



Turkmenistan: Human Rights Update

Human Rights Watch Submission to the EBRD

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Summary

Turkmenistan is one of the most repressive countries in the world. The government systematically violates virtually all civil, political, economic, social, and cultural rights. Little has changed in Turkmenistan's human rights record since the EBRD adopted its country strategy for Turkmenistan in 2002. If anything, conditions have worsened. Since the reported attempt to assassinate President Sapamurat Niazov on November 25, 2002, persecution of real and perceived opponents of the government has intensified. The rights of ethnic and religious minorities have particularly deteriorated during the past year. As the Bank itself concluded in 2002, conditions in Turkmenistan are sharply at variance with the EBRD's Article 1 requirements and make it virtually impossible for the Bank to effectively function there. Human Rights Watch recommends the suspension of all EBRD lending to Turkmenistan until fundamental improvements have been made. Below we provide a summary overview of the current human rights landscape, followed by a proposed set of concrete benchmarks for measuring improvements.

We encourage the EBRD to adopt these benchmarks as part of its new country strategy for Turkmenistan. A benchmarks approach that clearly spells out the concrete improvements that the EBRD expects to see would significantly enhance the current strategy, which identifies a number of important reform challenges in the political sphere, but stops short of articulating the specific steps that the government would need to take in order to address them. The proposed approach would also establish a process that allows for more direct engagement by other international actors and civil society to help advance progress in the areas identified by the EBRD.

Absence of Political Pluralism

Political power and decision making is concentrated in the office of the president. In 1999, Saparmurat Niazov was made president for life. Although he has vowed to relinquish this office in 2010, it is extremely unlikely that he will in fact step down. There are no political parties registered in Turkmenistan that are independent of the president. There are no known plans to allow independent parties to function in the country.

Turkmen opposition figures were either driven into exile in the early 1990s or imprisoned. The majority of them were released, but after the awful prison experience and constant surveillance most do not dare to speak out again. Even dissidents abroad remain vulnerable and speak out at great risk. For example, on August 6, 2003 Avdy Kuliev, the leader of the United Democratic Opposition of Turkmenistan and a staunch critic of the Niazov government, was severely beaten in Moscow in what appeared to be a politically motivated attack.

Repression of Civil Society and Violations of the Right to Association

No independent human rights organizations are able to operate in Turkmenistan. The government is hostile toward civic organizations in general and has pursued an aggressive campaign to control and limit their activities. In 2003 the government imposed draconian new restrictions on civil society in the form of a new criminal law mandating prison terms and corrective labor for civil society advocates who do not register with the state. The government virtually never registers independent nongovernmental groups.

Some of the few groups that focused their work on seemingly non-controversial themes and that managed to function earlier have now been closed. For example, the past year has witnessed the closure of two ecological groups and a sports group for disabled teenagers. Some key civil society actors have been forced to flee the country, fearing arrest on politically motivated charges.

Censorship of the Media and Persecution of Journalists

There is no freedom of expression in Turkmenistan. A 2002 report by the OSCE Representative on Freedom of the Media stated that, "In light of the state's exclusive monopoly of the media, censorship in Turkmenistan is total." The government subjects all newspaper outlets to pre-publication censorship. Radio and television are tightly

controlled by the government. It has banned most Russian-language media and has introduced draconian measures to limit access to the Internet.

In early May 2004, the Committee to Protect Journalists (CPJ) named Turkmenistan as one of the "Top Ten" worst places in the world to be a journalist. CPJ remarked on the near total absence of any independent media in Turkmenistan, citing as the notable exception broadcasts by Radio Liberty. However, government persecution of Radio Liberty calls into question that outlet's ability to operate. In late 2003 authorities twice detained and tortured Saparmurat Ovezberdiev, an Ashgabat correspondent for Radio Liberty's Turkmen Service. It is believed the detentions and mistreatment were in retaliation for his critical reporting. Even journalists working in Russia are in danger of abuse apparently orchestrated by the government of Turkmenistan. In 2003 Shanazar Berdiev, a Radio Liberty Turkmen Service correspondent, was beaten by unknown assailants in Moscow. Most recently, in April 2004, his father, Makhamedgeldi Berdiev, also a journalist with Radio Liberty and rights activist, was seriously injured by unknown men who raided his home in Moscow and violently attacked him. The elder Berdiev suffered a concussion, fractured ribs, damage to his eye sight, and other injuries. Berdiev believes the assault was in retaliation for his journalism work.

Arbitrary and Illegal Arrest and Unfair Trials

Large numbers of people continue to suffer due to the government's response to the November 25, 2002 attack on President Niazov. At least 100 people were arrested and 57 convicted in relation to the attack. Among those detained were relatives of the exiled political opposition. The trials were closed and defendants were held incommunicado and denied meaningful legal representation. In some cases defense counsel had little or no notice prior to the beginning of court hearings, denying them the opportunity to mount a rigorous defense.

Among those detained are also relatives of the exiled political opposition. Relatives who have not been arrested have been threatened with arrest and subjected to relentless harassment and surveillance. There is little doubt that the intent is to pressure exiles to return, and to compel those in custody to confess or to give testimony incriminating others.

Requests for visits with or information about convicted prisoners to confirm their well-being are denied, particularly in cases involving political prisoners.

There were credible reports that the government of Turkmenistan continued to forcibly commit dissidents to psychiatric institutions.

Torture

Torture is systematic in Turkmenistan. Methods of torture used by police and security services in Turkmenistan include beatings, electric shock, asphyxiation with gas masks or plastic bags, and injection with psychotropic drugs. In the past year credible reports emerged of police and security agents' ill-treatment and torture of suspects as well as a number of deaths in custody resulting from such treatment.

Violations of the Right to Freedom of Movement

Exit Visas Removed, but Practical Barriers Continue

Despite the formal abolition of the exit visa regime in early January 2004, the government still retains the power to arbitrarily deny citizens the right to leave the country. The rights group Turkmenistan Helsinki Initiative has reported the existence of an extensive government "black list" specifying thousands of people who are not permitted to leave the country without government authorization. For example, on February 1, officials at the airport in Ashgabat illegally confiscated the Russian and Turkmen passports of writer Rahim Esenov, rendering him unable to leave the country or move freely inside it. Government permission continues to be required for travel within the country.

Forced Displacement

Members of minority ethnic groups, in particular ethnic Uzbeks, have been forcibly displaced to uninhabitable desert areas of the country.

Internal Exile

The government of Turkmenistan uses the Soviet practice of internal exile as a means of extrajudicial punishment of dissidents and their family members. For example, in August 2003, authorities sent seventy-seven-year-old Sazak Begmedov into internal exile in retaliation for his daughter's human rights work abroad. Begmedov's daughter is an exile

from Turkmenistan and the head of an independent rights group based in Bulgaria. Begmedov was seized by law enforcement agents just twelve days after his daughter founded her group. Law enforcement officers abducted Begmedov, beat him and forcibly deported him to Dashauz, near the border with Uzbekistan. Months later Begmedov was reportedly allowed to return to Ashgabat; the conditions for his release from internal exile remain unknown.

Collective Punishment for Dissent

Relatives of those accused of involvement in the November 25, 2002 events have been persecuted as part of a government program of collective punishment. In addition to condemning relatives of dissidents to internal exile, the government has also exacted other extrajudicial punishments such as confiscation of property and dismissal from their jobs.

Restrictions on Access to Education

The government of Turkmenistan has decimated the country's education system. The elimination of certain core subjects, such as foreign languages from school curricula and emphasis on the Rukhnama (a book written by President Niazov) deprives students of access to basic knowledge and information. Students must now pay tuition to attend university within the country, which eliminates many people's access to higher education in practice. In recent years the government has reduced secondary education by one year, thereby threatening students' access to higher education abroad. President Niazov has also decreed that all higher education degrees received after 1993 from institutions abroad are invalid in Turkmenistan and has ordered that bearers of such degrees will be dismissed from state jobs as of June 1, 2004.

Violations of Religious Freedom

All religions other than Russian Orthodox Christianity and Sunni Islam are illegal in Turkmenistan. In a resolution adopted on April 15, 2004, the United Nations Commission on Human Rights cited government restrictions on the exercise of freedom of thought, conscience, religion and belief, including by the harassment and persecution of members of independent faith groups and the discriminatory use of the registration procedures for such groups.

Members of minority faiths are harshly persecuted. They have been subjected to discrimination, harassment, and even arrest and imprisonment, and have also been threatened with forced deportation. Houses of worship of minority faiths are not permitted and in some cases those that were built earlier have been destroyed, razed by bulldozers on government orders. Unofficial places of religious association are routinely raided by police or else simply shut down. This year saw the closure of the only public place in Ashgabat previously available for gatherings by Jews; no synagogues are permitted in Turkmenistan. Christian Baptists are forced to practice their faith in secret. Hare Krishna groups have reported that their gatherings are regularly raided by police. They recount being interrogated by security services and threatened with fines, arrest, and dismissal from their jobs. Many members of minority religions in Turkmenistan are in fact forced either to renounce their own identity and beliefs or else flee the country.

According to the Russian rights group Memorial, even sanctioned confessions operate under strict government control, and their situation has worsened during the past year. Memorial points, for example, to the government's implementation of restrictions stating only ethnic Turkmen can serve as imams, even in official mosques. The government has reportedly also denied the right of the Russian Orthodox Church to publish its literature and to import literature from abroad.

On March 2, state-approved Sunni Imam Nasrullah ibn Ibadullah, the country's former chief mufti, was sentenced to twenty-two years in prison on charges related to his reported refusal to use the Rukhnama in religious services. Notably, Ibadullah is an ethnic Uzbek and was replaced by an ethnic Turkmen as mufti. On March 29, 2004, President Niazov ordered that no additional mosques are to be built in the country.

Abuse of the Rights of Ethnic Minorities

President Niazov has implemented an aggressive policy to promote ethnic homogeneity in Turkmenistan. The government has closed minority ethnic and cultural centers, and eliminated or sharply limited instruction in foreign languages (including the native languages of ethnic minorities in the country); by 2005 the government will close down all foreign language schools and education will be conducted in Turkmen only.

Ethnic minorities are treated as second class citizens. Ethnic Uzbek, Kazakh, Russian and other non-Turkmen citizens report systematic employment discrimination. Ethnic Azeris have reportedly been compelled to leave Turkmenistan in large numbers after massive purges of state institutions that involved replacing ethnic minorities with new ethnic Turkmen employees.

Cutting off Culture

All non-Turkmen cultural organizations are banned. Key cultural institutions, including the opera, philharmonic, ballet and circus are banned on the grounds that they are not native, and therefore not properly part of Turkmen culture. The government also closed down the Academy of Sciences.

Failure to Cooperate with the International Community

The Turkmen government has persistently refused to cooperate with the international community. Although it has ratified most key United Nations (U.N.) human rights treaties, it has not filed a single report to U.N. treaty bodies. It has failed to comply with the resolutions adopted by the U.N. Commission on Human Rights and the General Assembly in 2003 and 2004. It has also taken no steps to address the comprehensive recommendations issued by the OSCE in its report pursuant to the organization's Moscow Mechanism undertaken in 2003.

Recommended Action

It is crucial that the EBRD maintain the momentum from its previous assessment by adopting a new strategy that makes clear that it expects concrete action on the shortcomings identified. Human Rights Watch recommends that the EBRD extend the existing suspension of lending to public sector projects and also suspend all lending to the private sector until, at a minimum, the government of Turkmenistan meets the following benchmarks for improvement.

Benchmarks

- Register and provide for the unfettered functioning of NGOs, including human rights groups.

- Register genuine independent opposition parties without any affiliation to the president or Democratic Party of Turkmenistan.
- Legalize and register minority religious groups, including non-Orthodox Christians, Jews, Bahais, and Hare Krishnas.
- Re-introduce full-term (four-year) secondary education.
- Allow foreign language (i.e. Turkmen-Uzbek, Turkmen-Russian, and Turkmen-Kazakh) schools to operate.
- Allow an international monitoring agency such as the International Committee of the Red Cross (ICRC) access in accordance with ICRC standards to all persons jailed or detained in connection with the events of November 25, 2002.
- Stop the use of forced displacement, including politically motivated internal exile.
- Submit reports to the relevant U.N. treaty bodies regarding Turkmenistan's obligations under the ICCPR, ICESCR, UNCAT, and ICERD.
- Issue invitations to visit Turkmenistan to the U.N. High Commissioner for Human Rights and the U.N. thematic mechanisms.