



**Turkmen Initiative for Human Rights, International Partnership for Human Rights,
Netherlands Helsinki Committee:**

Repression of Civil Society in Turkmenistan

Contribution to EU-Turkmenistan Human Rights Dialogue

June 2011

The environment for civil society remains extremely repressive in Turkmenistan and serious violations of the right to freedom of expression, association and assembly continue to take place in the country. No independent human rights NGOs are able to work openly and representatives of civil society who speak up about human rights problems or otherwise challenge government policies are subject to different forms of persecution, as illustrated by a number of recent cases.

The Law on Public Associations of Turkmenistan (2003)¹ provides for compulsory state registration of public associations, prohibits the activities of unregistered groups and prescribes liability for individuals who act on behalf of such groups². In order to be eligible for registration, associations working at the national level must have at least 500 members, and registration may be refused on vaguely worded grounds. The law also grants authorities excessively broad powers to monitor and oversee the activities of registered groups, which is another factor discouraging NGOs from seeking registration.

According to official information, less than 100 public associations are currently registered in Turkmenistan.³ Most of them are government-controlled so-called GONGOs, which are all part of the *Galkynysh* (“Revival”) movement. This movement is headed by the country’s president and viewed as having the role of helping to promote official policies.⁴ Other associations that have been granted registration work mainly on non-sensitive issues such as youth, sports or cultural programs. They are “tolerated” by the authorities, but also subject to close scrutiny.

No independent human rights NGOs are registered or, thus, able to operate openly in the country. Independent groups that have attempted to register have had their applications returned on various pretexts, e.g. because they have used the “wrong” wording or failed to provide information not required by law.

Civil society activists who are courageous enough to openly address problems existing in Turkmen society continue to face intimidation and harassment by security services on an ongoing basis. They are, among others, held under surveillance, summoned for interrogation in the form of “preventive discussions” and threatened and pressured to give up their activities. In several recent cases, civil society activists have been arrested, prosecuted or forcibly placed in psychiatric care on what appear to be politically motivated grounds (see the description of individual cases below).



In a by now well established practice, bans on travel abroad are used as a means of putting pressure on civil society activists, journalists working with foreign media and others perceived as critical of authorities. Individuals targeted by such bans are not able to travel to other countries for the purpose of work, studies, visits to relatives and friends, medical treatment etc.

According to reports from last summer⁵, Turkmen authorities have compiled a list of more than 37,000 individuals who are not allowed to leave or enter the country. Those prohibited from traveling abroad include different categories of people who are considered “disloyal” to the state. Among those listed as banned for entry to the country are Turkmen political opposition figures, journalists and NGO activists in exile. Turkmen Initiative for Human Rights (TIHR) head Farid Tukbatullin reportedly appears as number eight on this list.⁶ Representatives of international human rights organizations are also blacklisted for entry into Turkmenistan.

In a form of collective punishment, relatives and friends of civil society activists (including activists who have fled the country and now live in exile abroad) are also singled out for repressive measures, such as surveillance, interrogation and travel bans. Similarly to civil society activists, they face social stigmatization and experience problems e.g. with respect to securing employment.

Moreover, civil society activists living in exile have been the direct targets of harassment. Last fall the Turkmen government tried to bar exile activists from participating in OSCE conferences held in Warsaw and Vienna and threatened to boycott the OSCE December Summit in Astana should Turkmen civil society activists be allowed to be present.⁷

In addition to civil society activists and their family members, repressive measures also target other members of civil society who are considered “inconvenient” by the authorities (whether that is because they sing the wrong songs, complain about mistreatment by authorities or any other reasons).

These are only a few examples from the past year of harassment targeting civil society activists and other members of civil society:

- On 11 April 2011, Bisengul Begdesenov, a Kazakh community leader living in Ashgabat, was detained by security services, which also searched his apartment without a warrant and confiscated his computer and documents.⁸ After being formally arrested, he was convicted on 13 May of fraud and bribery (under Criminal Code articles 228 and 185), offenses he was alleged to have committed in connection with a series of apartment privatizations in which he had offered assistance. He was given a five year suspended prison sentence and ordered to pay compensation to the state⁹. Both his internal and foreign passports were confiscated and he was prohibited from leaving the country until he has paid the compensation. Begdesenov’s relatives and colleagues believe that he was targeted for arrest and prosecution because of his engagement within Turkmenistan’s Kazakh minority, whose members are discriminated and obstructed in their efforts to promote their culture, language and traditions.¹⁰ He has, among others, conducted trainings and seminars. In recognition of his community work, he was also appointed a delegate of the World Congress of Kazakhs, which took place in Astana at the end of May. Because of his sentence, he was not able to participate in this event.
- On 19 April 2011, Bazargeldy and Aydjermal Berdyev were arrested by plain clothed officials who broke into their home in Ashgabat. As of this writing, they continue to be held

in custody and have reportedly been accused of failing to repay a private loan of about 25,000 USD. Their detention followed a more than ten-year long struggle for justice for mistreatment suffered at the hands of security officers. Back in 1998, security officers accused the couple of swindling, arbitrarily confiscated personal belongings and money from them and subjected them to torture in detention, as a result of which the husband became disabled and the wife had a miscarriage. The couple has submitted numerous complaints about this treatment, among others, to the country's prosecutor general, the National Institute for Democracy and Human Rights and international organizations. They have refused to give up their efforts to obtain redress in spite of being pressured to do so.¹¹

- In March 2011, Amangelen Shapudakov, an 80-year old civil society activist from the Sakgar settlement in western Turkmenistan, was forcibly confined to a psychiatric hospital. A contributor to Radio *Azatlyk* (the Turkmen Service of Radio Liberty/Free Europe), he had previously complained about facing harassment from local authorities because of his criticism of their corrupt practices.¹² He was eventually released in connection with the Turkmenistan visit of a European Parliament delegation in late April.
- In February 2011, a group of young music artists, who have made a career performing pop love songs rather than patriotic music of the kind favored by the government, were summoned by police in Ashgabat and arrested for 15 days. The reason was that one of them, Maksat Kakabaev (who is known as Maro) gave an interview to a Turkish TV channel in connection with a concert in that country. During the period of arrest, members of the group were reportedly both verbally and physically abused. Following the end of the arrest, Kakabaev and another singer, Myrad Ovezov, were charged and imprisoned on dubious criminal charges. Kakabaev was convicted and sentenced to two years in prison together with his father, brother and brother-in-law on charges relating to an old conflict with a neighbor over a satellite antenna. The conflict was peacefully settled at the time. Ovezov was first given a two year suspended sentence on charges relating to an incident in which his car collided with another car. Later he was ordered to serve this sentence in prison because he allegedly failed to duly register at the local police station.¹³
- In October 2010, TIHR head Farid Tukhbatullin received warnings from credible sources that Turkmen security services were planning an attack on his life.¹⁴ According to these sources, the plan was to "eliminate" him in a way that would not give rise to suspicion about foul play, e.g. by making it look like a car accident or a sudden heart attack. Shortly prior to this Tuhbatullin gave an interview to a satellite TV channel broadcasting in Turkmenistan, where he criticized the current state of human rights protection in Turkmenistan.¹⁵ The following day, Turkmen President Berdymukhamedov called on the country's security services to act as "uncompromising warriors" against those who "defame" Turkmenistan and try to destroy "the unity and solidarity" of its society.¹⁶ Turkmen authorities have already previously tried to put pressure on Tuhbatullin because of his human rights work in exile. He has been warned to "tone down" criticism of the Turkmen government on TIHR's website, and individuals suspected of contributing information to TIHR from inside Turkmenistan have been summoned for interrogation by security services. During the review of Turkmenistan by the UN Committee of Torture on 17-18 May 2011, an official Turkmen representative gave an oral assurance that Tuhbatullin will not be intimidated or threatened by the Turkmen government or its agents.¹⁷

- Umida Dzhumabaeva was stopped at the Turkmen border in July 2010, when she was on her way to Kazakhstan at the invitation of friends. She was not allowed to leave the country although all her travel documents were in order. No explanation for this decision was given. Dzhumabaeva has been working on different social assistance programs. She also has connections to other civil society activists who are viewed with suspicion by Turkmen authorities, including ecological activist Andrey Zatoka who was forced to leave Turkmenistan in late 2009.¹⁸ She has repeatedly been subjected to harassment by authorities. In 2006 she was dismissed from the school where she had been employed for many years, and in 2008, a community mill constructed as part of a foreign-funded development project that she oversaw was torn down on order from security services.¹⁹
- Mukhammetmyrat Achilov, son of Radio *Azatlyk* correspondent Gurbansoltan Achilova, committed suicide in June 2010 in what appeared to be an act of desperation prompted by repeated denials by authorities to allow him to travel abroad. After failing to secure employment in Turkmenistan, Achilov planned to go abroad in search of job so as to be able to support his family, which includes two children. Since Gurbansoltan Achilova took up her job with Radio *Azatlyk* in 2007, she and her relatives have been subjected to various forms of pressure.²⁰
- For the past five years Gurbandurdy Durdykuliev has not been able to get back his internal passport, which was confiscated by police in 2006, despite numerous requests to authorities. Without a passport, he is not able to receive his pension or leave the Balkan province where he resides. Durdykuliev is a civil society activist who has publicly criticized the authorities, among others in interviews given to Radio *Azatlyk*. In February 2004 he was forcibly placed in a psychiatric clinic and was released only in 2006 in response to international protests. He and his family continue to face pressure by security services.²¹

There is currently no law regulating the conduct of assemblies in Turkmenistan²² and, in practice, the authorities suppress attempts by civil society members to stage protests.

- On 8 June 2011, TIHR was informed that police had quickly dispersed a group of some 50 people who had gathered that day outside in central Ashgabat to protest the demolition of apartment buildings for the purpose of making room for a new motorway.²³ It was the first protest action of this kind to have taken place since 2004. Later four women believed to be the organizers of the action were reportedly arrested.²⁴

Recommendations:

We urge the EU to address the concerns highlighted in this briefing note, as well as the individual cases described in it, in an open and frank way during its discussions with the Turkmen authorities. The EU should make clear to the Turkmen government that human rights are a core element of EU-Turkmenistan relations and that failure by Turkmen authorities to ensure concrete progress on human rights will have direct consequences for continued EU engagement with this country. It is particularly important to deliver this message in the context of the ongoing process of enhancing the relations between the EU and Turkmenistan.²⁵

With respect to the situation of civil society, the EU should specifically call on the Turkmen authorities to:

- Amend existing legislation and practices to abolish the prohibition on unregistered NGO activities, ensure that NGOs that so wish can obtain legal status in a fair and transparent process and that the powers granted to authorities in supervising NGO activities comply with requirements of international human rights standards;
- Put an end to surveillance, intimidation, travel bans and other forms of harassment targeting independent civil society activists (including those in exile) and other representatives of civil society who challenge official policies, as well as their family members and friends;
- Elaborate and adopt specific legislation on the conduct of assemblies that is consistent with international human rights standards and best practices and refrain from suppressing or punishing actions by civil society members who are seeking to assemble peacefully to express views and concerns;
- Take effective measures to implement recommendations on freedom of expression, association and assembly made by international human rights bodies, most recently by the UN Committee against Torture²⁶; and cooperate in good faith with the UN Human Rights Committee during the upcoming initial periodic review of Turkmenistan under the International Covenant on Civil and Political Rights (scheduled to take place in March 2012).

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¹ An unofficial English translation of the law is available at <http://www.legislationline.org/topics/country/51/topic/1>

² Criminal liability for participation in the activities of unregistered NGOs was abolished in 2004, but penalties are still possible under the country's Code of Administrative Offenses (article 204).

³ According to information from the Turkmen authorities, in late November 2009, a total of 91 public associations were registered. See par. 686 of report on the implementation of the ICCPR submitted to the UN Human Rights Committee by the Turkmen state party (February 2010). This report is available at <http://www2.ohchr.org/english/bodies/hrc/hrcs102.htm>

⁴ President Gurbanguly Berdimuhamedov was unanimously elected chairman of this movement at a 2007 congress, which reportedly also featured discussion on "a wide range of issues regarding the role of public organizations in consolidation of the Turkmen society and successful accomplishment of state development objectives". See report from 5 August 2007, at http://www.turkmenistan.ru/?page_id=3&lang_id=en&elem_id=10714&type=event&sort=date_desc

⁵ «Президент запретил въезд и выезд из страны людей, внесенных в "черный список"», Фергана.Ру, 29 July 2010; "Blacklist Reportedly Circulated of Undesirables in Turkmenistan", 1 August 2010, <http://www.eurasianet.org/node/61649>

⁶ See TIHR comment 3 August 2010, <http://www.chrono-tm.org/en/?id=1440>

⁷ See "Will Kazakhstan Admit Human Rights Activists to OSCE Meetings in Astana," 21 November 2010, <http://www.eurasianet.org/node/62417>; "Turkmen Activists Denied Entry to OSCE Review Conference in Warsaw", 4 October 2010, <http://www.eurasianet.org/node/62081>; press release by Memorial (in Russian), 21 November 2010, at <http://www.chrono-tm.org/?id=2831>

⁸ THR news release 22 April 2011, <http://www.chrono-tm.org/en/?id=1660>

⁹ The amount of this compensation has not yet been confirmed.

¹⁰ For more information about the situation of the Kazakh and other ethnic minorities in Turkmenistan, see TIHR, Submission to the 102nd Session of the UN Human Rights Committee (11-29 July 2011) in view of the adoption of a list of issues for the review of Turkmenistan, at <http://www.iphonline.org/news.html?52>

¹¹ For more details about the case of Bazargeldy and Aydjemal Berdyev, see TIHR news letter 22 April 2011, <http://www.chrono-tm.org/en/?id=1661>; and TIHR news letter 30 March 2011, <http://www.chrono-tm.org/en/?id=1639>

¹² See "Turkmen Activist Forcibly Committed to Psychiatric Care," 30 March 2011, http://www.rferl.org/content/turkmen_activist_forcibly_committed_psychiatric_care/3542597.html

¹³ See TIHR news release 1 March 2011, <http://www.chrono-tm.org/en/?id=1617>; TIHR news release 22 February 2011, <http://www.chrono-tm.org/en/?id=1613>; TIHR contribution to Summit for Human Rights and Democracy held in Geneva in March 2011, <http://www.chrono-tm.org/en/?id=1629>

¹⁴ See also appeal by International Partnership for Human Rights, the Netherlands Helsinki Committee and the Norwegian Helsinki Committee, 14 October 2010, at <http://iphonline.org/news.html?38>; as well as statement by Amnesty International and Human Rights Watch, 13 October 2010, at <http://www.amnesty.org/en/news-and-updates/austria-urged-protect-turkmenistani-activist-exile-2010-10-13>

¹⁵ The interview (in Russian) can be watched at <http://www.youtube.com/watch?v=4eQAKBoxtDg>

¹⁶ Available at <http://www.turkmenistan.gov.tm/?idr=1&id=100930a>

¹⁷ See Concluding Observations of the Committee against Torture: Turkmenistan (advance unedited version) , 46th session, 9 May-3 June 2011, at <http://www2.ohchr.org/english/bodies/cat/cats46.htm>

¹⁸ TIHR news release 21 October 2009, <http://www.chrono-tm.org/en/?id=1184>; TIHR news release 8 November 2009, <http://www.chrono-tm.org/?id=2253>; open letter from Andrey Zatoka, 25 October 2009, <http://www.chrono-tm.org/?id=2218>. See also the chapter on Turkmenistan in Amnesty International Report 2010, at http://thereport.amnesty.org/en/regions/europe-central-asia#europe_countries_en;

¹⁹ TIHR news release 26 July 2010, <http://www.chrono-tm.org/en/?id=1435>; TIHR news release 30 July 2008, <http://www.chrono-tm.org/en/?id=981>

²⁰ TIHR news release 17 August 2010, <http://www.chrono-tm.org/en/?id=1451>; TIHR news release 3 August 2008, <http://www.chrono-tm.org/en/?id=1441>

²¹ TIHR news release 22 November 2010, <http://www.chrono-tm.org/en/?id=1521>

²² The Law on Public Associations states that public associations, for the purpose of realizing their objectives, may "hold meetings, rallies, demonstrations, and marches in compliance with the procedure established by the laws of Turkmenistan" (article 21), while obliging associations to "notify the Ministry of Justice in advance about dates of scheduled events and to give the Ministry of Justice Representatives access to such events" (article 22). Violations of rules for organizing assemblies are punishable under the Administrative Code and the Criminal Code. No separate law establishing the procedure of organizing assemblies does, however, exist.

²³ TIHR news release (in Russian) 8 June 2011, <http://www.chrono-tm.org/?id=3152>; TIHR news release 14 June 2011, <http://www.chrono-tm.org/en/?id=1698>

²⁴ TIHR news release 23 June 2011, at <http://www.chrono-tm.org/en/?id=1703>

²⁵ After being stalled for years, efforts to legally regulate EU-Turkmenistan relations have recently been re-initiated. An EU-Turkmenistan Interim Trade Agreement (ITA) entered into force in August 2010, and a process is now under way to replace it with a broader Partnership and Cooperation Agreement (PCA) similar to those in force between the EU and other third countries. While consent by the European Parliament (EP) is needed to ratify the PCA, a vote on the agreement by this body has been postponed to September pending further consideration of the human rights dimension of the agreement. Similarly to the ITA, the PCA contains a clause stating that respect for human rights is an "essential element" of it and either party may take "appropriate measures" in case of a breach of obligations by the other party. At the time of the adoption of the ITA, the EP requested that its implementation be linked to "strict monitoring" and "regular reviews" of developments in key human rights areas in Turkmenistan (European Parliament Resolution from 22 April 2009, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0252+0+DOC+XML+V0//EN>). However, an EP delegation that visited Turkmenistan in April 2011 expressed concern about a lack of progress in these areas, which include unconditional release of all political prisoners; removal of all obstacles to free travel and to free access for International red Cross and other independent monitors; improvements in civil liberties, including for non-governmental organisations; and the implementation of reforms at all levels and in all areas of the administration. (A translation of the session of the European Parliament Foreign Affairs Committee where the Turkmenistan visit was discussed is accessible at <http://www.europarl.europa.eu/wps-europarl-internet/frd/vod/player?eventCode=20110524-1500-COMMITTEE-AFET&language=en&byLeftMenu=researchcommittee&category=COMMITTEE&format=wmv#anchor1>).

²⁶ In concluding observations adopted the consideration of the first periodic report submitted by Turkmenistan under the Convention against Torture in May 2011, the UN Committee against Torture called on the Turkmen authorities to take "all necessary steps" to: a) Ensure that human rights defenders and journalists, in Turkmenistan and abroad, are protected from intimidation or violence as a result of their activities; b) Ensure the prompt, impartial and thorough investigation of such acts and prosecute and punish perpetrators with penalties appropriate to the nature of those acts; c) Provide updates on the outcome of investigations of alleged threats against and ill-treatment of human rights defenders, including those mentioned above; and d) Implement the decision of the Working Group on arbitrary detention (Opinion No. 15/2010) regarding Mr. Annakurban Amanklychev and Mr. Sapardurdy Khajiev, which concludes that their imprisonment is arbitrary and calls for their immediate release and the provision of compensation for damages. Concluding Observations of the Committee against Torture: Turkmenistan (advance unedited version) , 46th session, 9 May-3 June 2011, at <http://www2.ohchr.org/english/bodies/cat/cats46.htm>