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AMNESTY INTERNATIONAL PUBLIC STATEMENT

Date: 9 June 2017

AI Index Number: EUR 61/6360/2017

Turkmenistan: Free 18 Men Tortured, Sentenced in Unfair Trial

Credible reports of the arrest, torture, conviction following unfair trials, and imprisonment under inhumane conditions of 18 men in Turkmenistan have been provided to Amnesty International and Human Rights Watch. The sentences, from 12 to 25 years, were handed down in a closed, two-hour trial, and set out in a summary of the verdict that lacks any information about the specific acts the men are accused of committing or the evidence against them.

Alternative Turkmenistan News, Amnesty International, Crude Accountability, Human Rights Watch, International Partnership for Human Rights (IPHR), Norwegian Helsinki Committee, and Turkmen Initiative for Human Rights (TIHR) call on the authorities to immediately release the 18 men, and quash their convictions. The authorities should also ensure that no-one is subjected to further torture or other ill-treatment, or isolated from their loved ones and lawyers. Turkmenistan's international partners, including the European Union, its member states, the US government, UN human rights agencies, and the Organization for Security and Cooperation in Europe, should intervene with the Turkmen authorities to urge them to release the 18 men and ensure their safety.

For years, the Turkmenistan government has closed the country to international scrutiny by human rights monitors, but its repressive policies and long record of ruthless and violent retaliation against people who speak out about government abuse have been documented over the years. Although Human Rights Watch and Amnesty International have spoken with several people close to the case, it has been impossible to verify many details about the arrest and treatment of the 18 men. However, the information received follows a documented pattern of torture, unfair trials, and persecution of people the Turkmen authorities suspect of dissent. There is reason to believe that all 18 have been denied access to legal counsel of their choice and denied a fair trial, and that they almost certainly were beaten or otherwise physically harmed.

Incommunicado Detention, Torture

Media reports said that the men were among over 100 people detained in September and October, 2016 over suspected links to the Turkmen-Turkish schools or the International Turkmen-Turkish University, which are understood to have previously been affiliated with Fethullah Gülen and the global Islamic movement, Hizmet.¹ Sixteen of the 18 convicted men either went to universities in Turkey or had been teachers, alumni, or staff at schools that are believed to have been affiliated with Gülen and Hizmet. Of the remaining two, one was a supporter of the schools and another taught at a school run by alleged Hizmet sympathizers.

They were detained by the 6th Department, the unit to combat organized crime in the Internal Affairs Ministry. While most of those detained were subsequently released, these 18 men were held in a pre-trial detention center in Yashlyk, Ahal province, until their trial in February 2017.

Human Rights Watch and Amnesty International received allegations that the 18 men were tortured and held in inhumane conditions in pre-trial detention. The information suggests that the men were held naked in darkened rooms for long periods and repeatedly beaten. A 19th man detained at the same time may have died as a result of torture, but this has been impossible to confirm.

The 18 men were held incommunicado, and their families were unable to obtain information through official channels about where they were being held and why they had been arrested. Relatives of at least some of the men eventually learned where they were held through unofficial sources, but were not able to visit them.

Turkmenistan is a party to the International Covenant on Civil and Political Rights (ICCPR), and to the UN Convention Against Torture, both of which prohibit torture. Article 10 of the ICCPR also states that “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”

Fair Trial Violations

The trial of the 18 men, held on February 8 apparently fell far short of international standards.

The hearing was held at the pre-trial detention center in Yashlyk. Only four lawyers, presumably appointed by the government, represented the entire group. Based on the information received, the trial lasted just two hours, and consisted of reading out the verdict. It is not known whether the men’s lawyers had the time and facilities to prepare a defense, or whether they were able to present any evidence or arguments in defense of their clients. No family members were allowed to attend the closed hearing.

If the government needed to present classified evidence, under Turkmen law it could have taken measures to withhold that evidence from the hearing, and told the court it was doing so.

¹ Fergana News, “Turkmen authorities persecute businessmen, teachers for Gulen links”, 24 November 2016, <http://enews.fergananews.com/news.php?id=3185&mode=snews> (accessed 29 March 2017); Nick Ashdown, “Turkmenistan Cracking Down on Gülen Followers”, Eurasianet, 8 December 2016, <http://www.eurasianet.org/node/81611> (accessed 29 March 2017).

A summary of the verdict provided to the defendants to prepare an appeal, which the organizations have reviewed, provides no information about the specific acts the defendants allegedly carried out to warrant the charges or about the evidence presented against the defendants. The defendant's families apparently have not been able to obtain the full verdict, because the authorities have classified it for reasons they have not revealed.

The summary verdict document says that eight of the men were charged under Article 177, Part 3 (Incitement of social, ethnic or religious hatred) and Article 275, Part 2 (Creation of an organized group, criminal association or other criminal structures or participation in their activity) and Article 275¹, Part 2 (Financing a criminal structure) of the Criminal Code, and nine were charged under Article 177, part 3, Article 275, Part 3, and Article 275¹, Part 3. One was charged under Article 136, Part 3 (Sexual offenses against a minor), Article 177, part 3, and Article 275¹, Part 2.

The 18 men appealed the convictions. On March 15 the Supreme Court upheld the convictions and sentences.

Article 14(1) of the ICCPR provides that "everyone shall be entitled to a fair and public hearing". The media and the public may only be excluded in prescribed narrowly defined circumstances. To guarantee this right, courts should make information about the time and place of the hearings available to the parties and the public, and provide adequate facilities in an easily accessible place. While there are a number of specific, narrowly defined, circumstances under which hearings in a criminal case may be restricted, including on national security grounds, states do not have unrestricted discretion to define what constitutes an issue of national security. The UN special rapporteur on human rights and counterterrorism has reiterated that restrictions on the right to a public hearing on grounds of national security should occur only when strictly necessary. To guarantee fairness, "they should be accompanied by adequate mechanisms for observation or review".²

Prison Sentences and Property Confiscation

Nine of the 18 men were sentenced to 25 years in prison, with the first five years in a closed prison, and the rest in a strict-regime prison colony. The remaining nine men were sentenced to 12 years in a strict-regime prison colony.

The court also ordered confiscation of their and their families' property, which has included household and personal items belonging to their family members, most of whom have young children.

Rights Violations in Turkmenistan

It is very difficult to verify the true extent of human rights violations in Turkmenistan, due to difficulties in accessing information from within the country and the fact that the country remains closed to international scrutiny. Turkmenistan has rejected or failed to respond to requests from various UN special rapporteurs to visit, as well as requests to visit by human rights organizations including Amnesty International and Human Rights

² UN General Assembly, "Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism", A/63/223, UN General Assembly, New York, 2008, para.30.

Watch. However, verifiable accounts that are available indicate that people in Turkmenistan live in an environment in which human rights violations are severe and routine.

Torture, Prison Conditions

Turkmenistan reported to the UN Committee Against Torture in 2016, and in its concluding observations, the committee noted its concern at “consistent allegations of widespread torture and ill-treatment, including severe beatings, of persons deprived of their liberty, especially at the moment of apprehension and during pre-trial detention, mainly in order to extract confessions”.³ The committee also noted the failure of the government to investigate reports of torture and hold those responsible accountable, and urged the authorities to “[e]nsure that impartial investigations are opened promptly into [the] allegations of torture,” including those made by the 18 men (as well as the 19th man who may have since died).⁴

In spite of the government’s tight control of information, Amnesty International and Human Rights Watch have continued to receive credible reports of torture and other ill-treatment by law enforcement officials. A 2013 report by Amnesty International documented reports of torture and other ill-treatment that included pushing needles under fingernails; electric shocks; asphyxiation applied with a plastic bag or gas mask to which the air supply is cut; sexual violence; forcibly administering psychotropic drugs; beating with batons, truncheons, or plastic bottles filled with water; punching; kicking; food and water deprivation; and exposure to extreme cold. Reports of torture and other ill-treatment in prisons also included forcing a prisoner to swallow pills and making threats against his family, forced rape between prisoners, and shackling prisoners serving life sentences.⁵ Fear of repercussions and widespread impunity normally prevent people from speaking out.

In 2016, former prisoners reported poor prison conditions and treatment in detention amounting to torture and other ill-treatment to Alternative Turkmenistan News, a news platform based in Europe. These accounts said that prison officers beat prisoners and forced them to stand outside for long periods in high temperatures. Prison officers also practiced extortion. Prisons were overcrowded, lacked adequate bathing and toilet facilities, and did not provide prisoners with enough food. Some prisoners had to sleep on the floor or in the prison yard. Tuberculosis rates were high among prisoners and appropriate treatment was frequently unavailable.⁶ In its concluding observations, the Committee Against Torture also expressed concern at “the use of solitary confinement and the reduced regime for persons placed in solitary confinement, which has resulted in

³ UN Committee Against Torture, “Concluding observations on the second periodic report of Turkmenistan”, CAT/C/TKM/CO/2, UN Committee Against Torture, Geneva, 2017, para.7.

⁴ Committee Against Torture, “Concluding observations on the second periodic report of Turkmenistan”, CAT/C/TKM/CO/2, UN Committee Against Torture, Geneva, 2017, para.8.

⁵ Amnesty International, *Turkmenistan: An “Era of Happiness” or more of the same repression?*, EUR 61/005/2013, Amnesty International, London, 2013, pp.24-25.

⁶ Alternative Turkmenistan News, “Туркменистан: О бедственном положении заключенных в колонии г. Теджен” [“Turkmenistan: on the dismal conditions for prisoners in the prison colony in the town of Tedzhen”], 24 August 2016, <https://habartm.org/archives/5557> (accessed 2 May 2017).

mental health problems and suicides".⁷

Rights to Freedom of expression, Peaceful Assembly, Association, and Movement

The Turkmen authorities consistently harass Turkmen human rights activists and journalists, both within the country and in exile. The country has no genuine independent media, and de facto censorship is extensive. People are barred from subscribing to foreign media outlets, and the authorities tightly regulate, monitor, and restrict access to the internet and frequently block social media websites and mobile platforms. The authorities harass and intimidate independent journalists and human rights defenders. Independent organizations and other associations cannot operate freely. The authorities arbitrarily bar people from traveling abroad, and frequently evict people from their homes without providing adequate, or at times any, compensation.

Turkmen-Turkish Schools and the International Turkmen-Turkish University

All of the 18 men are graduates, former teachers, or otherwise linked to Turkmen-Turkish schools or the International Turkmen-Turkish University. These schools were originally set up by foundations which are understood to have previously been linked to Fethullah Gülen and the global Islamic movement, Hizmet.

Schools that are believed to be affiliated with Hizmet have operated throughout Central Asia since the early 1990s. The movement has many adherents in the region. The first schools were opened in Turkmenistan 1993. Most were closed by 2011.⁸ The International Turkmen-Turkish University was also established in 1993, with the first students arriving in 1994. It was closed on the order of President Gurbanguly Berdimukhamedov in August 2016.⁹ Many businesses owned by former graduates of the Turkmen-Turkish schools or the International Turkmen-Turkish University have also been forcibly closed. These included businesses owned by some of the 18 imprisoned men.¹⁰

Gülen is accused by Turkish authorities of orchestrating the failed coup that took place in Turkey in July 2016 and schools, charities, and other organizations thought to be affiliated with Hizmet have been forcibly closed down in Turkey. Gülen denies the accusation that he is responsible for the coup attempt.

⁷ Committee Against Torture, "Concluding observations on the second periodic report of Turkmenistan", CAT/C/TKM/CO/2, UN Committee Against Torture, Geneva, 2017, para.23

⁸ Nick Ashdown, "Turkmenistan Cracking Down on Gülen Followers", Eurasianet, 8 December 2016, <http://www.eurasianet.org/node/81611> (accessed 29 March 2017).

⁹ Ozodagon Information Agency, "В Ашгабаде закрыли Международный туркмено-турецкий университет" ("In Ashgabat the International Turkmen-Turkish University was closed"), 10 August 2016, <http://catoday.org/centrasia/28461-v-ashhabade-zakryli-mezhdunarodnyy-turkmeno-tureckiy-universitet.html> (accessed 5 April 2017).

¹⁰ See: Radio Azatlyk, "Ашгабад: Супермаркет арестованного бизнесмена открылся под новым названием" ("Ashgabat: Supermarket belonging to arrested businessman opens under a new name"), 31 March 2017, <http://rus.azathabar.com/a/28402348.html> (accessed 5 April 2017); Radio Azatlyk, "В Ашгабаде закрылся 'Турецкий госпиталь'" ("In Ashgabat the 'Turkish Clinic' was closed"), 4 April 2017, <http://rus.azathabar.com/a/28410250.html> (accessed 5 April 2017); Radio Azatlyk, "'Йимпаш' всё-таки оплатился за связи с Гуленом" ("'Yimpaş' has in the end paid the price for links to Gulen"), 27 December 2016, <http://rus.azathabar.com/a/28199807.html> (accessed 5 April 2017).

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