



SPOTLIGHT: FUNDAMENTAL RIGHTS IN CENTRAL ASIA

Recent developments in Turkmenistan

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This document provides an overview of recent developments concerning freedom of expression and the media; freedom of association and assembly; as well as access to justice, non-discrimination and the protection of vulnerable groups in Turkmenistan. It is based on the findings of monitoring conducted by Turkmen Initiative for Human Rights (TIHR, based in exile in Austria) in August-November 2015. International Partnership for Human Rights (IPHR, Belgium) has conducted additional research and prepared the document together with TIHR. It is an excerpt from a joint report on developments in Kazakhstan, Tajikistan and Turkmenistan issued by Kazakhstan International Bureau for Human Rights and Rule of Law, Nota Bene, TIHR and IPHR within the framework of the project “A Transnational Civil Society Coalition in Support of Fundamental Rights in Central Asia”.

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Summary

The severe censorship that prevails in Turkmenistan has resulted in a climate in which any criticism of the country's policies is met with hostility by the authorities. While a Turkmenistani delegation participated in this year's OSCE Human Dimension Implementation (HDIM) for the first time in years, it left the meeting already after two days in a move that appeared to have been prompted by the critical statements made by other participants about Turkmenistan's human rights policies. The government condemned these statements as "provocative", "unethical" and aimed at "discrediting" the country's image.

Concerns about the government's deplorable free speech record have been reinforced by the case of Radio Free Europe/Radio Liberty correspondent Saparmamed Nepeskuliev, who has been held incommunicado since the summer and is believed to have been sentenced to three years in prison on dubious narcotics possession charges.

Another case illustrating the authorities' intolerance of free speech is that of internationally acclaimed horse-breeding expert Geldy Kyarizov, who fell out of favour with the government over a decade ago. Kyarizov was finally allowed to leave the country in September 2015. However, he has reported facing continued intimidation in Russia where he now resides as he and his family have refused to keep quiet and have publicly shared their experience of harassment by the Turkmenistani authorities.

While a Turkmenistani government official claimed at the HDIM that information about the forcible removal of satellite dishes from residential buildings does not correspond to reality, official documents seen by TIHR indicates that this practice is in fact systematically implemented in the context of the preparations for the 2017 Asian Indoor Games to be held in Turkmenistan. As part of the preparations for these Games, the authorities have also continued to demolish apartment buildings in the capital Ashgabat and to forcibly evict residents with little notice, depriving them of both accommodation and belongings they do not have time to collect.

In connection with Independence Day on 27 October 2015, citizens were again mass mobilized for regime-praising celebrations, which included performing a new patriotic song composed by the president. As a result of time-consuming rehearsals, participants had to miss out on studies and work. However, this time, school children were reportedly spared from participating in the rehearsals. The authorities also mass mobilized citizens for participation in this year's cotton harvest amid calls by the president to increase the pace of the harvest.

While young men of conscription age have already previously been banned from travelling abroad, TIHR learned that also young men who have completed the compulsory military service recently arbitrarily prevented from leaving the country on the grounds that they may allegedly be recruited by military groups. Arbitrary bans on travelling abroad are a regular practice in Turkmenistan.

During his visit to Turkmenistan at the beginning of November 2015, US Secretary of State John Kerry was said to have raised human rights concerns, including the issue of political prisoners with President Berdymukhammedov. However, it is not known whether the Turkmenistani authorities took any concrete measures in follow-up to the visit. As previously, the fate of dozens of individuals imprisoned on politically motivated charges in Turkmenistan remains unknown, and the most recent presidential pardon is not believed to have benefited any prisoner in this category.

Developments in Turkmenistan

General situation

Turkmenistan remains one of the most closed countries in the world, where fundamental freedoms are seriously restricted. At the same time, the **personality cult surrounding current President Gurbanguly Berdimukhammedov is thriving**. While citizens have long been mass mobilized for events to sing the president's praise, the president has now also personally composed a [patriotic song](#) to be performed on such occasions, such as the Independence Day celebrations on 27 October 2015.

In September this year, an **official Turkmenistani delegation attended the annual OSCE Human Dimension Implementation Meeting (HDIM) in Warsaw for the first time in 12 years**. The delegation was present at the meeting two days, during which it participated in two sessions, before it [left](#) ahead of time. In statements made at the HDIM, as well as in a press release published thereafter, **the government strongly resented criticism voiced by other participants** about Turkmenistan's human rights policies, which showed again that it does not welcome an open dialogue on these issues. (See more in the section on "Freedom of expression").

Ahead of US Secretary of State John Kerry's visit to Central Asia at the end of October-beginning of November 2015, **human rights groups urged him to use his visit to raise pressing human rights issues**. IPHR, TIHR, KIBHR and Nota Bene issued a [joint appeal](#) with such a message. According to the US Department of State, during his talks with President Berdimukhammedov, Kerry emphasized that while the US wants to work with Turkmenistan on countering terrorism, such efforts must be carried out in a way that respects human rights and religious freedoms. He was also said to have raised issues related to press freedom and political prisoners (on the last issue, see more in the section on "Access to justice").

Freedom of expression and the media

Government hostility to criticism

At the HDIM, Turkmenistan's delegation attended two sessions devoted to freedom of expression issues. **Deputy Foreign Minister Vepa Khadjiev**, who spoke on behalf of the delegation, [defended](#) the country's record in this area and **dismissed criticism** (see more below). He also expressed discontent about the language used by some HDIM participants when speaking about the policies of the Turkmenistani government and called on human rights defenders to "mind their words".

Later the Turkmenistani Ministry of Foreign Affairs issued a [press release](#), **accusing HDIM participants of a "a series of subjective, provocative attacks and biased comments about Turkmenistan"**, which it said were aimed at "putting pressure on members of the Turkmen delegation" and "discrediting the country's image". The ministry also said that it was "regrettable" that some of these statements were cited in electronic media "with a corresponding negative connotation". This press release demonstrated the Turkmenistani government's hostile attitude to any criticism of its human rights policies.

Intimidation and harassment of “inconvenient” individuals

Journalists working for foreign media, such as the Prague-based Turkmenistan service of Radio Free Europe/Radio Liberty, as well as other individuals who dare to criticize government policies **continue to be subjected to persecution.**

This case is of serious concern:

- As previously [reported](#), **Saparmamed Nepeskuliev**, a freelance journalist working with the RFE/RL’s Turkmenistan service and the Netherlands-based Alternative Turkmenistan News (ATN), disappeared in July this year and was later found to have been detained on narcotics possession charges, which are believed to be politically motivated. In early September, it was [reported](#) that Nepeskuliev had been sentenced to three years in prison on 31 August. The sentence has, however, not been confirmed by the Turkmenistani authorities. Media and human rights organizations have [raised concerns](#) that Nepeskuliev’s family members and lawyer have not been able to obtain a copy of the judgement or visit or be in contact with him. The case against the journalist has attracted international attention and at the HDIM in Warsaw, the Turkmenistani delegation was asked about it. Head of the delegation Vepa Khadjiev [brushed off](#) calls for Nepeskuliev’s release and insisted that the latter “is not a journalist”. Writing under a pseudonym, Nepeskuliev has published articles about issues such as corruption, problems in the health care system and water shortages.

The following case illustrates the dangers of speaking up about the situation in Turkmenistan, not only for those who reside in the country but also those who have left the country:

- As previously [reported](#), **Geldy Kyarizov** - an internationally acclaimed horse-breeding expert who was imprisoned on charges considered to be politically motivated in 2002-2007 - has been subjected to pressure since his release. In early August this year, he and his daughter and sister-in-law were prohibited from leaving the country, in spite of valid travel documents. In what appeared to be a step prompted by the international attention that the case attracted, Kyarizov was finally allowed to leave and go to Russia on 14 September and his relatives shortly thereafter. However, Kyarizov told TIHR that he has continued to be subjected to surveillance and intimidation even abroad.

At a briefing organized at the HDIM in Warsaw on 22 September, Kyarizov’s wife Julia Serebryanik spoke about the persecution of her and her family in Turkmenistan. The following week, on 3 October, Kyarizov reported being [assaulted](#) when leaving a Moscow metro station. An unknown man approached him on the escalator, hit him in the stomach and told him in Turkmen: “You ungrateful swine. You were told to be quiet: why did your wife open her mouth in Warsaw?” The perpetrator thereafter quickly disappeared in the crowd.

Kyarizov, however, did not give in to the intimidation and on 30 October, the regional Central Asia TV channel aired an [interview](#) with him, during which he spoke about his experiences of serving in prison in Turkmenistan, as well as developments since his release. The following day, Kyarizov reported [receiving a phone call](#) from his younger brother, which he believed that the latter made under pressure by security services. Speaking in an unusual manner and at length in spite of the high costs of international calls in Turkmenistan, Kyarizov’s brother “lectured” him how to behave, e.g. telling him not to be in contact with human rights activists and journalists and to stop criticizing his country. This incident reinforced Kyarizov’s concerns about the safety and well-being of his relatives who are still in Turkmenistan.

Forcible removal of satellite dishes

The Turkmenistani authorities have repeatedly been criticized for the forcible removal of satellite dishes, a practice that restricts citizens' access to alternative information. At the HDIM, the head of Turkmenistan's delegation [claimed](#) that information about this practice does not correspond to reality. He said that "no antennas are being dismantled" and invited all who wish to visit any region of the country to see this for themselves.

We already reported that local officials [dismantled](#) two satellite dishes outside the Ashgabat apartment of well-known civil society activist Natalia Shabunts at the beginning of August 2015. She subsequently **submitted a complaint to the General Prosecutor's Office** and received a response on 30 September, which states that "it is prohibited to install satellite antennas on roofs and walls, destroying the appearance of houses and offices". The letter does not refer to any official legal document that would set out such a prohibition. **TIHR is also in the possession of a letter on this issue** from 30 April 2014 that was addressed to Vice Prime Minister Murad Artikov, whose responsibilities included municipal affairs, by Presidential Administration Head Shamuhammet Durdylyev. In the context of the 2017 Asian Indoor Games due to be held in Turkmenistan, the letter **speaks about "removing satellite antennas from roofs and facades" "in order to prepare for the international events in 2017** and to implement the instructions of our distinguished president to transform the white-marble Ashgabat into a contemporary city by the end of 2016". This document also does not refer to any official decree or resolution that would serve as the basis for such measures.

Internet freedoms

At the HDIM, the head of Turkmenistan's delegation [claimed](#) that there has been a manifold increase in the number of internet users in the country and that information sites set up without state support have been officially registered since the entry into force of the new Media Law in 2013. **In response to criticism about internet censorship, he appeared to justify censorship in some cases** by saying that modern technologies are used not only "to obtain objective information" but also "to pressure the government by radical groups and third parties". For years, websites providing alternative information about the situation in Turkmenistan have been blocked in the country and are only available through so-called proxies.

TIHR's website chrono-tm.org, which is a well-known source of independent information on developments in Turkmenistan, is among the sites that are blocked in the country. This site **has also repeatedly been subjected to cyber attacks** that TIHR believes may have been initiated by Turkmen security services. Most recently, **TIHR's site went offline due to technical problems on the eve of the HDIM, as well as again on 14 October 2015**. While TIHR has not been able to obtain clear information about the nature and reasons of these problems, there are grounds to believe that they may also have been the result of deliberate attacks and an attempt to prevent TIHR from providing independent coverage of events with implications for Turkmenistan's international reputation.

Freedom of association and assembly

Mass mobilization for events

The Turkmenistani authorities continue to mass mobilize residents for participation in various festive events in the country.

According to TIHR's information, for several weeks, university students and public sector employees in the capital Ashgabat were [forced to take part](#) in daylong rehearsals for a parade to be held on this year's Independence Day, which is celebrated on 27 October. When TV footage was filmed in advance for broadcasts devoted to the Independence Day celebrations, university students and public employees in the city of Mary were similarly mobilized. However, in a welcome development, TIHR [learned](#) that school children were freed from participating in these events, unlike on previous occasions. In October 2015, schools and kindergartens in Dashoguz were also instructed to engage only teachers and other staff in rehearsals for the president's visit to this city, which [took place](#) on 30 October after being repeatedly postponed.

Human rights defenders have long criticized the Turkmen authorities for **the practice of forcibly mass mobilizing citizens for various events, which denies the participants of their right to freedom of assembly and jeopardizes their health and well-being.** In several cases, participants in such events have died. Most recently, in August this year, three people [died](#) after being forced to wait for some 7 hours for the president to arrive to a stadium opening in Ashgabat without access to water or food.

Access to justice, non-discrimination and the protection of vulnerable groups

Political prisoners

The exact number of political prisoners in Turkmenistan is not known given the lack of transparency of the country's justice system. However, dozens of individuals convicted in flawed and politically motivated trials are known to have disappeared in prison, including individuals convicted in sham trials after the alleged assassination attempt on late President Saparmurat Niyazov in 2002.

In connection with the Independence Day on 27 October 2015, **President Berdymuhammedov signed a decree to pardon 1020 prisoners.** This decree is not known to have benefited any individual convicted on politically motivated grounds.

According to a [senior member](#) of his staff, **US Secretary of State John Kerry raised the issue of prisoners of concern in talks held with President Berdymuhammedov during his visit to Turkmenistan** at the beginning of November 2015. More specifically, Kerry referred to 87 such prisoners whose cases the US would like to see resolved. It is not known whether he received any concrete commitments from the Turkmenistani authorities on these cases.

One of the most prominent political prisoners in Turkmenistan is former Foreign Minister **Boris Shikhmuradov**, who was given a life sentence in a show trial after the alleged assassination attempt on Niyazov. He has since disappeared in detention. In a [decision](#) adopted a year ago, in October 2014, **the UN Human Rights Committee concluded that the Turkmenistani authorities had violated his rights to life, freedom from torture, liberty and security, and a fair trial.** It also found that they had **violated the right of his wife**, Tatiana Shikhmuradova not to be subjected to torture and ill-treatment in view of the anguish and distress caused by the incommunicado detention and disappearance of her husband. The Committee requested the Turkmenistani authorities to provide an effective remedy, including by releasing Shikhmuradov if he is still being detained or handing over his remains in the event that he has died, and prosecuting and punishing those responsible for the violations committed. In November 2015, the Prove They Are Alive campaign issued a [statement](#) expressing regret that Turkmenistan's government has failed to provide a substantive response on its implementation of the Committee's decision.

Forced evictions

We have repeatedly reported about the problem of forced evictions related to government construction projects. In a recurring pattern, residents have been evicted without receiving adequate advance notice or being promptly granted adequate alternative accommodation or compensation. At the beginning of November 2015, TIHR [learned](#) about **new cases of forced evictions** in an Ashgabat residential area, where residents of apartment buildings were given only a few days to pack up their belongings and leave before these houses were demolished. One resident with whom TIHRs monitors spoke said that some of those evicted had been told to “stay with relatives” or “rent housing” for the time being, as they could not be provided alternative accommodation.

In a [report](#) published in October 2015, Amnesty International drew attention to forced mass evictions and illegal housing demolitions **linked to the forthcoming 2017 Asian Indoor Games**, which will be held in Turkmenistan. The organization noted that these evictions run counter to international human rights law and called on the Turkmenistani authorities to put a halt to them until necessary and sufficient safeguards have been put in place and legislation prohibiting forced evictions has been introduced.

Arbitrary travel bans

According to TIHR’s information, in recent months, the Turkmenistani **authorities have arbitrarily banned a growing number of young men from leaving the country**. This summer migration services [stopped issuing](#) foreign passports to young men who have not completed compulsory military service, saying that they will only be able to obtain passports after serving in the army. TIHR has also learned that the ban on travel abroad has been extended to young men who have completed the military service. On 24 October 2015, several dozen young men in this category [were not allowed](#) to board flights to Turkey at the Ashgabat airport. The reason was reportedly that they are considered potential recruits of the IS or other militant groups.

As previously reported by TIHR, the Turkmenistani authorities have repeatedly imposed arbitrary travel bans on students admitted to foreign universities, as well as “inconvenient” individuals and their family members.

The practice of arbitrarily banning citizens from travelling abroad **violates the right to freedom of movement** protected by both national and international law.

Forced labour

As in previous years, the Turkmenistani **authorities have forced public sector employees, students and others to participate in this year’s cotton harvest**. There are reasons to believe that mass mobilization of citizens for this purpose was prompted by the president’s [criticism](#) of the slow pace of the harvest in September. Later he criticized the pace of the cotton harvest again on several occasions.

According to TIHR’s [information](#), **among those mobilized for the cotton harvest were thousands of conscript soldiers** across the country. At the same time, due to the lack of preparation of cotton farms to receive such a large number of people, adequate accommodation, food and sanitation could not be ensured, and many conscripts suffered from stomach problems.