



Fact Sheet on Turkmenistan

Repression in Turkmenistan: Invisible but Everywhere

November 2008

In the two years since the death of Turkmenistan's president-for-life Saparmurad Niazov, the government abolished aspects of his cult of personality, adopted a new constitution, and has begun to reverse some of Niazov's most ruinous social policies. The government under President Gurbanguly Berdymukhamedov ended the country's self-imposed isolation and has attracted unprecedented international interest in its hydrocarbon wealth. However, it remains—as detailed below—one of the most repressive and authoritarian states in the world. Its policies and practices are anathema to European values.

European Parliament

The European Union does not have a Partnership and Cooperation Agreement (PCA) with Turkmenistan. The European Parliament has elaborated a useful set of human rights benchmarks that would have to be fulfilled before the EU could proceed with an Interim Trade Agreement with Turkmenistan, a precursor to a PCA. To date, the government has not met these minimum criteria, but has made only minor progress on three of them. The criteria, adopted by the European Parliament's International Trade Committee in fall 2006, include:

1. "allowing the International Committee of the Red Cross to work freely in Turkmenistan;"
2. "realigning the educational system with international standards;"
3. "releasing all political prisoners and prisoners of conscience,"
4. "abolishing governmental impediments to travel abroad," and
5. "allowing free access of independent NGOs and permitting the UN human rights bodies to operate freely in the country to monitor such progress."

On February 18, 2008 the European Parliament in plenary endorsed the 2006 benchmarks. Since then, there have been no significant improvements in Turkmenistan's human rights record. In fact, Human Rights Watch has received reports from credible sources that since spring 2008 government pressure on human rights activists has intensified, including on Turkmen activists in exile.

European Court of Human Rights

In the October 2008 decision *Soldatenko v Ukraine*, the European Court of Human Rights (ECtHR) noted the lack of an effective system of torture prevention in Turkmenistan. While the European Court had previously found that extradition to Turkmenistan would place an individual at risk of ill-treatment (e.g. June 2008 decision *Ryabikin v Russia*), on this occasion the Court went further to state that there was no one group more at risk than another, but “simply the mere fact of being detained as a criminal suspect” in Turkmenistan provides sufficient grounds to fear a serious risk of ill-treatment. The scope of this finding is unusual for the Court. In order for all states to comply with their non-refoulement obligations, not to send anyone to a place where they would be at risk of ill-treatment, a de-facto moratorium on extraditions or expulsions of all individuals to Turkmenistan should be put into effect.

Soldatenko v Ukraine also reinforces the earlier position taken by the court in *Ryabikin v Russia*, highlighting the lack of any possibility for human rights monitoring in Turkmenistan and the systematic refusal of access for international observers to the country.

European Bank for Reconstruction and Development

The EBRD country strategy on Turkmenistan precludes lending to the government. The EBRD lends only to the private sector, and only when it has ascertained that government officials will not benefit from such lending, either directly or indirectly as “the Bank is seriously concerned by Turkmenistan's continued failure to take any measures which would indicate a willingness to make progress towards multi-party democracy, pluralistic society and a market-based economy. Since the adoption of the last Strategy for Turkmenistan in July 2004, there has been no evidence of

improvement in the authorities' commitment to the principles of Article 1 of the Agreement Establishing the Bank.”

Steps forward by the Turkmen government

The government has made some progress in addressing the most blatant destruction wrought by Niazov's education and social welfare policies. Berdymukhamedov has reinstated the 10th year of secondary education and restored the five-year course of university-level education. He cancelled teaching of Niazov's "book of soul," *Rukhnama*, as a separate subject in universities, but introduced a new subject that combines *Rukhnama* with new his own theory of Great Turkmen Revival. Berdymukhamedov also has reinstated pensions and social allowances and allowed the circus and opera to function, all banned by Niazov (ballet, however, remains outlawed).

In a recent positive move, the UN Special Rapporteur on religious freedom was granted access to conduct a country visit in September 2008, but no fewer than nine other special procedures do not have access despite longstanding requests for an invitation.

Constitutional Reform

The new constitution, adopted in September, includes positive measures such as dissolving the 2507-member People's Council (Halk Maslakhaty), the supreme government body that had mixed legislative and executive powers and that was used by Niazov to rubber stamp his decisions. Nevertheless, it remains doubtful that the new constitution will have a positive impact on human rights. For example, it further strengthened the already dominant institution of the presidency. The president appoints and dismisses judges without parliamentary review, forms the electoral commission, and has the right to issue edicts that are mandatory. There are no presidential term limits. Further, it does not provide for a constitutional court or ombudsman. Political parties can be created, but the residency requirement would prevent all members of Turkmen opposition movements that had been driven into exile from running for office.

Similarly, the President announced parliamentary elections will be held in December 2008, but it will not be possible for any new political party to form in such a short time. Moreover, the conditions are not in place to hold a free and fair election that would be a meaningful reflection of the will of the people. Most significantly, the government's intolerance of dissent would preclude the formation of any party or the fielding of any candidate, with an agenda independent of the government's, or that could conduct a significant campaign.

Continued human rights violations by the Turkmen government

Despite the few positive steps described above, no genuine human rights reform has taken place in Turkmenistan during Berdymukhamedov's presidency. Draconian restrictions on freedom of expression, association, movement, religion and belief remain in place in Turkmenistan. Independent nongovernmental organizations (NGOs) and independent media cannot function properly due to government threats and harassment. Human Rights Watch is aware of at least three incidents in which representatives of three different religious communities in Ashgabat were warned by the security services not to meet with the Special rapporteur on freedom of religion during her visit. Domestic and international organizations, including the International Committee of the Red Cross or intergovernmental agencies, still do not have access to the Turkmen prisons (Human Rights Watch has been denied entry to Turkmenistan since 1999 and to date remains barred from traveling to the country to do in situ research).

A new measure legalizing avenues for censorship was taken in October: the president established a new state commission under the Cabinet of Ministers that would evaluate all literature, theater scripts, and screenplays and license them for production.

Freedom of movement

While some individuals have been permitted to travel abroad, the system of restrictions on foreign travel inherited from the Niazov era remains in place, and people continue to be arbitrarily forbidden from traveling.

For example, after spending several months trying to clarify his status, Andrei Zatoka, a well-known environmental activist, received on July 4, 2008 a letter from the office of the prosecutor general stating that he is still prohibited from traveling abroad. No explanation was provided. Rashid Ruzimatov and Irina Kakabaeva, relatives of an exiled former government official, have been banned from travel abroad since 2003. Svetlana Orazova, sister of opposition leader Khudaiberdy Orazov, and her husband Ovez Annaev cannot travel abroad despite numerous attempts to challenge their travel ban in court, most recently in April 2008. In October 2008, the daughter of imprisoned Gulgeldy Annaniazov and her family were not allowed to leave Turkmenistan. The government is also impeding the repatriation to Israel of at least 50 Jewish people. Reports in October state that the group has had a request to leave the country pending for nearly six months with no reply from the government.

Political prisoners

Hundreds of people, perhaps more, languish in Turkmen prisons after unfair trials on possibly politically motivated charges. Only one individual believed to be imprisoned for political reasons was released in 2008; he served his full prison term. None benefited from any of the three presidential pardons that were to provide for the release of about 3,700 inmates. By contrast, in 2007 President Berdymukhamedov released about two dozen individuals imprisoned for politically motivated charges under similar pardons. The government still has not proposed a nationwide, transparent review of potentially political cases of past years.

Still imprisoned is Mukhametkuli Aymuradov, sentenced in 1995 to 15 years of imprisonment on politically motivated charges of anti-state crimes and sentenced again in 1998 to an additional 18 years for allegedly attempting to escape from prison. Annakurban Amanklychev and Sapardurdy Khajiev, who are affiliated with a Turkmen human rights group in exile, and were sentenced in 2006 to six to seven years of imprisonment on bogus charges of possession of ammunition are held in incommunicado detention, and according to their relatives in exile, were not allowed any visits by their families since time of their imprisonment.

During Berdymukhamedov's presidency, at least two individuals are believed to be prosecuted for political reasons. Civil activist Valery Pal was arrested in February

2008 and sentenced in May to 12 years of imprisonment on bogus embezzlement charges. He was told in the beginning of September that he was due to be released under the terms of a presidential pardon, but on the 24th of that month, learned that his name had been removed from the lists of those to be released. Pal's family reports that he subsequently suffered a heart attack.

Gulgeldy Annaniyozov, a former political prisoner who lived from 2002 until 2008 in exile in Norway, where he holds refugee status, returned to Ashgabad in spring 2008. Annaniyozov was arrested at home without a warrant, has been charged with illegal border crossing (for returning to his own country) and was sentenced on October 7 to 11 years of imprisonment. His family does not have information on the exact charges against him or his whereabouts.

Still imprisoned is Ovezgeldy Ataev, the constitutionally designated successor to Niazov, and his wife. Among former governmental officials imprisoned after unfair trials is Payzgeldy Meredov, former agriculture minister, sentenced in December 2007 to 19 years of imprisonment for embezzlement. Meredov was detained for several months without formal charges. Family members have not been allowed to visit him since his unexpected transfer in February 2008 to *Ovadan Depe* prison outside of Ashgabad, notorious for its harsh regime. Meredov is in poor health and his treatment for hepatitis B requires injections almost on a daily basis and a special diet.

Victims of enforced disappearance

The fate of some of about 50 prisoners convicted in relation to the November 2002 alleged assassination attempt on Niazov—including former foreign minister Boris Shikhmuradov, his brother Konstantin Shikhmuradov and Turkmenistan's former ambassador to OSCE Batyr Berdiev—remains unknown, with their whereabouts not disclosed even to their families. Human Rights Watch is aware of unconfirmed reports that eight defendants in the 2002 plot case have died in detention.

As described above, the minimum preconditions set by the European Parliament have not been fulfilled by Turkmenistan. The EU should enter the Interim Trade Agreement or authorize any lending to the government only when significant

improvement in the human rights sphere will be achieved by Turkmen government. That should include releasing political prisoners, starting a transparent nation-wide systemic review of all political cases of past years, abolishing impediments to travel abroad and allowing civil society and international monitors to function without undue interference. None of these preconditions are resource-dependent and can be achieved if the Turkmen government has the required political will. A principled stance by the EU is critical for fostering positive change in Turkmenistan.

More on Human Rights in Turkmenistan

Human Rights Watch Turkmenistan Country Page

<http://hrw.org/doc/?t=europe&c=turkme>

*Human Rights Watch Concerns and Recommendations on Turkmenistan:
Submitted in advance of the June 24, 2008 EU-Turkmenistan Human Rights
Dialogue*

<http://hrw.org/english/docs/2008/06/23/turkme19175.htm>

Human Rights Reform in Turkmenistan: Rhetoric or Reality?

<http://hrw.org/backgrounder/eca/turkmenistan1107/turkmenistan1107web.pdf>