
TURKMENISTAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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In 2010-2011, the authorities continued to deny to human rights defenders, the right to form associations. They further blocked foreign websites reporting on the human rights situation in Turkmenistan, and international human rights organisations were denied access to the country. While several human rights defenders were serving prison terms, their families as well as that of other human rights defenders forced into exile, faced acts of reprisals. Turkmen human rights defenders living in exile suffered death threats and were prevented by the Turkmen authorities from participating in OSCE meetings.

Political context

In 2010-2011, the human rights situation in Turkmenistan, known as one of the most repressive regimes in the world, did not improve. The authorities continued to suppress any – even moderate – expressions of dissent. An unknown number of political prisoners continued to be arbitrarily detained following unfair trials, and the right to freedoms of expression, association, peaceful assembly, movement and religion were subjected to severe restrictions. Independent civil society and media could not operate openly. The use of Internet and telephones was under strict surveillance, while the cost for Internet access remained one of the highest in the world and the use of Internet cafés was only possible by providing a passport. Furthermore, Turkmen passport holders had even more limited access to websites than foreigners. Internet media outlets criticising the Government and social networks such as *Facebook* and *Twitter* remained blocked¹. Moreover, people who visited foreign countries or whose children are studying abroad continued to be seen as suspicious and harassed by law enforcement agencies².

Under the pressure of the international community, President Gurbanguly Berdymuhammedov declared the creation of a multi-party system as an objective on May 14, 2010, referring to the possibility of registering a newly created farmer “Daikan” party, loyal to the regime³. However, the Law on Political Parties had not been adopted as of April 2011. Turkmenistan held local elections in December 2010 but, like during all previous elections, the

1/ See Turkmen Human Rights Initiative (THRI) Press Release, February 6, 2011.

2/ See THRI Press Releases, August 8 and December 15, 2010, and January 25, 2011.

3/ See *News.ru* Article, May 14, 2010.

ruling Democratic Party, which controls all institutions, remained the only registered political party. Moreover, on October 27, 2010, the Chairman of the Central Election Commission called for the Turkmen President to keep his seat for life.

In the run-up to international visits made by the Turkmen President to western countries, such as in France on February 1, 2010, human rights defenders lobbied for addressing Turkmenistan's human rights record. However, the economic interest in the region, the rich gas reserves and the Trans-Caspian gas pipeline project "Nabucco" remained a priority for the European Union (EU) and the United States⁴. From April 26 to 30, 2011, a delegation of the European Parliament visited Turkmenistan in order to assess whether the human rights situation would allow the EU to upgrade relations by signing a Partnership and Cooperation Agreement (PCA) between the EU and Turkmenistan. The final decision was expected in June 2011⁵.

Denial of freedom of association

The 2003 Law on Public Associations, which gives to the Government the complete control over the activities and funding of non-governmental organisations (NGOs), remained in force in 2010-2011. Although nearly one hundred associations are officially registered with the Ministry of Justice, in reality they are only Government approved organisations or mouthpieces. No independent human rights NGO is registered in the country. This reflects the authorities' fear of losing the slightest control over the social, political and economic life of the country. In addition, the climate of repression makes it virtually impossible for independent NGOs to operate. Almost no organisation has therefore applied for registration in recent years. Human rights activists are factually deprived of their right to form an association. They are obliged to work in clandestine and subjected to strict controls, such as the surveillance of telephone calls and e-mails. Human rights activists are also frequently summoned by the intelligence services. Their family members are also subjected to similar repressive measures. Pressure is particularly placed on defenders and journalists who have contacts abroad. Websites of NGOs monitoring the human rights situation in Turkmenistan from abroad, were also blocked, such as the website of the Turkmen Human Rights Initiative (THRI), exiled in Austria.

4/ In addition, the United States continued to import oil from Turkmenistan, while Boeing provided airplanes to the Turkmen Government. See *New Europe Article*, February 6, 2011.

5/ In 1998, the signing of an agreement was initially frozen over human rights concerns. See *European Parliament Press Release*, April 20, 2011.

Moreover, international human rights organisations continued to face obstacles in carrying out their monitoring activities by having their requests to enter the country denied. In addition, the visit made by the UN Special Rapporteur on Freedom of Religion or Belief in 2008, was the first ever visit to the country by a UN body that was authorised by the Government, despite numerous requests formulated by a great number of UN Special Procedures, including the Special Rapporteurs on Human Rights Defenders, Torture, the Right to Education, the Right to Health, the Independence of Judges and Lawyers, the Right to Freedom of Opinion and Expression, Extrajudicial, Summary or Arbitrary Executions, Violence Against Women and the Working Group on Arbitrary Detention, which have all been pending for several years.

Continued detention of several human rights defenders

In 2010-2011, several human rights defenders remained detained, including Messrs. **Annakurban Amanklychev** and **Sapardurdy Khajiev**, who worked for the Turkmen Helsinki Foundation for Human Rights and who were held in Turkmenbachi prison as of April 2011. They were both sentenced to seven years' imprisonment in August 2006 for "purchasing, possessing and selling illegally ammunitions or weapons" after they had worked together on a documentary entitled "*La dictature de Niyazov – Turkmenistan : au pays des ténèbres*" ("The Niyazov dictatorship – Turkmenistan: in the country of shadows") for the French TV channel *France 2*. On February 19, 2010 and 2011, they applied for amnesty on the occasion of the National Flag Day, on the eve of which the President grants amnesty to prisoners every year. Yet, they were again not granted amnesty. In addition, relatives of Messrs. Amanklychev and Khajiev, even distant cousins, saw their telephones bugged, were placed on a "blacklist" and were not allowed to leave the country.

Death threats against human rights defenders living in exile and their families

Over the past years, several Turkmen human rights defenders were forced to live in exile due to various acts of harassment they faced as reprisals for their human rights activities. Yet, several of them continued to be subjected to death threats from the Turkmen authorities. For instance, in 2010, Mr. **Farid Tukhbatullin**, Director of THRI, based in Austria, received death threats from the authorities on several occasions, while his relatives in Turkmenistan were constantly harassed. Forced into exile since 2003, he has since then been an active participant in several international human rights meetings to address the situation in Turkmenistan. Some of his interviews were broadcast in the whole of Central Asia. On June 5, 2010, following a presentation he had made the day before on the situation in

Turkmenistan in the office of the National Endowment for Democracy (NED) in Washington D.C., members of the National Security Ministry office in the city of Dashoguz, where Mr. Tukhbatullin was living before going into exile, visited local schools, inquiring where his sons studied and about their classmates, teachers and friends⁶. At the beginning of October 2010, Mr. Tukhbatullin was informed by two different anonymous sources that the Special Service of Turkmenistan were planning to execute him⁷. In addition, on October 1, 2010, THRI's website was hacked and a lot of the content, including the English language section, could not be displayed during several days. As a consequence, THRI had to change its website host⁸.

Obstacles to the participation of Turkmen human rights defenders in OSCE meetings

In 2010, Turkmen human rights defenders faced on several occasions obstacles to their participation in meetings of the Organisation for Security and Co-operation in Europe (OSCE), because the Turkmen Government objected to their participation⁹. On October 19, 2010, during a conference of the OSCE in Vienna, the Turkmen Ministry of Foreign Affairs attempted to prevent the participation of Mr. Farid Tukhbatullin. When the OSCE refused, the Ambassador of Turkmenistan left the conference room¹⁰. Similarly, on October 4, 2010, Mr. **Annadurdy Hajiev**, co-founder of the Turkmen Helsinki Foundation for Human Rights, who lives in exile in Bulgaria, was refused entry to the premises of the OSCE Review Conference in Warsaw dedicated to human rights, because the Turkmen Government had objected to his participation. Mr. Tukhbatullin declined travelling to Warsaw when he learnt that he might also face difficulties registering to the conference¹¹. On November 29, 2010, several members of civil society, including Mr. Hajiev, were refused participation in the Parallel OSCE Civil Society Conference in Astana, Kazakhstan, due to the Turkmen authorities' objection¹². Mr. Tukhbatullin who had been authorised to register, decided not to go after being informed of death threats

6/ His two sons, Ruslan and Eldar, are residing on refugee status with their father in Vienna helping him in his human rights activities. See THRI.

7/ See International Social-Ecological Union Open Letter, November 10, 2010 as well as THRI Press Release, October 13, 2010.

8/ See THRI.

9/ Under OSCE rules, a State has a right to object to the participation of a member of the civil society but only if it can prove that this person advocates or was engaged in violence, including terrorist activities.

10/ See THRI.

11/ *Idem*.

12/ Kazakhstan, who was the chair-in-office of OSCE in 2010, refused to facilitate the registration of Turkmen activists when Turkmenistan objected to their presence at OSCE review meetings in Warsaw and Vienna.

against him. In addition, the Kazakh authorities reportedly denied visa to two Turkmen civil society activists without disclosing their names¹³.

Harassment of journalists who denounced human rights violations

In 2010-2011, independent journalists denouncing human rights violations and their families continued to be subjected to various forms of harassment. On December 30, 2010, during the night, a group of ten to twelve unknown young men threw stones at the house of Ms. **Kurbansoltan Atshilova**, a journalist of the *Radio Free Europe/Radio Liberty (RFE/RL)*. She immediately contacted the police department of Ashgabat's Chandybil district. She received a reply saying that no police cars could assist her because during the holiday season, all patrol vehicles were used to ensure the security of the country's leaders. Her call was not registered. When she threatened to file a complaint, the police officer recommended her to submit it at her place of employment, apparently hinting at her cooperation with the *RFL/RL*, which is viewed as a hostile radio station by the Turkmen authorities. Ms. Atshilova contacted the Presidential Council, the Interior Ministry, the Public Prosecutor's office and other governmental agencies but as of April 2011, the attack had not been investigated. She and her family have been living under the pressure of the special services for several years.

The freedom of movement of human rights defenders also continued to be severely curtailed through the refusal to issue passports and exit visas. Some individuals were reportedly blacklisted and prevented from leaving the country. On May 19, 2010, Turkmenistan's Migration Office in Ashgabat banned Mr. **Allamourad Rakhimov**, a Prague-based *RFE/RL* journalist and native of Turkmenistan, from entering the country although he had a valid visa. Mr. Rakhimov, a Canadian citizen, was planning to come in vacation in his home village in the south-east Mary province. He has not visited Turkmenistan for 11 years¹⁴. On some occasions, defenders' relatives were deprived of the right to access education and employment. On June 12, 2010, Ms. Atshilova's son committed suicide after having been denied a permit to exit the country by Turkmenistan's State Migration Service. After failing to find employment, he intended to go abroad to raise more to support his family. He had sent multiple applications but only received permission *post mortem* in August 2010¹⁵.

13/ See Turkmen Civil Society Open Letter to the Parallel OSCE Civil Society Conference, November 29, 2010.

14/ See *RFL/RL* Article, May 21, 2010.

15/ See THRI Press Releases, August 17, 2010 and January 4, 2011.