



July 21, 2008

OHCHR Submission on Turkmenistan

- 1) Turkmenistan's current government led by Gurbanguly Berdymukhamedov has taken verbal steps towards reform after the end of the Saparmurat Niazov regime in 2006, but continues currently as one of the most repressive and authoritarian countries in the world.
- 2) Article 11 of Turkmenistan's Constitution guarantees, "“Everyone has the right independently to determine her or his own religious preference, to practice any religion alone or in association with others, to practice no religion, to express and disseminate beliefs related to religious preference, and to participate in the performance of religious cults, rituals, and ceremonies.” Turkmenistan is a party to the International Covenant on Civil and Political Rights (ICCPR), including its first and second Protocols, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of the Child (Amnesty International).
- 3) Berdymukhamedov is verbally committed to improving human rights in Turkmenistan, though little action has been taken to enforce this. According to a Human Rights Watch report, the European Parliament's International Trade Committee of 2006 created a list of requirements for the EU to enter an Interim Trade Agreement with Turkmenistan, including:
  - a. “allowing the International Committee of the Red Cross to work freely in Turkmenistan;”
  - b. “realigning the educational system with international standards;”
  - c. “releasing all political prisoners and prisoners of conscience,”
  - d. “abolishing governmental impediments to travel abroad,” and
  - e. “allowing free access of independent NGOs and permitting the UN human rights bodies to operate freely in the country to monitor such progress.”
- 4) No significant improvements have been made in these areas thus far. Activists and protestors face governmental pressure, detainment, and exile. Dozens imprisoned for political reasons have not been given fair trials and are released without reason, just as they were arrested, or they remain in undisclosed locations.

**A Vital Voice for Those Suffering in Silence**

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- 5) Crucial improvements are needed in the areas of freedom of expression, freedom of association, freedom of religion, right to a fair trial, freedom from torture, right to free movement within the country or otherwise, and non-discrimination. Our recommendations in this report specifically refer to freedom of religion, right to fair trial, and allowed access of NGO's dealing in human rights.

### **Freedom of Religion and Belief**

- 6) International pressure has improved the state of religious freedom in Turkmenistan since 2004, allowing many religious communities to register with the State. Amnesty International's report "Turkmenistan: No Effective Human Rights Reform" lists the Ashgabad-based congregations included in this group: Adventists, Baha'i, Baptists, the Church of Christ, the Full Gospel Church, the Greater Grace Protestant Church, the Hare Krishna community, the Light of the East Pentecostal Church, and the New Apostolic Church. Shia mosques, Armenian Apostolic, Protestant and Jehovah's Witnesses communities, on the other hand, find registering an almost impossible process.
- 7) Outside of formal registration, the way the government actually practices or responds religious groups is a cause of great concern. Christian churches with ethnic Turkmen cannot register. Ethnic Turkmen involved in non-indigenous religions and the foreigners who are part of these groups are considered traitors and may be exiled or forcibly removed from the country. On the other hand, many believers are given heavy fines, are detained, or confined to Turkmenistan, not permitted to leave the country or invite foreign representatives of their faith.
- 8) The Turkmenistan government harshly restricts freedom of religion and belief. Unregistered activity is punishable under the Administrative Code of Turkmenistan.

### **Right to a Fair Trial**

- 9) Human Rights Watch reports Gurbanguly Berdymukhamedov's government has released about two dozen certain prisoners suspected to be help for political reasons, but without a process of review for these cases. Instead, the released prisoners were given presidential pardons and were required to confess their guilt. Prisoners are subject to torture by law enforcement officers and prison guards. Prisoners fear publicity of their stories due to repercussions. This in no way adheres to the rule of law guaranteed to democratic societies.
- 10) We agree with their recommendation that "only a nationwide, transparent review of political cases of past years could help to establish the real number of political prisoners, and begin to provide them with justice." We admonish Turkmenistan to recognize the cases of Mukhametkuli Aimuradov, the country's longest serving political prisoner sentenced in 1995 to a 12 year sentence on trumped-up charges of anti-state crimes; Annakurban Amanklychev and Sapardurdy Khajiev,

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affiliated with a Turkmen human rights group in exile and sentenced in 2006 to seven years of imprisonment on false charges of possession of ammunition.

### **Non-Governmental Organizations**

- 11) Finally, we call for the allowance of independent NGOs' access in Turkmenistan's detention facilities, cities, and any area where human rights violations may be occurring. Currently, NGOs encounter the never-ending circle of needing registration to do their work, yet never obtaining registration approval from the government.

### **Recent Case**

- 12) The Turkmenistan Helsinki Foundation for Human Rights (THFHR) reported that "exiled dissident leader Gulgeldy Annaniyazov was arrested at his parents' home earlier this week as his family and friends celebrated his unauthorised return to Turkmenistan." (Neweurasia). Gulgeldy is now being kept at an undisclosed location and his own family is unable to contact him, THFHR said in its statement.
- 13) We support a nation's sovereign reign over its people unless it requires systematic violations of their human rights agreement. Turkmenistan should be held accountable for its actions or lack thereof in dealing with human rights situations for prisoners, citizens, and government. Jubilee Campaign asks the OHCHR to review these arguments closely and recognize that Turkmenistan needs to recognize the human rights violations occurring and move forward in its pursuit of a democracy under rule of law.