=rssnyt&emc=rss>; CJ Chivers, “Heroin Seizes Turkmenistan, a Nation Ill Equipped to Cope,” *New York Times*, July 11, 2007, [http://www.nytimes.com/2007/07/11/world/asia/11turkmen.html?\\_r=1&oref=slogin](http://www.nytimes.com/2007/07/11/world/asia/11turkmen.html?_r=1&oref=slogin); CJ Chivers, “Seeking the Persona of New Turkmen Leader,” *New York Times*, July 11, 2007, <http://www.nytimes.com/2007/07/05/world/asia/05turkmenistan.html>

<sup>60</sup> Feruza Djani interview with Arkady Dubnov, Ferghana.ru, May 11, 2007, <http://www.ferghana.ru/article.php?id=5132>.

<sup>61</sup> Human Rights Watch telephone interview with one of the journalists who applied for a Turkmen visa, August 16, 2007.





received phone calls warning them not to leave their homes during a visit to Turkmenistan by an OSCE Parliamentary Assembly delegation.<sup>68</sup> The telephone lines of three activists did not work the entire day of the visit. As was common practice in previous years, Ministry of National Security (MNB) agents waited in cars parked close to the activists' homes to ensure that they would not meet with delegation members. A similar pattern was repeated several days later, during a visit by a delegation led by European Union Special Representative for Central Asia Pierre Morel on February 15. Activists received similar warnings with regard to the May 3-4 visit to Turkmenistan by the United Nations high commissioner for human rights. One activist was held at the MNB for an entire day, until the end of the high commissioner's stay.<sup>69</sup> An exiled opposition member also reported to Human Rights Watch that his relative was forced to remain in the MNB building for the whole day during one of the international visits.<sup>70</sup>

The security services continue to summon activists for "friendly conversations" in order to secure information about planned conferences, meetings, and other activities and to remind activists that they are constantly being watched. Activists report that their telephone calls are monitored by the security services, and in some instances officers conducted operations clearly based on information obtained through such tapped conversations. In one such "friendly conversation" in spring 2007, a security officer threatened an activist that he could "simply disappear" if he continues his work.<sup>71</sup>

There have been oral assurances of improved access for UN treaty bodies and special procedures, for example, a visit is planned for the Special Rapporteur on religion. Nevertheless, it is impossible for foreign or domestic organizations to conduct research for comprehensive, independent documentation of human rights violations.

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<sup>68</sup> To protect their personal safety, we are withholding the names of these individuals. The names are on file with Human Rights Watch.

<sup>69</sup> Human Rights Watch interview with expert from Turkmenistan, date and location withheld.

<sup>70</sup> Human Rights Watch telephone interview with exiled politician, September 5, 2007.

<sup>71</sup> Human Rights Watch interview with expert from Turkmenistan, date and location withheld.

## Violations of Freedom of Religion and Belief

In August the Turkmen government received a delegation from the US Commission for International Religious Freedom (USCIRF), which sought to assess the government's commitment to improve human rights, and in particular the right to freedom of religion.<sup>72</sup> The USCIRF report on its findings was not available as this briefing paper went to press. However, the independent organization Forum 18 News Service reports that since President Berdymukhamedov took office, there has been a rise in repression of peaceful religious activities of Baptists, Protestants, and Jehovah's Witnesses in Turkmenistan. Congregations that cannot get legal status because of official hostility or refuse to register with the authorities— such as one particular network of Baptist churches—are particularly singled out for persecution. But registered congregations of various faiths also suffer tight restrictions and, at times, persecution.<sup>73</sup>

Vyacheslav Kalataevsky, a Baptist and a Ukrainian citizen, was sentenced to three years in a labor camp on May 14, 2007. Although the official charges against him were illegal border crossing, his family reports that most of the questions asked of him during pretrial interrogations related to Kalataevsky's religious activities. The residence permit of Kalataevsky (who was born in Turkmenbashi—then Krasnovodsk—but holds a Ukrainian passport) was suddenly revoked by the authorities and he was summarily deported from Turkmenistan in 2001. Forum 18 reports that it was part of the campaign of expelling all foreign citizens prominent in Muslim, Protestant, Jehovah's Witness and Hare Krishna communities. He came back to Turkmenistan a week after deportation. He was arrested six years later when he tried to legalize his residency.<sup>74</sup> Kalataev was included in the presidential pardon of October 2007, and is now kept in police detention while the authorities decide on the issue of his possible deportation.<sup>75</sup>

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<sup>72</sup> "USCIRF Delegation Travels to Turkmenistan to Assess Religious Freedom Conditions," US Commission on International Religious Freedom, August 28, 2007,

<http://www.uscirf.gov/mediaroom/press/2007/August/USCIRF%20Delegation%20Travels%20to%20Turkmenistan.html>.

<sup>73</sup> Human Rights Watch telephone interview with Felix Corley, Forum 18, October 31,

<sup>74</sup> Felix Corley, "Turkmenistan: Baptist prisoner of conscience moved, another Baptist still held, a third Protestant still denied family reunification," *Forum 18*, July 3, 2007 [http://www.forum18.org/Archive.php?article\\_id=986](http://www.forum18.org/Archive.php?article_id=986).

<sup>75</sup> Felix Corley, "Turkmenistan: Four prisoners amnestied, one to be deported?," *Forum 18*, October 9, 2007.

[http://www.forum18.org/Archive.php?article\\_id=1031](http://www.forum18.org/Archive.php?article_id=1031) (accessed October 31, 2007). Human Rights Watch telephone interview with Felix Corley, October 31, 2007.

Russian citizen Yevgeny Potolov, a Baptist pastor arrested with Kalataevsky, was expelled from Turkmenistan in early July 2007 after being illegally detained for seven weeks for his religious activities. On August 12, 2007 Potolov's wife and children received deportation threats from local officials in Turkmenbashi.<sup>76</sup>

According to another Forum 18 report, members of a Protestant church in a village near the northeastern town of Turkmenabad had their houses raided and searched by local officials and state security personnel on May 20, 2007. On the following two days, public meetings were held attended by local government officials, the collective farm chairman, national security officers, police, and the local mullah. Church members were publicly humiliated at these meetings and threatened that electricity, gas and water supplies to their homes would be cut off, that their children would be expelled from school, and that they would not be given farm land to cultivate if they did not stop attending Protestant services. Local government representatives accused the believers of conducting criminal activity and political action against the government.<sup>77</sup>

## Restrictions on Freedom of Movement

The government under Berdymukhamedov has softened some restrictions on freedom of movement. For example, it formally abolished the requirement that residents wishing to travel to closed areas along the border obtain prior government permission; diplomats have said that locals are now able to go freely to these areas, though it is difficult to otherwise verify independently whether the ban has been lifted in practice. Human Rights Watch has on file information about at least seven individuals who have been removed from the list of people forbidden to travel abroad.<sup>78</sup>

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<sup>76</sup> Geraldine Fagan, "Turkmenistan: Jehovah's Witness jailed, Baptist family threatened with deportation," *Forum 18*, August 15, 2007, [http://www.forum18.org/Archive.php?article\\_id=1008](http://www.forum18.org/Archive.php?article_id=1008).

<sup>77</sup> Felix Corley, "Turkmenistan: It seems the bad times are coming back," *Forum 18*, May 25, 2007, [http://www.forum18.org/Archive.php?article\\_id=963](http://www.forum18.org/Archive.php?article_id=963).

<sup>78</sup> Among them is Merdan Shirmedov, a Protestant pastor who since January 2007 had been denied permission to leave Turkmenistan to join his pregnant wife in the United States. She eventually gave birth while he was still in Turkmenistan. He was subsequently permitted to leave the country to join his wife on August 20, 2007. Three relatives of one exiled opposition member were also permitted to leave the country; two of the three had previously been banned from foreign travel. In addition, two other civil society activists have been able to travel abroad.

Nonetheless, restrictions on freedom of movement are still a major concern. Numerous people, including journalists, religious minorities, and perceived dissidents and their relatives, remain on a blacklist banning them from leaving the country. The law on migration contains a provision that citizens of Turkmenistan can be temporarily restricted from leaving the country if, among other reasons, their travel contradicts the interests of the country's national security.<sup>79</sup> It also permits restrictions with regard to individuals who have been "sentenced for crimes with dangerous recidivism" or are "under administrative supervisions of the police."<sup>80</sup> No published procedures, however, establish the criteria and process for subjecting an individual to such restrictions. This clause raises concern for individuals who are released upon presidential pardon and then routinely are placed under the supervision of the police.<sup>81</sup>

The government has used the informal practice of forbidding people from foreign travel as a substitute for the now formally abolished exit visas. Beginning in the spring of 2007, individuals could, in theory, obtain information as to whether they are subject to the travel ban by appealing to a special department of the State Service for the Registration of Foreign Citizens. In some cases, the department disclosed information on the government agency that imposed the travel ban, but did not provide reasons explaining why the travel was forbidden, nor did it provide information in writing.<sup>82</sup>

The experience of a young journalist who was invited to an international training session in April 2007 illustrates the chaotic process by which people learn they are banned from foreign travel. This woman's planned trip would have been her first travel abroad, she had never encountered problems with authorities before, and she is not subject to criminal investigation or a civil lawsuit. The border control officer took her passport, asked her whether her residence registration address was correct,

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<sup>79</sup> Law of Turkmenistan on Migration, Article 32.

<sup>80</sup> *Ibid.* Restrictions can apply until the criminal record or administrative supervision is cancelled.

<sup>81</sup> Human Rights Watch interviews with two experts on human rights from Turkmenistan, October 31, 2007. The experts reported Andrey Zatoka and a released relative of an exile opposition member to be under the official supervision of district policeman (*uchastkovyi*). It is unclear what governmental agency has discretion to apply the "administrative supervision" clause to ban people from traveling.

<sup>82</sup> Human Rights Watch interview with expert from Turkmenistan, date and location withheld.

and disappeared for about 20 minutes. She was then informed that she should collect her luggage and documents and return home. The reasons for prohibiting her travel were not explained. Before leaving the airport, she was called to a man in a police uniform who added her name to a list.<sup>83</sup>

The barriers to doing thorough research in Turkmenistan make it difficult to estimate the exact number of people forbidden from foreign travel; several knowledgeable sources believe the number to be in the thousands.<sup>84</sup> Below are examples of individuals who have been formally or informally forbidden from travel abroad. In some of these cases it is unclear whether the decision to forbid travel abroad derived from the object of travel—for example, for international gatherings, seminars, and the like—or from the profile of the person seeking to travel.

- *Larisa Aranbaeva*, civil society activist, banned from travelling to an international conference in 2005, and remains on the list since then.<sup>85</sup>
- *Andrey Zatoka*, prominent environmental activist, who received a suspended sentence in January (see above). Zatoka tried to travel in April after he received oral permission from the police officer who supervises him. However, he was banned from traveling and informed that it was an order of the Ministry of National Security. When he appealed to the MNS for explanations, he was informed that he is banned from traveling at least “before an amnesty.” He is not aware of his status now, having been included in the presidential pardon in October 2007.<sup>86</sup>
- *Svetlana Mamedova*, journalist, was going to attend an OSCE conference on freedom of expression in Vienna and was prevented from leaving Turkmenistan on June 12, 2006. Her current status is unknown.<sup>87</sup>

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<sup>83</sup> Human Rights Watch interview with the journalist, October 10, 2007.

<sup>84</sup> Vitaly Ponomarev, of the Moscow-based Human Rights Center “Memorial,” assesses that in the last years under Niazov the lists included about 19,000 persons. Farid Tuhbatullin from Turkmen Initiative for Human Rights puts the figure in 2007 at “about 4,000.” We could not confirm any of these figures.

<sup>85</sup> Expert on human rights from Turkmenistan, date and location withheld.

<sup>86</sup> Human Rights Watch email correspondence with expert on human rights from Turkmenistan, October 31, 2007.

<sup>87</sup> Farid Tuhbatullin, “OSCE is losing itself,” Supplementary Human Dimension Meeting on Protection and Promotion of Human Rights: Responsibilities and Effective Remedies Vienna, OSCE, PC.SHDM.NGO/22/07, July 12, 2007, [http://www.osce.org/documents/odihr/2007/07/25550\\_en.pdf](http://www.osce.org/documents/odihr/2007/07/25550_en.pdf), (accessed November 2, 2007).

- *Gulzhahan Babaeva*, defense attorney, was going to attend an OSCE conference together with Mamedova. Her current status is unknown.<sup>88</sup>
- *Sazak Begmedov* – the father of Tajigul Begmedova, head of the Bulgaria-based Turkmenistan Helsinki Foundation. Begmedov, a former prosecutor, was forcibly resettled from Ashgabat to Dashoguz in 2003, where he remains. He is also prohibited from traveling internationally.<sup>89</sup>
- Children and relatives of *Ogulsapar Muradova*, including *Sona Muradova*, *Berdy Muradov*, *Maral Hurmuradova*, *Baymurad Hurmuradov* and *Aisoltan Muradova*.<sup>90</sup>
- *Shageldy Atakov*, Baptist minister, who was prevented from leaving Turkmenistan in May 2006 and June 2007.<sup>91</sup>
- In July 2007 the minor children of the *Yusupov* family were banned from travelling. Their parents, who currently live in Russia, are under criminal investigation for financial wrongdoing.<sup>92</sup>

## Recommendations

### On Political Prisoners:

- Release all those imprisoned for acts of peaceful political dissent. This would include, among others, Annakurban Amanklychev, Sapardurdy Khajiev, and Mukhametkuli Aymuradov.
- Establish a nationwide process to ensure a remedy for victims of injustice during the Niazov era that would involve impartial review of criminal charges laid against political figures and dissidents, the fairness of criminal proceedings in such cases, and where appropriate reparations for violations of human rights.

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<sup>88</sup> “Антиниязовские элементы” выступили на форуме ОБСЕ в Вене,” *centrasia.ru*, July 26, 2007, <http://www.centrasia.ru/newsA.php4?st=1153899600> (accessed November 2, 2007).

<sup>89</sup> Email correspondence with Tazhigul Begmedova, Turkmenistan Helsinki Foundation for Human Rights, August 29 and November 1.

<sup>90</sup> *Ibid.*

<sup>91</sup> Felix Corley, “Turkmenistan: Baptist prisoner of conscience moved, another Baptist still held, a third Protestant still denied family reunification,” *Forum 18*, July 3, 2007 [http://www.forum18.org/Archive.php?article\\_id=986](http://www.forum18.org/Archive.php?article_id=986).

<sup>92</sup> Expert on human rights from Turkmenistan, date and location withheld.

**On the treatment of all persons in custody:**

- Provide immediate medical treatment to all prisoners whose health is at risk. This includes Payzgeldy Meredov, who should be promptly released pending investigation into his unlawful detention and to ensure compliance with criminal procedure legislation, including the requirement to release a suspect if detained beyond the time limits established by law.
- Ensure prompt access to court records and guarantee all due process rights for all defendants.
- Allow independent international monitors, including the International Committee of the Red Cross, free access to all places of detention and all detainees.
- Allow independent investigations to be conducted into the death in custody of Ogulsapar Muradova and Khoshali Garaev and make their results public.

**On Religious Freedom:**

- Stop intimidation of representatives of Baptist, Protestant, Jehovah's Witnesses and other religious communities.

**On Freedom of expression and media freedoms:**

- Allow independent media outlets to register and function without interference. Cease all harassment and intimidation of independent journalists, stringers for foreign media outlets, and the like.

**On Freedom of Movement:**

- Allow all residents to leave and return to the country without government interference, including Larisa Aranbaeva, Andrey Zatoka, Shageldy Atakov, Svetlana Mamedova, Gulzhahan Babaeva, Sazak Begmedov, and Olgusapar Muradova's children and their families, as well as other activists, journalists, religious minority representatives, and the relatives of dissidents and members of the political opposition.
- Promptly and proactively inform those who have been forbidden from travel abroad that there are now free to travel; abolish general travel ban lists, and ensure that restrictions on travel are imposed only as an exceptional measure that is capable of challenge in the courts.

- Allow exiled opposition figures to return to Turkmenistan and exercise fully their political and other human rights.

#### **On Improving Transparency:**

- Allow independent NGOs to work without government interference.
- Promptly extend invitations to the thematic special procedures of the United Nations that have requested visits to Turkmenistan, including the special rapporteurs and special representatives of the secretary general on torture, education, health, human rights defenders, independence of judges and lawyers, the right to freedom of opinion and expression, and the Working Group on arbitrary detention.
- Also extend a standing invitation to all the United Nations thematic special procedures.
- Allow independent human rights, environmental, election monitoring, and democracy promotion groups as well as organizations working in the interests of vulnerable groups to visit Turkmenistan and conduct their work unhampered and without reprisals against those with whom they come into contact.
- Present overdue reports to the United Nations Human Rights Committee, Committee Against Torture, and Committee on Economic, Social and Cultural Rights as well as to the International Labour Organization. Participation by civil society groups in drafting and discussing the reports should be encouraged.
- Bring legislation on public associations into line with international standards with assistance sought from international experts. New legislation should annul the Ministry of Justice's authority to interfere with NGO activities, abolish the prohibition on activities of unregistered organizations, and simplify the registration and grant registration procedures. Registration should be defined as a state service rather than a granting of permission. Strict short deadlines for the ministry on registering organizations and issuing the documents to the applicants should be established by law.
- Establish a genuinely pluralistic political environment, including registration of alternative political parties, and conditions for future elections to be conducted in accordance with democratic standards as determined by OSCE Copenhagen commitments.