



**International
Partnership**
for Human Rights

The protection of fundamental rights in Kazakhstan, Tajikistan and Turkmenistan

Update on developments in early July-early October 2014

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This report summarizes the findings of monitoring conducted by Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR), Nota Bene (Tajikistan) and Turkmen Initiative for Human Rights (TIHR, based in exile in Austria) in their respective countries, employing methods such as on-the-ground monitoring (including trial monitoring where possible); direct contacts with individuals affected by particular developments and other sources of information; monitoring of legal developments and actions of authorities; and media and social media monitoring. International Partnership for Human Rights (Belgium) has assisted with compiling and editing the report.

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Kazakhstan

General situation

Kazakhstan's entry into the **Eurasian Economic Union (EEU)** remained a major issue of discussion. The treaty about the creation of this Union was signed by Russia, Kazakhstan and Belarus in May this year. In early October 2014, a law on the ratification of the treaty was approved by Kazakhstan's parliament and signed by the president. The EEU is set to start operating as of 1 January 2015. While the EEU is formally purely economic in character, there are concerns in Kazakhstan that it may be used by Russia to put political pressure on other member states. Such concerns have been reinforced by recent developments in Ukraine.

In a TV-interview in late August 2014, President Nazarbayev [insisted](#) that all EEU members have equal say and that Kazakhstan reserves the right to leave the Union should it threaten its interest and independence. Shortly after this, [comments](#) made by Russian President Putin at a youth forum caused controversy, as he said that "Kazakhs had never had statehood" before its current president "created it." He also said that he is convinced that most people in Kazakhstan favour closer relations with Russia and Eurasian integration.

Individuals **fleeing the conflict in eastern Ukraine** who arrived in Kazakhstan faced difficulties due to the reluctance of the authorities to recognize them as refugees. They were formally required to present documents proving that they are victims of a conflict, which was impossible in practice.

On 3 July 2014, President Nazarbayev signed **the new Criminal Code**, which has been widely criticized by the local and international human rights community. (See the update for April-June 2014). The new Criminal Code will enter into force as of 1 January 2015. According to a plan approved by the president, the transition to a new model of criminal justice will also begin as of this date. This plan foresees the use of reduced sentences for first-time offenses.

On 1 October 2014, **elections to the upper house of Kazakhstan's parliament** (the Senate) took place, but attracted little public interest because of their predictability. Senate deputies are elected by members of local representative bodies (*maslikhats*) in indirect elections. These representative bodies are currently almost fully made up by members of the presidential Nur Otan party, and all new Senate deputies who were elected also represent this party. Irregularities during the collection of signatures by candidates were observed at least in Aktobe, as reported to KIBHR by an independent candidate.

Since Kazakhstan's new National Preventive Mechanism (NPM) against torture began its work earlier this year, authorities have paid **more attention to the situation of detainees** and publicly recognized shortcomings in this area. The NPM, which functions under the Ombudsman's office, includes NGO representatives.

Freedom of expression

Harassment of opposition media and journalists

Opposition media and journalists **continued to be subjected to pressure**. Among these were the online opposition video portal *16/12* and its representatives:

- On 16 July 2014, the chair of the *16/12* video portal reported that the Russian security services had carried out a search in the portal's main office in Moscow and confiscated hard drives from its servers and computers, as well as from the notebooks of employees. According to him, several current and previous staff members were also summoned and questioned by police. He believed

that the Russian security services were acting on the request of Kazakhstani authorities. In June this year, the video portal's Astana office was also [searched](#) and technical equipment confiscated.

- On 7 July 2014, 16/12 correspondent Andrey Tsukanov was detained by police when filming the dispersal of an unsanctioned, peaceful protest in Almaty. The same day an Almaty court convicted him on charges of obstructing the lawful orders of police and sentenced him to 15 days of administrative arrest. While he was serving this sentence, another investigation was opened against him on accusations of defamation, in relation to a [video clip](#) posted by 16/12 under the heading "Balhash: Ordered murder." According to the journalist, during this investigation, police confiscated his video camera and computer and made a laboratory recording of his voice. In early September, it was reported that no criminal charges would be brought against him. On 14 August, Tsukanov was again detained when filming an unsanctioned protest. He was deemed a protestant participant by court, although police did not provide any evidence of this, and fined an equivalent of some 140 EUR. On 24 September, this ruling was revoked on appeal.

The criminal case on defamation that was opened against independent journalist Natalia Sadykova in March this year remained pending. She continued to reside abroad out of fear of returning. (See also the section on access to justice below for more information on this case).

Censorship

There were new cases of **arbitrary blocking of websites**.

On 28 August 2014, access to material posted on the site of the Kazakhstani service of Radio Free Europe/Radio Liberty, Azattyq.org was blocked. The same day the popular Russia-based news site Fergananeews.com was also fully blocked. This happened after the two sites had covered an incident in Karamurt in southern Kazakhstan on 27 August, when ethnic Uzbeks residents were attacked by ethnic Kazakhs. A representative of the regional police denied that the incident had an inter-ethnic character.

As of August 2014, the Central Asian news site ca-news.org was also blocked in Kazakhstan. According to representatives of the site, they have made inquiries to internet providers about the reasons for this without receiving any answers.

The following incident gave rise to concerns about **censorship in relation to developments in Ukraine**:

- On 30 September 2014, journalist Kasym Amanjol wrote on his Facebook page that the private Tan TV-channel had decided to [drop his film](#) "Maidan in the eyes of a Kazakh journalist" from its program, although the film had been scheduled to be broadcast on 1 October. The president of the TV-channel declined to give any comments. In an interview to the website 365info.kz, the founder of the channel had earlier said that Amanjol was receiving threats after travelling to Ukraine and shooting the film there.

Persecution of human rights defenders and opponents of the regime

There were new developments in a number of **cases of concern involving human rights defenders**:

- On 2 July 2014, lawyer Zinaida Mukhortova, who has been engaged in human rights defence since 1995, was again forcibly placed in a psychiatric hospital in the city of Balhash. According to Mukhortova's daughter, six men disguised as electricians knocked on the door of their apartment in the morning and detained Mukhortova, who had come from Almaty for a few days' visit. While detaining Mukhortova, the men allegedly hit her 14-year-old grandson on the head and shoved away her 5-year-old granddaughter. Mukhortova's sister only found out where Zinaida was held when she went to the prosecutor's office to file a complaint about the detention and ill-treatment. Mukhortova has [repeatedly](#) been subjected to forced psychiatric hospitalization since she sent an

appeal to the president about the unlawful actions of a ruling party member in 2009. Currently Mukhortova remains in the psychiatric hospital.

- On 24 July 2014, a district court in the city of Karaganda sentenced lawyer Yevgeniy Tankov, who is well-known for his human rights activities, to three years in prison for showing disrespect to a judge and committing violent acts in relation to a representative of the authorities. The case against him was opened following an incident during the trial in a case he was working on in March 2014. During that trial, he [invited](#) the judge to participate in a “fly swatter duel” and, according to the law enforcement authorities, hit the judge several times with a plastic fly swatter. Tankov described the incident as an art act and denied that he threatened or used violence against the judge. Civil society representatives found the sentence against him unfair and believe that it was motivated by his professional and civic activities, including his non-traditional and creative tactics in court.
- On 29 July 2014, an Aktau court rejected a request to grant oil worker rights defender Roza Tuletaeva early, conditional release. The judge referred to reprimands made against Tuletaeva for violations of the detention regime in 2012 and 2013, although these reprimands had expired. The decision was upheld on appeal in September, with the same argumentation. Currently Tuletaeva is held in a colony settlement in the city of Atyrau. She is serving a five-year sentence that was handed down to her on charges of organizing mass riots following an unfair trial and investigation, when she allegedly was tortured.

On 30 July 2014, the Italian Supreme Court of Cassation ruled that Alma Shalabayeva, the wife of the exiled Kazakhstani opposition leader Mukhtar Ablyazov, and her six-year-old daughter were **unlawfully deported from Italy to Kazakhstan** in May 2013. This deportation has been widely criticized. In December 2013, the Kazakhstani authorities eventually allowed Alma Shalabayeva and her daughter to return to Italy.

Freedom of association and assembly

At a meeting of the [Human Dimension Dialogue Platform](#) under Kazakhstan’s Ministry of Foreign Affairs on 29 July 2014, KIBHR Chair of Board Yevgeniy Zhovtis presented a **draft law on peaceful assemblies**. However, the Ministry of Justice responded to this proposal by saying that it does not consider the elaboration of a new law purposeful.

The current law on assemblies requires the organizers of protests to obtain permission in advance, while such permission is denied on different pretexts, including in venues that have been specifically designated for holding assemblies and that typically are located far from city centres. Such denials were reported, among others, in the city of Aktobe, where new venues for holding assemblies recently were designated in suburban areas.

Because of the repressive approach of the authorities, most peaceful protests that are held in Kazakhstan are “unsanctioned.” During the reporting period, protests primarily took place in Almaty and Astana and concerned housing issues, in particular the eviction of residents of buildings due to be destroyed because of “government needs” and borrowers who cannot pay off loans and interests. As previously, authorities used a selective approach: in some cases, peaceful “unsanctioned” protests were allowed to take place without interference; in other cases, participants were **detained and sanctioned for violations** of the rules on organizing assemblies.

- On 15 July 2014, some 50 mortgage holders from different cities in Kazakhstan held a picket outside the ATF Bank in Almaty, where they put up a tent. They demanded that interest be written off on their mortgage loans. Law enforcement authorities responded to the protest by detaining part of the protesters and bringing them to court. While 11 of those detained were given a warning, activist

Dilnar Insenova from the “Ensure housing for the people” movement was fined an equivalent of 375 EUR.

- On 11 August 2014, members of the “Ensure housing for the people” movement held another picket outside the building of the Almaty mayor’s office, demanding a meeting with the deputy mayor. After some time, the activists were invited for such a meeting. However, after this meeting ended, about ten protest participants were detained and five of them were brought to court the same day. One was given a warning and four were fined an equivalent of 150 EUR each. On 14 August, journalist Andrey Tsukanov from the 16/12 video portal, who filmed the protest, was also fined (see more above under harassment of media and journalists).

The following case reinforced concerns about **harassment of independent trade union members**.

- As [reported](#) by the Socialist Movement in Kazakhstan, in July 2014, Bereket Murzatay, an activist of the independent Aktau trade union, was allegedly beaten by a representative of the Vehicle Management and Well Service at the Karazhanbas oil field in the Mangistau region where he works. The incident was witnessed by a number of people. Following an inquiry, the representative of the company in question was fined, however, Murzatay was also fined, as he was deemed to have been a participant in a fight. In addition, he was fired. While a local court subsequently reinstated him to his job, this decision was overturned by the district court on appeal by the employer. Only representatives of the employer reportedly appeared as witnesses at the appeal hearing. Murzatay’s colleagues have been offering him support, among others by writing a joint letter to the regional governor to this end.

Equality before the law, non-discrimination and access to justice of vulnerable groups

Access to justice and fair trial issues

KIBHR monitors continued to observe **violations of the right to equality of arms, the right to defence and other due process and fair trial rights** during legal processes, in particular those relating to individuals engaged in political or civic activities.

- On 19 September 2014, Snezhana Kim, the lawyer of journalist Natalia Sadykova, [made a request](#) to Aktobe City Court No. 2 to remove judge Razia Kustanova from the criminal case against the journalist and to declare the decision to open this case unlawful. She made this request after Kustanova was given a disciplinary sanction by the Aktobe Regional Court for denying Kim access to case materials. According to the lawyer, this violated her client’s right to defence and gave rise to questions about the impartiality of the judge. She also pointed to other violations of Sadykova’s rights in the process against the journalist. In March this year, a criminal defamation case was opened against Natalia Sadykova under par. 3 of Criminal Code article 129, which carries a penalty of up to 3 years in prison. The case was initiated on the basis of a complaint from a former parliamentary deputy over an article he accused the journalist of writing under a pseudonym.

In the following case, a **positive development was seen with respect to access to justice**:

- Two years ago Pavlodar resident Yuri Kukshin was accused of possessing drugs, after which he spent 1 year and 8 months in custody. The investigation and proceedings in the case were marred by procedural violations. Only after numerous appeals and protests was he believed when he argued that the charges against him were false and that the drugs found in his possession had been planted by police. This spring the General Prosecutor’s Office [opened a criminal case](#) in relation to officials in the Ministry of Interior in the Pavlodar region, and on 18 September 2014, court hearings [began](#)

against Murat Koshanov, an anti-drug department official charged with exceeding his powers and falsifying evidence and investigation material.

Intolerance against LGBT people

In late August 2014, a poster showing Russian writer Alexander Puskin and Kazakh composer Kurmangazy Sagyrbayuly kissing appeared on social media, causing a host of negative reactions. It turned out that the poster had been designed by the Havas Worldwide Kazakhstan advertising agency as promotional material for the “Studio 69” club located on the corner of the Pushkin and Kurmangazy streets in Almaty. [According to the director](#) of this club, it “does not position itself as a gay club” but is “open to all,” including members of sexual minorities. The advertising agency, however, had prepared the poster exclusively for the purpose of participating in an advertising competition without informing the management of the club. The publication of the poster was followed by a **campaign against Studio 69, Havas Worldwide Kazakhstan, as well as the LGBT community.**

After the publication of the poster, activists from the youth movement *Bolashak*, which cooperates with the Almaty mayor’s office, twice held pickets outside Studio 69 to demand its closure. Activists from this movement also submitted an appeal to Kazakhstan’s parliament, calling for the adoption of a law “banning propaganda of lesbians, gay, bisexuals and transgender people in Kazakhstan.” On 11 September 2014, activists from the movement [organized a roundtable](#) in Almaty, in the course of which a series of hostile statements against LGBT community representatives were made. A number of individuals who defended the rights of LGBT people were forced to leave the meeting room. *Bolashak* leader Dauren Babamuratov reportedly said that “blood was running high” among many members of his movement who were eager to “deal with the gays who came to the round-table.”

The advertising agency was taken to court over the controversial poster, in a development that also is of concern in the light of freedom of expression:

- On 24 September 2014, an Almaty administrative court considered a suit filed by the Almaty mayor’s office against Havas Worldwide Kazakhstan and its director Daria Khamitshanova. According to the mayor’s office, the poster constituted “unethical advertising” and its creators had violated the law on advertising. The court dismissed all petitions by representatives of the advertising company and [ruled](#) to fine the agency an equivalent of 800 EUR and its director an equivalent of 550 EUR. Shortly after this trial, it was reported that another, [civil suit](#) had been filed with a district court against the designers of the poster, involving a demand for moral compensation to the amount of 34 million Tenge (some 140,000 EUR). This suit was submitted by students and teachers at the Kurmangazy Kazakh National Conservatory and the Kurmangazy Kazakh State Academic Orchestra, both of which have been named in honour of the famous composer. However, representatives of the conservatory declined to make any comments to media about the suit and advised journalists to instead direct inquiries to the mayor’s office. Currently the trial in this case is under way. Journalists and human rights defenders have reportedly been denied access to the courtroom.

Tajikistan

General situation

A major political event during this period was the **Shanghai Cooperation Organization (SCO) summit** held in Dushanbe on 11-12 September 2014, in the framework of Tajikistan’s chairmanship of the organization. The summit was attended by the SCO member states, which include China, Russia and the

four Central Asian states of Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, as well as SCO observer and partner states. As reported, it largely focused on security issues and coordination in the fight against terrorism, but member states also discussed, among others, strengthening of economic and trade cooperation and the admission of new members. The summit ended with the adoption of a [summit declaration](#) and several [other documents](#).

Human rights NGOs have [voiced concern](#) that counter-terrorism cooperation undertaken within the SOC has undermined human rights protection. While a basic principle of the organization is mutual recognition of acts of terrorism and extremism, no common, unambiguous and precise definition of such acts has been agreed, enabling individual member states to use to organization to gain backing for counter-terrorism efforts used to clamp down on dissent. There are also concerns about the human rights implications of a growing role of the SOC in the area of economic cooperation. SOC member states Russia and China are currently investing billions of dollars in Central Asia without paying any attention to human rights aspects. During an official visit to Tajikistan carried out by the Chinese president after the SOC summit, agreements were signed on new large-scale Chinese investments in the country.

At the side-lines of the SOC summit, the presidents of Tajikistan and Uzbekistan also held a bilateral meeting, where among others border issues and the rights of national minorities were expected to be discussed. However, no progress on these or other issues appeared to have been reached at the meeting.

The Tajikistani authorities continued to **advocate “stability” in society** and to engage in efforts to prevent perceived attempts to “destabilize” the situation. In doing so, they received support from the country’s Muslim leaders, who adopted a controversial fatwa (see more below under “Freedom of expression”).

Freedom of expression

Harassment of media, journalists and other critics

In the recent period, there have been reports indicating that **media and journalists are facing growing pressure** in Tajikistan. Some experts link this to the parliamentary elections that are coming up in February 2015. Prior to earlier elections in the country, intimidation and harassment of media and journalists have also increased.

In the most high-profile case so far this year, the weekly *Asia Plus* was convicted of defaming the country’s “intelligentsia”, a decision that was upheld by the Supreme Court in June (for more information about this case, see the monitoring report for April-June 2014). Among the cases of concern documented during the current period were the following ones:

- In August 2014, an administrative case was opened against journalist Kamari Akhror, a correspondent of the independent *TojNews* website and *Nigox* newspaper who resides in the city of Khudjan. He was accused of failing to obey the lawful orders of police during an international boxing competition held in Khudjan the same month, an accusation he denied. A local court subsequently dismissed the case. However, in September, police reopened the case, and on 16 October 2014, a Khudjand court began considering the case. The journalist’s lawyer criticized the decision to reopen the case and said she believes that the case is aimed at intimidating him.
- In late September 2014, Nazirin Nursat, the chief editor of the Dushanbe-based independent *Imruz News* newspaper, was reportedly summoned and questioned by police and informed that a criminal case may be opened against him on charges of exceeding authority and obstruction of justice. This happened after the publication of an article in the newspaper about the change of location of a local bookstore. One of the September issues of the newspaper also disappeared from the stands of

newspaper sellers for unknown reasons. *Imruz News* has repeatedly faced pressure, including several defamation suits.

Tajik researcher Alexander Sodiqov, who was detained in June 2014 on accusations of spying when he was conducting research about conflict resolution in Khorog, was released on 22 July but prevented from travelling. In September, he was eventually allowed to return to Canada, where he resides with his family. However, the criminal case against him remained open. His detention has been widely criticized by the international community (see more about this case in the monitoring report for April-June 2014).

Persecution of human rights lawyers in retaliation for their professional activities was a growing concern (see more below under “Equality before the law, non-discrimination and access to justice”).

Internet censorship

Arbitrary blocking of websites continued. News sites such as *Ozod* (the Tajik service of Radio Free Europe/Radio Liberty), *Ferghana.ru* and *Centralasia.ru*, as well as social media sites such as *Odnoklassniki* and Youtube were among the sites affected by blocking during the reporting period.

Moreover, in early October 2014, reports emerged about the blocking of hundreds of websites, including Facebook, *Vkontakte*, Wikipedia, Russian news sites and many other sites. Proxy sites used to access blocked online resources were also targeted. As on previous occasions, the government’s Communications Service denied any responsibility, while internet providers [told](#) media that they had received informal orders to block access to websites. According to media reports, the blocking of websites was believed to be related to the online publication of information critical of the authorities, as well as the online calls made for an anti-government protest to be held in Dushanbe on 10 October. (See more below under “Freedom of association and assembly”).

In a [statement](#) issued in response to the widespread blocking of websites, Tajikistani and foreign NGOs criticized this as a violation of the rights of citizens to seek, receive and impart information and called on the Tajikistani authorities to immediately put an end to the practice of extrajudicial and arbitrary blocking of websites in the country. OSCE Representative on the Freedom of the Media Dunja Mijatović [described](#) the repeated blocking of websites as “a worrying and disturbing trend” and said that the authorities “have a responsibility to ensure that all citizens of Tajikistan have unhindered access to information, offline and online.”

Religious messages denouncing government criticism

During the reporting period, there were several cases when **religious leaders used their influence on citizens to deliver political messages** denouncing criticism of the current authorities

In particular, in late September 2014, Tajikistan’s *Ulemas* Council (a body of Muslim clerics) adopted a controversial fatwa that stated that agitation against the authorities and actions aimed at destabilizing and undermining unity in society are a “great sin” for true Muslim believers. The fatwa also declared cooperation with international and national organizations, political parties and media that seek to destabilize Tajik society “sinful” and warned that those who fail to obey will face “godly anger.” The fatwa was announced by Chief Mufti Saidmukarram Abdulkodirzoda during his Friday sermon at the main mosque in Dushanbe on 26 September 2014.

According to civil society representatives, the fatwa contradicts the country’s Constitution, which sets out that Tajikistan is a secular state, where there is political and ideological pluralism and religious organizations are separate from the state and may not interfere in governmental affairs. The fatwa also gives rise to concern in the light of freedom of expression and the media and other fundamental rights.

In another case, during Friday morning prayers on 3 October 2014, the imams in a number of Dushanbe mosques reportedly called on attendees not to allow themselves to be “provoked” by an opposition group that had called for an anti-government protest to be held in the capital (see more below under “freedom of association and assembly”).

Freedom of association and assembly

There were reports indicating that the elaboration of a **new Law on Non-governmental Organizations** was under way within the Ministry of Justice. However, civil society organizations were not informed about this process and were not invited to participate in it.

Draft amendments to the Law on Assemblies were under discussion in the government. It was [reported](#) that these amendments would toughen restrictions on prohibited conduct during assemblies and prohibit foreign citizens from participating in assemblies. According to one of the authors of the amendments, they are needed to update the 1998 law in view of current security threats.

It is believed that the amendments to the Law on Assemblies were initiated, among others, in response to the developments in Khorog in May 2014, when clashes between law enforcement authorities and local residents took place following a special security operation (see the monitoring report on April-June 2014 for more information). As other governments in the former Soviet Union, the Tajikistani authorities also appear to have become increasingly fearful of protests against the current regime following the recent developments in Ukraine.

In the evening of 4 October 2014, law enforcement authorities held a training on the **dispersal of protests** at the central square in Dushanbe. Individuals dressed in military uniforms, bulletproof vests and armed with weapons and batons cordoned off the street and imitated a dispersal. Local residents had not been warned that such an event would be held and many did not at first realize that it was a training. The training took place a few days before the day (10 October), when the opposition “Group 24” had called for holding an anti-government protest in central Dushanbe. On 9 October 2014, the Supreme Court **declared this group “extremist”** and banned its activities in Tajikistan. It also prohibited access to its website, as well as the production of written, audio and video material about the group on the territory of Tajikistan. This decision was made on the basis of a [request](#) from the General Prosecutor’s Office, according to which the group’s representatives allegedly have made “extremist” statements and agitated mass riots and the forceful seizure of power.

As described above, widespread blocking of websites also occurred in the days prior to the announced date of the protest and imams warned believers not to be “provoked” by the group behind it (see the section on “Freedom of expression”).

Equality before the law, non-discrimination and access to justice of vulnerable groups

Judicial reform

The working group set up to elaborate a **new program on judicial reform for 2015-2017** continued its work. Most of the work took place behind closed doors without any opportunity for civil society or the lawyers’ community to participate or comment on the draft. Only in one case were two civil society representatives allowed to participate in a working group meeting, following international calls to involve civil society.

The new **draft Law on Lawyers** was under consideration in parliament. This draft law has been criticized by lawyers and NGOs, in particular, for restricting the creation of independent lawyers' associations. Local and international organizations have submitted recommendations for improvements of the draft law and the lawyers' community is currently working with the parliament on amendments to the text.

The **Concept of Legal Assistance** elaborated by a working group under the Ministry of Justice with active participation of civil society was presented for public discussion and is expected to be adopted by the government by the end of the year. The **process of "humanizing" the Criminal Code** also continued and a first draft is expected to be presented in coming months.

Harassment of lawyers

In the recent period, there has been a **growing number of cases of persecution of lawyers** for their professional activities in Tajikistan. This concerns in particular lawyers who represent the interests of individuals who are inconvenient to the authorities.

- Well-known lawyer Shukhrat Kudratov was arrested on 21 July 2014 on charges of attempting to bribe a judge. He has represented opposition figure Zaid Saidov, who was convicted to 26 years in prison in December 2013 in a trial deemed to be politically motivated. Following Saidov's conviction, Kudratov continued to speak out on this case, among others in an appeal he sent to foreign embassies and international organizations shortly before his arrest. He has also worked on other politically sensitive cases, and he is himself a member of the opposition Social Democratic Party. In September 2014, a Dushanbe court prolonged his arrest to 21 November 2014, dismissing a request from his lawyer to release him pending trial. If convicted on the charges he is facing, Kudratov could face up to ten years in prison. Fahriddin Zokirov, another lawyer on the legal team of Zaid Saidov was arrested on fraud charges in spring. He also remains in custody pending trial. In a [joint statement](#) issued on 28 July 2014, Tajikistani civil society organizations and representatives of bar associations called on the authorities to ensure impartial and objective investigations into the cases of Kudratov and Zokirov and to put an end to pressure against lawyers.

Victims of discrimination

In what appeared to be a widespread pattern, **few victims of discrimination in Tajikistan turn to the relevant authorities or NGOs** for protection of their rights. Major reasons for this include lack of knowledge and awareness among victims of their rights and lack of belief that their cases will be dealt with fairly and that they will obtain remedy. For example, only few of the victims of the mass raids against sex workers and LGBT representatives that law enforcement authorities carried out in June 2014 initiated attempts to pursue lawsuits and most of those who did eventually decided to discontinue these attempts. (For more information about these raids, see the monitoring report for April-June 2014).

Turkmenistan

General situation

During this period, the process of reforming the constitution began and a new, third political party was established in Turkmenistan. However, while these developments may appear to be promising moves indicating reform-willingness of the Turkmen authorities, TIHR was sceptical that they would result in any real improvements since they both took place under close oversight by the president and are unlikely to help restrain his virtually unlimited powers.

At the beginning of August 2014, a first meeting was held of [the commission established in May 2014](#) for the stated purpose of **bringing Turkmenistan's Constitution into line with international standards**. The meeting was chaired by the president, while participants included representatives of various state bodies and institutions. According to [official information](#), the president instructed the *Mejlis* (parliament) to take main charge of the reform process, while also tasking government ministries with studying specific reform issues and calling for expert views to be requested from the local offices of international organizations. The constitutional draft is supposedly to be published in state newspapers and on the internet for public discussion and input. While no timeline for the reform has been announced, the [Central Asia-Caucasus Institute](#) reported that some sources expect that it may be completed already in October, which raises questions as to how a thorough consideration of reform proposals will be possible.

The Turkmen state agency (TDH) [reported](#) that the **founding congress of the Agrarian Party of Turkmenistan** was held in Ashgabat on 28 September 2014. During this congress, a party charter and program were adopted and Rejep Bazarov, who previously served as minister of agriculture and is a known loyalist of the president, was named party chairman. This is the second political party to be established following the entry into force of the first-ever Turkmen Law on Political Parties in January 2012. The Party of Industrialists and Entrepreneurs of Turkmenistan, which was formally initiated by businessman [Aleksandr Dadaev](#) who is a close friend of the president, was established in August 2012. This party is not known to have pursued any independent line in relation to the president and the pre-existing presidential Democratic Party of Turkmenistan.

On 3 September 2014, ahead of the sixth **EU-Turkmenistan Human Rights Dialogue**, [a meeting between representatives of the European External Action Service \(EEAS\) and five human rights organisations](#) took place in Brussels. Turkmen human rights defenders living in exile in Europe and their colleagues from European NGOs briefed the EEAS representatives about the human rights situation in Turkmenistan, in particular with respect to women's rights, freedom of association, freedom of religion, the rights of minorities, as well the situation in Turkmen prisons. They also provided information about individual cases of concern, which were raised during the EU dialogue with Turkmen officials [held on 15 September 2014](#).

Freedom of expression

Temporary **disruptions and shutdowns in internet access** [were observed](#) across the country between 30 August and 15 September 2014. The state-run Turkmen Telecom did not provide any explanation for these disruptions. Internet sites containing information critical of the situation in Turkmenistan are generally blocked and only accessible through proxy servers.

There were concerns that a [reported reduction](#) in the number of programs and **broadcasting time of the Turkmen Service of Radio Liberty, Radio Azatlyk** may further have decreased access to independent information about developments in Turkmenistan. Radio *Azatlyk*, which is based in Prague but broadcasts its programs in Turkmenistan, is a rare source of alternative information in this country where all national media is state-controlled and access to foreign media and the internet is highly restricted. In 2013 a number of Turkmen intellectuals wrote an [open letter](#) to the then RFE/RL President expressing their concern about the situation in the Turkmen Service but have not received any reply.

TIHR also [reported](#) that the **abolition of short-term visa-free movement** across the Turkmen-Uzbek border for border area residents as of August 2013 has **contributed to limiting access to information** of Turkmen citizens. Previously small-scale entrepreneurs used to travel across the border to import Uzbek and Russian print media to the Dashoguz and Lebap provinces. However, now this import has been curtailed due to the high costs of obtaining a visa. The import and distribution of foreign newspapers and journals are seriously limited in Turkmenistan and private individuals are not allowed to subscribe to

such media. The visa-free movement across the Turkmen-Uzbek border was abolished following on the initiative of the Turkmen authorities.

In a well-documented pattern, any **critical voices are vulnerable to persecution** in Turkmenistan. In August 2014, TIHR reported about the case of [Khudaikul Nazarov](#), a physician born in Tajikistan, who was imprisoned after openly criticizing the practices at a local hospital:

- A few years ago, Nazarov sent numerous letters to authorities in which he pointed to arbitrary and unlawful practices of the administration at the hospital in the Mary province where he was working. After receiving no answer to these letters, he gave an interview to Radio *Azatlyk* in January 2009. He was subsequently prosecuted and sentenced to five years in prison on the basis of a complaint that his previous wife allegedly was pressured into signing by security services, alleging that he had inflicted bodily injuries on her. After serving his sentence, Nazarov was released in 2013. When he returned to his home, he discovered that many of his possessions were missing, but was reportedly warned by police not to submit any complaint or else he may face expulsion. Police have also reportedly refused to return his Turkmen ID, instead handing him only his old Soviet-era passport and suggesting that he return to Tajikistan. Likewise, his now full-aged sons have not received any Turkmen IDs. Since his release, Nazarov has been unable to find a new job.

Freedom of association and assembly

A new, rare public protest took place in Ashgabat on 23 August 2014:

- Some 50 persons protested against an attempt by local authorities to remove air conditioners from outside their apartments in the Parahat-7 district of the capital. According to Radio Free Europe/Radio Liberty, [the protesters blocked cranes](#) to prevent them from approaching the apartments. Eventually the cranes left without having removed any air conditioners. Prior to this attempted dismantling action, local authorities had [posted leaflets](#) requesting that residents remove air conditioners from the façades of houses along the B. Annanova Street, without providing any explanation for this. While no police force was used against the protesters, local authorities subsequently made raids to try to find out who the organizers were, similarly to in June when [another protest](#) against the dismantling of air conditioners took place. A few days after the protest, local officials assured local residents that their air-conditioners would remain in place, a move that it appeared may have been triggered by reporting on the incident by TIHR and foreign media. For Ashgabat residents, air conditioners provide much needed relief against sweltering temperatures of up to 50 degrees Celsius in the summer.

Most public associations operating in Turkmenistan are state-funded and state-controlled. An [open letter](#) published by TIHR in July 2014 was an **unusual display of discontent** about the operations of such an organization, namely Turkmenistan's Union of Artists, which has a mandate to support and promote national art:

- In this letter, nine members of the Union, who asked that their names be withheld out of fear of repercussions, denounced corrupt and arbitrary practices within the Union. According to them, the leadership of the Union, in particular, accepts individuals who have nothing to do with art as members of the Union for political reasons and allocates state support to them. They called for an official inspection of the activities of the Union and also suggested that it should be liquidated because it has discredited itself. According to [information obtained](#) by TIHR, the publication of the letter appeared to make the leadership of the Union nervous. A planned meeting where it was expected that a number of new Union members with the "right" profile would be admitted was cancelled and the charter of the Union was suddenly made public, albeit without the signature of

the previous chairperson said to have signed it. The leadership also began a campaign to collect signatures from members, saying this was needed to prevent the closure of the organization.

Equality before the law, non-discrimination and access to justice of vulnerable groups

TIHR reported about [arbitrary arrests](#) of men suspected to be substance users by police patrols in Ashgabat. Such arrests are carried out under a so-called “crime prevention” plan. According to information received by TIHR, men who have been apprehended in this way have not been allowed to inform their families about their arrest before being brought to a rehabilitation centre in Dashoguz, which is located in the north of the country. Reportedly many targeted men have been able to return home only after their relatives have sent money to bribe the staff in the centre.

The **mandatory mobilization of residents** for official festivities continued, including during the hot summer months. This practice also affected **believers** who were **fasting during the month of Ramadan** and therefore found it particularly hard to spend hours at outside events in the heat. For example, on 13 July 2014, Ashgabat residents [were required](#) to spend almost the whole day at an official festive event and stand up and cheer in response to each of the numerous songs dedicated to the Turkmen president that were performed at the event. At least two women reportedly fainted.

In a new example of the erratic and arbitrary way in which decisions affecting citizens are often made in Turkmenistan, the **Turkish school in Ashgabat** was abruptly [closed down](#) in August 2014. This school had been offering instruction primarily in Turkish according to the Turkish school program and had been attended by both children of Turkish diplomats and businessmen and Turkmen students. While the school had operated pursuant to a Turkmen-Turkish agreement, the decision to close it down was made unilaterally by the Turkmen president and came shortly before the start of the new school year. Following an intervention by the Turkish government, it was agreed that Turkish school will continue to operate, but will be moved to other premises. However, some 600 Turkmen students, who had attended the Turkish school, were initially told that they would not be able to continue their education at this institution, allegedly due to lack of space. They were instructed to instead transfer to local schools. In many cases it was difficult for parents to organize such transfers at short notice due to overcrowding in many schools in the capital and bribes demanded by school principals to accept new students. According to information obtained by TIHR, the Turkish school has now began operating at its new premises and part of its Turkmen students have also eventually been allowed to continue their studies there.

As of the 2013-2014 school year, the length of compulsory education was increased from 10 to 12 years in Turkmenistan. As a result, there were no high school graduates in 2014, which among others meant that male graduates could not be conscripted into the army as in previous years. As reported by TIHR, in connection with growing concerns about the situation at the Turkmen-Afghan border and the lack of conscripts to send there, in August 2014 the government [instructed](#) high schools to be ready to **issue graduation diplomas, in an extraordinary fashion**, to students who had completed the tenth grade. Thus, students would have been forced to graduate, although they had not finalized their studies under the new 12-year-program, thus depriving them of their right to continue their education in an arbitrary and discriminatory manner. Apparently at least partly due to the fact that this information was leaked and publicized by TIHR, [these plans were cancelled](#) following a government meeting on 22 August 2014. A decision was instead made to draft more Turkmen students who have studied at foreign universities. According to information obtained by TIHR, parents are required to pay bribes of up to 600 EUR to prevent their sons from being posted at the border.

TIHR reported about a [long-standing problem](#) concerning the **legal status of members of ethnic minorities** who were born and raised in Turkmenistan and have lived there for many years, but who did not reside in the country at the time of the dissolution of the Soviet Union in 1991 (e.g. because of

studies in another Soviet republic). This problem affects in particular ethnic Uzbeks and their children, who have not been able to obtain Turkmen residence permits and citizenship, which has created obstacles for them to find official employment, receive child allowances, enroll their children in school, exit the country etc. Those married to Turkmen citizens, especially Uzbek women are also affected. TIHR has reported about the [deportation](#) of the women and children in such families on several occasions.

TIHR also reported about **cases of corruption** affecting individual citizens, among others in [health care](#), as well as **difficulties faced by citizens when** submitting complaints to authorities and **seeking to enforce their rights**. One example is this case, which concerns housing rights:

- Ashgabat-resident Nadiya Gizatullina has been [struggling to obtain accommodation](#) for her and her two children since 2006, when she was forced to leave her husband. When the apartment building where she used to live with him was pulled down, only he and his relatives were granted a new apartment. The only offer made to her by authorities was to put her on a waiting list for an apartment she could not afford. A legal complaint filed by Gizatullina is still under consideration and she has not received any response to other appeals to authorities, including an appeal to the presidential executive office this spring.