



Human Rights Watch Submission to the United Nations Human Rights Committee on Turkmenistan

March 2012

Introduction

The present submission, prepared in advance of the United Nations Human Rights Committee's March 2012 review of Turkmenistan, highlights two specific aspects Human Rights Watch considers central to the Committee's assessment of the Turkmen government's compliance with its obligations under the International Covenant on Civil and Political Rights: the extraordinary levels of repression that characterize the Turkmen government's human rights record, and the fact that the country is utterly closed to any independent human rights scrutiny.

These two features make Turkmenistan stand out even among its neighbors, despite the overall dire conditions reigning throughout the region. They also make the Committee's upcoming review all the more important as a rare opportunity for in-depth, public scrutiny of a government that goes to such great lengths to prevent its highly abusive policies from being exposed.

In the present submission we also highlight an area of concern that we believe is often overlooked in discussions of Turkmenistan's human rights record: human rights violations in the context of ongoing expropriation and demolition of homes in Ashgabat and the surrounding Akhal region.

Our contribution, therefore, should not be seen as presenting an exhaustive overview of concerns, but rather as one that aims to build on and complement contributions by colleague organizations, such as that by the Turkmen Initiative for Human Rights and International Partnership for Human Rights (TIHR/IPHR) whose findings and recommendations we fully endorse.¹

¹ For more on Human Rights Watch's work on Turkmenistan, please see: <http://www.hrw.org/europecentral-asia/turkmenistan>.

We hope our collective contributions will prove useful to the Committee's examination of Turkmenistan, and look forward to its authoritative assessment and recommendations as an important catalyst for much-needed human rights reforms in the country.

A Country Marked by Extraordinary Levels of Repression

Widely recognized as one of the most repressive in the world, the Turkmen government exercises total control of public life. It systematically clamps down on the rights to freedom of expression, association, assembly, movement, and religion. People profoundly fear talking about human rights violations they or their relatives have endured out of fear of government retaliation, and human rights activists in Turkmenistan work under extremely dangerous circumstances. The government threatens, harasses, and imprisons those who openly investigate abuses or question its policies, however modestly. It continues some of the worst human rights practices that were hallmarks of the Soviet era – forcibly detaining dissidents in psychiatric facilities, sending into internal exile those who fall out of government favor, and arbitrarily interfering with citizens' ability to travel abroad. There is a complete void in media freedoms, with all print and electronic media controlled by the state. Many websites remain blocked, and internet cafes require visitors to present their passports.

As described in more detail in the TIHR/IPHR submission, a key concern is the government's use of imprisonment as a tool for political retaliation. As a result of more than two decades of this practice, hundreds and possibly thousands of people have either served or continue to serve lengthy prison terms following closed, unfair trials on politically motivated charges. Well known political prisoners include Annakurban Amanklychev and Sapardurdy Khajiev, who worked with human rights organizations prior to their imprisonment in 2006, and a political dissident, Gulgeldy Annaniyozov, whose relatives have had no information about him since his imprisonment in 2008.

New arrests in the past year (including of Bisengul Begdesenov, Dovlet Yazkuliev, Amangelen Shapudakov, and Jumageldi Mulkiyev) show that the government's practice of political imprisonment continues unabated.²

Concerns over political imprisonment in Turkmenistan are compounded by credible allegations of widespread torture and ill-treatment and of forced disappearances in custody, as highlighted by

² These cases are all highlighted in Human Rights Watch's 2012 World Report chapter on Turkmenistan, available at <http://www.hrw.org/world-report-2012/world-report-2012-turkmenistan>, as well as in the TIHR/IPHR submission.

the UN Committee Against Torture (CAT) on the occasion of its recent review of Turkmenistan. We hope the Human Rights Committee will use its upcoming review to reiterate these pressing concerns and urge the Turkmen government, as a matter of priority, to take the measures recommended by CAT.

A Country Utterly Closed to Human Rights Scrutiny

As noted above, Turkmenistan's exceptionally closed nature has created a human rights monitoring vacuum that makes it stand out even among its highly repressive neighbors. The government has persistently denied access to the country for independent human rights monitors, including no fewer than ten UN special procedures, the International Committee of the Red Cross (ICRC), and non-governmental organizations. The country's prisons remain closed to the outside for observation. No international agency, governmental or nongovernmental, has access to monitor Turkmen detention facilities.

Turkmenistan is also one of very few countries in the world that does not allow access to Human Rights Watch. Since 1999, when we were last able to visit Turkmenistan and meet with government officials and victims of human rights abuses, we have unsuccessfully requested access numerous times. Other international NGOs, such as Amnesty International and International Federation of Human Rights (FIDH) are similarly barred from conducting in-situ human rights research in Turkmenistan. In December 2009, Médecins Sans Frontières (MSF) announced that following repeated rejections on the part of Turkmen authorities of their project proposals, they were forced to close. MSF was the last remaining international humanitarian NGO in Turkmenistan, where it had been since 1999.

Turkmenistan's closed nature makes the Committee's upcoming review both more challenging and significant as an occasion to spotlight the plight of those suffering repression and human rights abuse at the hands of the Turkmen government. We hope to see the Committee make the most of this opportunity, and stand ready to assist it in this important task.

Illegal Evictions, Expropriations, and House Demolitions

For more than a decade, Turkmen authorities have engaged in evictions, expropriations, and house demolitions in Ashgabat and surrounding areas in such a manner and on such a scale that clearly violate the government's obligation to protect the right to private property and the right to adequate housing. The demolitions make way for construction as part of a massive urban renewal project initiated in the late 1990s. While official statistics are not published, Human Rights Watch

estimates that in the past decade the projects have displaced thousands of residents. Dozens of neighborhoods in central Ashgabat consisting of private homes have been demolished, and further demolitions are scheduled to continue through 2020 in other areas of Ashgabat.

Domestic legislation in Turkmenistan establishes clearly that lawful expropriation of property requires court approval, that adequate alternative accommodation be made available, and that the homeowner has the opportunity to seek legal redress before any actual demolition of a property takes place.³ However, the Turkmen authorities have undertaken evictions and demolitions in the absence of court decisions and without provision of comparable accommodation or fair financial compensation. Our findings further indicate that existing procedures for notifying residents of expropriation and informing them about their rights and means of appeal are inadequate. Property owners who have sought to challenge officials regarding evictions and demolitions have been subjected to threats and intimidation by government authorities.

On June 8, 2011, in an extraordinary show of courage, a group of women from the Nakhalstroy neighborhood of Ashgabat took part in a protest walk to draw the government's attention to the demolition of their houses and their subsequent difficulties in receiving alternative accommodation. They were promptly stopped by police.⁴

Recommendations for Steps the Committee Should Urge the Turkmen Government to Take:

- Free all those imprisoned for political reasons, including Annakurban Amanklychev, Sapardurdy Khajiev, and Gulgeldy Annaniyazov, and stop the practice of using imprisonment, including forced incarceration in psychiatric facilities, as a tool for political retaliation;

³ The legal basis for expropriation and house evictions are stipulated in the 2008 Constitution of Turkmenistan, the 1983 Housing Code, and the 1993 Law on Property. Article 9 of the Constitution stipulates that property in Turkmenistan is inviolable. Article 136 of the Housing Code states that houses of private owners cannot be expropriated, and an owner cannot be deprived of his property, except for the cases established by the law.

⁴ For a fuller account of Human Rights Watch's findings pertaining to forced evictions, expropriations and demolitions of houses in Ashgabat and the surrounding areas, please see our October 2011 letter to President Gurbanguly Berdimukhamedov in which we detailed our concerns and requested clarifications: <http://www.hrw.org/news/2011/10/25/turkmenistan-open-letter-president-berdimukhadmedov-regarding-ongoing-expropriation>. At this writing, the Turkmen government had yet to respond to our letter.

- Launch a nationwide, transparent review of all political cases of past years in order to establish an accurate number of political prisoners and begin to provide them with justice;
- Allow activists, civic groups, and journalists to operate freely and without fear of persecution;
- Lift travel bans imposed on students, activists, and relatives of opposition members, and dismantle the system that allows for government interference with residents' ability to leave and return to Turkmenistan;
- Thoroughly investigate all allegations of torture and ill-treatment, make public the results of such investigations, bring perpetrators to justice and provide victims with an adequate remedy, including compensation;
- Open up the country for independent human rights scrutiny by ensuring unfettered access, including to places of detention, for independent human rights monitors, such as the ICRC, NGOs, and UN special procedures, extending invitations to and cooperating fully with all that have requested access;
- Halt all evictions, expropriations, and demolitions until they can be carried out in a manner consistent with Turkmen national law and Turkmenistan's international commitments, and create a mechanism for investigating past cases of unlawful expropriation and demolition and providing adequate compensation to victims.