



Turkmenistan: human rights concerns

Briefing paper for the visit of President Gurbanguly Berdymukhamedov to Brussels
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Amnesty International
EU Office
Rue d'Arlon 39-41
B-1000 Brussels

Tel.: +32 2 502 14 99
Fax: +32 2 502 56 86
Email: amnesty-eu@aieu.be

Introduction

In light of the European Commission's meeting with President Gurbanguly Berdymukhamedov on 5 November, Amnesty International would like to provide background information on the current human rights challenges in Turkmenistan.

On 9 August 2007 President Berdymukhamedov pardoned 11 prisoners following recommendations by the State commission to review citizens' complaints about the activities of law enforcement agencies (Citizens' Complaint Commission). At least some of those pardoned had been convicted in cases related to the alleged assassination attempt on former President Saparmurad Niyazov in November 2002. They included former Mufti Nasrullah ibn Ibadullah, who had been sentenced to 22 years' imprisonment on treason charges in a secret trial in March 2004. According to some sources, the charges against Nasrullah ibn Ibadullah were fabricated and he was targeted for expressing dissent. Amnesty International had campaigned for him to be either retried, in line with international fair trial standards, or released – and so welcomed this development.

A recent presidential amnesty that included some 9000 prisoners affected some people on whose behalf Amnesty International had campaigned. For example, the horse-breeder Geldy Kyarizov, whose trial in 2002 was accompanied by allegations of torture and ill-treatment and who was believed to be in very poor health, was released in the first half of October 2007. Suspended prison sentences imposed on three Jehovah's Witnesses in connection with their refusal on religious grounds to serve in the army were abolished.

However, Annakurban Amanklychev and Sapardurdy Khadzhev, two human rights defenders, whom Amnesty International adopted as prisoners of conscience, are said to remain in prison. Amnesty International remains concerned about the continued imprisonment of dozens of people who were imprisoned following unfair trials, including long-standing prisoner Mukhametkuli Aymuradov, who is believed to be in particularly poor health, as well as dozens of prisoners serving sentences in connection with the alleged assassination attempt on the late President Saparmurad Niyazov. Jehovah's Witnesses Bayram Ashirgeldiev and Begench Shakhmuradov continue to be subjected to limitations of their freedom of movement since they have been sentenced to suspended prison sentences to punish them for their conscientious objection to military service earlier this year.

Amnesty International notes official statements that Turkmenistan is willing to increase its cooperation with United Nations treaty bodies and that the Interdepartmental Commission of Human Rights, established in August 2007, was tasked with preparing reports to relevant United Nations Committees on the implementation of Turkmenistan's obligations as a party to international human rights treaties. At the same time Amnesty International is concerned that the situation with regard to civil and political rights remains dire. The media remains state-controlled; the use of the internet continues to be monitored and people trying to access information that is critical of the authorities risk repercussions; no opposition parties are allowed in the country; and politically motivated detentions and imprisonments continue to be reported.

President Berdymukhamedov and his Government should open a new chapter in Turkmenistan's history and live up to human rights principles enshrined in international human rights treaties that Turkmenistan has committed itself to uphold. Turkmenistan has ratified a series of human rights instruments including the International Covenant on Civil and Political Rights and its first and second Protocols and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. In addition, as a member of the Organization for Security and Co-operation in Europe (OSCE) Turkmenistan is bound to uphold the organization's commitments with regard to the "human dimension", which include the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, freedom from arbitrary arrest or detention, the right to a fair trial, freedom of thought, conscience, religion or belief, freedom of movement, and freedom of expression, free media and information.

Further recommendations to significantly improve the human rights situation

We urge you to call on the authorities of Turkmenistan to promptly implement a number of very concrete measures that would be a first step towards living up to Turkmenistan's obligations under international human rights law. For example, the authorities should:

- Immediately and unconditionally release all prisoners of conscience. Political prisoners and those convicted following unfair trials in connection with the November 2002 alleged assassination attempt on President Niyazov should be freed unless they are to be retried promptly and fairly.
- Grant the International Committee of the Red Cross and other independent observers access to prisoners including those imprisoned in connection with the November 2002 alleged assassination attempt on President Niyazov.
- Introduce legislative provisions to ensure that a civilian alternative of non-punitive length is available to all those, whose conscientiously-held beliefs preclude them from performing military service.
- Lift travel restrictions imposed on all dissidents and their families.

Apart from that, the authorities should fundamentally review their human rights practices and base their policy on the following recommendations:

- Ensure respect and protect the human rights of political dissidents, religious believers, civil society activists and journalists and ensure that they are able to carry out their peaceful activities free from harassment and without threat of detention and imprisonment and other human rights violations.
- Ensure the protection of the human rights of the family members of political dissidents, religious believers, journalists and civil society activists.
- The authorities should disclose information about all deaths in custody that occurred in suspicious circumstances and initiate impartial and thorough investigations into all allegations of torture or other ill-treatment; publish the scope, methods and findings of these investigations and bring to justice those found responsible.
- Promptly initiate fundamental reforms of domestic law and institutions to implement the country's obligations under the United Nations (UN) human rights treaties that Turkmenistan is a party to.
- Fully implement the points set out in the resolutions adopted by the United Nations Commission on Human Rights and by the United Nations General Assembly in recent years.
- Implement the recommendations of the UN Committee on the Elimination of Racial Discrimination (issued 2005), the UN Committee on the Elimination of Discrimination against Women (issued 2006), the UN Committee on the Rights of the Child (issued 2006).

Visits of independent human rights monitors

Turkmenistan has been a virtually closed country for human rights monitors. In 2003 it refused to invite Prof. Emmanuel Decaux, who had been appointed rapporteur by the OSCE and tasked to investigate the human rights situation following the alleged assassination attempt on President Niyazov in 2002. Turkmenistan denied access to the country to several UN special procedures despite a series of resolutions by the UN Commission for Human Rights calling for such visits. Earlier this year the authorities issued an invitation to the UN Special Rapporteur on freedom of religion or belief, which Amnesty International regards as a positive step. The Special Rapporteur has not yet visited Turkmenistan.

International non-governmental organizations have been barred from Turkmenistan for many years. Under former President Niyazov, Amnesty International repeatedly urged the authorities to facilitate a visit to the country by the organization's delegates in order to meet with officials and to conduct research into the human rights situation in the country. Since the new government came to power in February 2007 Amnesty International has reiterated its request to visit Turkmenistan in letters to the new government on several occasions. However, the authorities gave no favourable response to these requests.

We urge you to call on the authorities of Turkmenistan to:

- issue a standing invitation to the special procedures of the UN Human Rights Council and agree dates, without delay, for visits by the special procedures that have requested visits to Turkmenistan;
- grant access to Turkmenistan to Amnesty International and other international non-governmental human rights organizations.