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U.S. Department of State

Turkmenistan Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

TURKMENISTAN

Turkmenistan, a one-party state dominated by its President and his closest advisers, made little progress in moving from a Soviet-era authoritarian style of government to a democratic system. Saparmurad Niyazov, head of the Turkmen Communist Party since 1985 and President of Turkmenistan since its independence in October 1990, may legally remain in office until 2002. The Democratic Party, the renamed Communist Party, retained a monopoly on power; the Government registered no parties in 1996 and continued to repress all opposition political activities. Emphasizing stability and gradual reform, official nation-building efforts focused on fostering Turkmen nationalism and glorification of President Niyazov. In practice, the President controls the judicial system, and the 50-member unicameral Parliament (Majlis) has no genuinely independent authority. The Government opened the Institute for Democratization and Human Rights in October, giving it a mandate to conduct research in support of the democratization of Turkmen government and society and to monitor the protection of human rights.

The Committee on National Security (KNB) has the responsibilities formerly held by the Soviet Committee for State Security (KGB), namely, to ensure that the regime remains in power through tight control of society and discouragement of dissent. The Ministry of Internal Affairs directs the criminal police, which works closely with the KNB on matters of national security. Both operate with relative impunity and have been responsible for abusing the rights of individuals as well as enforcing the Government's policy of repressing political opposition.

Turkmenistan is largely desert with cattle and sheep raising, intensive agriculture in irrigated oases, and huge oil and gas reserves. Its economy remains dependent on central planning mechanisms and State

control, although the Government has taken a number of potentially significant steps to make the transition to a market economy. Agriculture, particularly cotton cultivation, accounts for nearly half of total employment. Gas, oil, gas derivatives, and cotton account for almost all of the country's export revenues. Seeking increased outlets for its gas exports (and, thereby, greater economic independence), the Government is considering construction of new gas export pipelines to or through a number of countries, including neighboring Iran and Afghanistan.

The Government continued to commit human rights abuses, notably by severely restricting political and civil liberties. Citizens do not have the ability to change their government peacefully. The Government placed dissident Durdymurad Khodzha-Mukhammed in a psychiatric hospital in Geok-Depe and imprisoned dissident Ata Aymamedov after he called for the President's removal from office. Senior government officials

failed to respond to inquiries regarding these two cases. Security forces continued to beat suspects and prisoners, and prison conditions remained poor and unsafe. Arbitrary arrest, detention, unfair trials, and interference with citizens privacy remained problems. The Government completely controls the media, censoring all newspapers and rarely permitting independent criticism of government policy or officials. The Government generally gave favored treatment to ethnic Turkmen over minorities and to men over women. Women experience societal discrimination, and domestic violence against women is a problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including

Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The 1992 Constitution makes torture or other cruel, inhuman, or degrading treatment illegal. Nevertheless, there were credible and widespread reports that security officials frequently beat criminal suspects and prisoners and often used force to obtain confessions.

International human rights organizations reported that on February 22, the authorities placed dissident Durdymurad Khodzha-Mukhammed in a psychiatric hospital in Geok-Depe where he remains against his will. Others who have protested government policies or economic conditions also are held in psychiatric hospitals.

Prisons are unsanitary, overcrowded, and unsafe. Food is poor, and facilities for prisoner rehabilitation and recreation are extremely limited. In the past, some prisoners have died due to overcrowding and lack of adequate protection from the severe summer heat. The Government does not permit independent monitoring of prison conditions.

d. Arbitrary Arrest, Detention, or Exile

The Constitution states that citizens "have the right to freedom of belief and the free expression thereof and also to obtain information unless it is a State, official, or commercial secret." In practice, those expressing views critical of or different from those of the Government have been arrested on false charges of committing common crimes, such as Ata Aymamedov (see Section 1.e.), or the two journalists, Mukhammed Muradliev and Yowshan Anagurhan, for "hooliganism" in connection with a 1995 peaceful demonstration.

The precise number of political detainees held at year's end was unknown. Pretrial detainees are held 6 to 8 months on the average. One recent detainee was held for 61 days and released on October 1 after the presidential amnesty announced in conjunction with the fifth anniversary of independence.

Forced exile was not known to have occurred in 1996. However, almost all prominent political opponents of the present Government have chosen to move to either Moscow, Stockholm, or Prague for reasons of personal safety.

e. Denial of Fair Public Trial

The Constitution provides for judicial independence. However, in practice, the judiciary is not independent; the President's power to select and dismiss judges subordinates the judiciary to the Presidency. The court system has not been reformed since Soviet days. It consists of a Supreme Court, 6 provincial courts (including 1 for the city of Ashgabat only), and, at the lowest level, 61 district and city courts. A Supreme Economic Court hears cases involving civil disputes between state-owned enterprises and ministries. There are also military courts, which handle crimes involving military discipline, criminal cases concerning military personnel, and crimes by civilians against military personnel.

The President appoints all judges for a term of 5 years without legislative review, except for the Chairman (Chief Justice) of the Supreme Court, and he has the sole authority to remove them from the bench before the completion of their terms.

The law provides for the rights of due process for defendants, including a public trial, the right to a defense attorney, access to accusatory material, and the right to call witnesses to testify on behalf of the accused. In practice, these rights are often denied by authorities, and there are no independent lawyers, with the exception of a few retired legal officials, available to represent defendants. When a person cannot afford the services of a lawyer, the court appoints one. A person may represent himself in court.

Decisions of the lower courts may be appealed to higher courts, and in the case of the death penalty the defendant may petition the President for clemency. In practice, adherence to due process is not uniform, particularly in the lower courts in rural areas. Even when due process rights are observed, the authority of the prosecutor vis-a-vis the defense attorney is so great that it is very difficult for the defendant to receive a fair trial.

In January the Government convicted 27 persons for involvement in a peaceful demonstration in July 1995; 20 were immediately amnestied. In February authorities arrested one more person, Charymurat Amandurdyev, on charges relating to the demonstration.

At the end of the year, the Government held at least 12 political prisoners, including 1 dissident committed to a psychiatric hospital for nonmedical reasons. According to Human Rights Watch, at least two other dissidents were also held in psychiatric hospitals. Of the 11 convicted prisoners, 8 were involved in the July 1995 demonstration. Two others were convicted in secret before the Supreme Court in 1995 for an alleged conspiracy to assassinate the President. Dissident Ata Aymamedov was sentenced

in February to 4 1/2 years' imprisonment for "hooliganism" after he criticized the President in a private conversation. He reportedly claimed that the only way to improve the country's situation would be to remove the President from office. The authorities tried and imprisoned him on the day of his arrest.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the right of protection from arbitrary interference by the State in a citizen's personal life. However, there are no legal means to regulate the conduct of surveillance by the state security apparatus, which regularly monitors the activities of opponents and critics of the Government. Security officials use physical surveillance, telephone tapping, electronic eavesdropping, and the recruitment of informers. Critics of the Government, and many other people, report credibly that their mail is intercepted before delivery.

In the past, the authorities have dismissed children from school and removed adults from their jobs because of the political activities of relatives. Since his trial, the Government has reportedly persecuted Ata Aymamedov's entire family in this way.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for the right to hold personal convictions and to express them freely. In practice, however, the Government severely restricts freedom of speech and does not permit freedom of the press. Continued criticism of the Government can lead to personal hardship, including loss of opportunities for advancement and employment.

The Government completely controls radio and television. Its budget funds almost all print media. The Government censors newspapers; the Committee for the Protection of State Secrets must approve prepublication galleys. There is at least one monthly newspaper that purports to be independent, but it is still censored. Russian language newspapers from abroad are generally available only to organizations by subscription; individuals are rarely able to subscribe. Individual issues are available in at least one Ashgabat hotel, but are sometimes confiscated from passengers arriving at international airports.

After publishing a series of articles critical of the Government in the Russian newspaper Pravda, Turkmen journalist Marat Durdyev was fired from three state jobs: at the state-owned newspaper; an archeological site, and a state school; and he was harassed by the KNB and other government organs.

The Government prohibits the media from reporting the views of opposition political leaders and critics, and it rarely allows even the mildest form of criticism in print. The Government press has condemned the foreign media, including Radio Liberty, for broadcasting or publishing opposing views, and the Government has subjected those quoted in critical foreign press items to threats and harassment. It revoked the accreditation of the Radio Liberty correspondent because of broadcasts by an opposition politician in exile, although it has not prevented him from continuing to file reports for broadcast.

The Government also restricts academic freedom. It does not tolerate criticism of government policy or the President in academic circles, and it discourages research into areas it considers politically sensitive. The government-controlled Union of Writers has in the past expelled members who have criticized government policy; libraries have removed their works. Intellectuals have reported that the security organs have instructed them to praise the President in their art and have warned them not to participate in receptions hosted by foreign diplomatic missions.

b. Freedom of Peaceful Assembly and Association

The Constitution allows for peaceful assembly and association, but the Government restricts these rights. It does not permit peaceful demonstrations organized by alleged critics and in 1995 dispersed the first peaceful protest rally in years, convicting over 20 persons for their participation. Permits are required for public meetings and demonstrations, but there were reports of spontaneous demonstrations over bread prices during the year.

A few unregistered organizations without political agendas are permitted. Unregistered organizations with a political agenda are not allowed to hold demonstrations or meetings outside, but can hold small private meetings. No political groups critical of government policy have been able to meet the requirements for registration. The Government uses laws on the registration of political parties to prevent the emergence of potential opposition groups. At present the only registered party is the Democratic Party of Turkmenistan.

Social and cultural organizations without political aims are allowed to function, but often have difficulty registering. Theoretically, citizens have the freedom to associate with whomever they please. However, the authorities have fired or threatened to fire supporters of opposition movements from their jobs for political activities, removed them from professional societies, and even threatened them with the loss of their homes. In addition, some Turkmen with links to foreigners are subject to official intimidation.

c. Freedom of Religion

The Constitution provides for freedom of religion and does not establish a State religion. The State generally respects religious freedom. Citizens are overwhelmingly Muslim, but Islam does not play a dominant role in society, in part due to the 70 years of Soviet rule.

A modest revival of Islam has occurred since independence. The Government has incorporated some aspects of Muslim tradition into its efforts to define a Turkmen identity, and it gives some financial and other support to the Council on Religious Affairs, which plays an intermediary role between the government bureaucracy and religious organizations.

Religious congregations are required to register with the Government, but there were no reports that the Government has denied registration to any religious groups.

There is no law specifically addressing religious proselytizing. The Government, however, must grant permission for any mass meetings or demonstrations for this purpose. The Government does not restrict the travel of clergy or members of religious groups to Turkmenistan. Islamic religious literature is distributed through the mosques. Orthodox churches offer a variety of Christian religious literature.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government does not generally restrict movement within the country, although travel to southern border zones is tightly

controlled. Citizens still carry internal passports. These are used primarily as a form of identification rather than as a means of controlling movement. Residence permits are not required, although place of residence is registered and noted in passports.

The Government uses its power to issue passports and exit visas as a general means of restricting

international travel. Most nonofficial travelers find the process of obtaining passports and exit visas to be difficult. Many allege that officials solicit bribes in exchange for permission to travel abroad.

While most citizens are permitted to emigrate without undue restriction, some government opponents have been denied the opportunity to emigrate. In 1996 ethnic Russians and other non-Turkmen including Jewish residents, have been permitted to emigrate.

The government-funded Council of World Turkmen provides assistance to ethnic Turkmen abroad who wish to return to Turkmenistan and apply for citizenship. The Government, however, discourages immigration by ethnic Turkmen living in Iran, Iraq, Turkey, and other countries. Immigration of non-Turkmen from other areas of the former Soviet Union is discouraged by the unofficial policy of favoring employment of ethnic Turkmen.

The Government has not formulated a policy regarding refugees, asylees, or first asylum. The country does not provide first asylum, and the issue of its provision has never arisen. The Government has never granted refugee or asylee status to persons or accepted them for resettlement.

The Government cooperates with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. There are no provisions for granting asylum or refugee status in accordance with the 1951 United Nations Convention and its 1967 Protocol Relating to the Status of Refugees. Although the Government is not a signatory to the Convention, President Niyazov has publicly stated that Turkmenistan will accede to all international conventions, including those governing human rights and refugees. There are no domestic structures in place for government adherence to the Convention. The UNHCR is assisting the Government in creating such structures as a first step towards signing the Convention. UNHCR officials estimate that the country is at least 2 years away from signing the Convention.

There were no reports of forced expulsion of those having a valid claim to refugee status. There has not been a pattern of abuse of refugees with the exception of low-level harassment.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have no real ability to effect peaceful change in the Government and have little influence on government policy or decisionmaking. The 1992 Constitution declares Turkmenistan to be a secular democracy in the form of a presidential republic. It calls for the separation of powers between the various branches but vests a disproportionate share of power in the Presidency, particularly at the expense of the judiciary. In practice, President Niyazov's power is absolute, and the country remains a one-party state. Despite the appearance of decisionmaking by consensus, most decisions are made at the President's level.

In the 1992 presidential election, the sole candidate was Saparmurad Niyazov, the incumbent and nominee of the Democratic Party of Turkmenistan (formerly the Communist Party). The Government announced the election barely a month before voting day, giving opposition groups insufficient time to organize and qualify to submit a candidate. A 1994 national referendum extended the President's term to 2002, obviating the need for the scheduled presidential election in 1997. According to the official results, 99.9 percent of those voting cast their ballots to extend his term. The policy of the Democratic Party, according to its leadership, is to implement the policy of the President.

In the 1994 elections for a reconstituted Mejlis (Parliament) no opposition participation was permitted. The Government claimed that 99.8 percent of all eligible voters participated. The Mejlis routinely

supports presidential decrees and, as yet, has no genuinely independent authority, although it has taken several measures to become a more professional body. The next parliamentary elections are scheduled for 1999.

There are no legal restrictions on the participation of women or minorities in the political process. Minorities are represented in the Government although preference is given to ethnic Turkmen. However, women are underrepresented in the upper levels of government. Women currently serve as the Deputy Chairman of the Parliament and as the Permanent Representative to the United Nations. However, there are no women serving in the influential positions of ministers or provincial governors.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no local human rights monitoring groups, and government restrictions on freedom of speech, press, and association would preclude any effort to investigate and

criticize publicly the Government's human rights policies. Several independent journalists report on these issues in the Russian press in Russia and have contact with international human rights organizations. On numerous occasions in the past, the Government has warned its critics against speaking with visiting journalists or other foreigners wishing to discuss human rights issues.

The National Institute for Democracy and Human Rights under the President opened in October. Its mandate is to support the democratization of the government and society and monitor the protection of human rights. Beginning in December, Institute personnel led an investigative tour of prisons and of regional and local government offices, reporting to the President on substandard prison conditions and abuses by regional and local authorities. The degree of the Institute's independence and the full scope of its prospective activities, remained unclear at year's end.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Article 17 of the Constitution provides for equal rights and freedoms for all, regardless of one's nationality, origin, language, and religion. Article 18 specifies equal rights before the law for both men and women. There is no legal basis for discrimination against women or religious or ethnic minorities. Cultural traditions and the Government's policy of promoting Turkmen nationalism, however, limit the employment and educational opportunities of women and nonethnic Turkmen.

Women

Anecdotal reports indicate that domestic violence against women is common, but no statistics are available. The subject is not discussed in Turkmen society. There are no court cases available and no media references to domestic violence in the media.

Despite constitutional provisions, women are underrepresented in the upper levels of state-owned economic enterprises and are concentrated in health care, education, and service industries. Women are restricted fro