

PUBLIC

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Fear of forcible deportation/
fear of torture

3 September 2002

KAZAKSTAN/
TURKMENISTAN

Gulgeldi Annanyyazov (m), aged 42

Former political prisoner Gulgeldi Annanyyazov is believed to be in imminent danger of being forcibly deported to Turkmenistan, where he would be at risk of torture.

Gulgeldi Annanyyazov was detained by Russian border guards at Moscow's Domodedovo airport on 1 September, after arriving on a flight from the Caspian port of Aktau in Western Kazakhstan. He had reportedly crossed the border between Turkmenistan and Kazakhstan illegally and then used false documents to travel to Moscow. Because of his political opposition activities, Gulgeldi Annanyyazov has been banned from leaving Turkmenistan by the Turkmen authorities. If returned to Turkmenistan, Gulgeldi Annanyyazov could be convicted for illegal border crossing and will be at grave risk of torture in detention.

Despite assurances to human rights monitors by the Russian border guards that no decision would be taken before 2 September, Gulgeldi Annanyyazov was returned to Astana, the capital of Kazakhstan, at 11pm on the day he was detained. Vitaly Ponomarev, the director of the Central Asia department at the Moscow-based human rights organization Memorial said: "Either the Russian authorities were afraid of the noise that human rights organizations would create to urge them not to return him, or they were contacted by the Turkmen authorities who asked them to act quickly."

To forcibly deport Gulgeldi Annanyyazov would be contrary to Kazakhstan's obligations under international law, in particular Article 3 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This prohibits the return of a person to a country or territory where they may be subjected to torture.

BACKGROUND INFORMATION

The Central Asian state of Turkmenistan became independent following the break-up of the Soviet Union in 1991. Since then it has been dominated by President Saparmurad Niyazov, who has exercised a monopoly on power as both head of state and head of government. The government is extremely intolerant of dissent, restricting political and civil liberties and retaining tight control of the media. Most leaders of the opposition have been forced into exile, and no human rights organization can openly function in the country. Amnesty International has received numerous reports of torture and ill-treatment of prisoners in Turkmenistan.

Gulgeldi Annanyyazov was one of the so-called "Ashgabat Eight", who were serving long prison terms after being convicted of criminal offences, some involving violence, arising from their participation in an unprecedented anti-government protest in Turkmenistan's capital Ashgabat on 12 July 1995. Gulgeldi Annanyyazov had been sentenced to 15 years' imprisonment, the longest term of imprisonment of the "Ashgabat Eight", as he was seen by the authorities as being one of the organizers of the July 1995 protest. He was released in January 1999 to coincide with a fact-finding visit of the human rights organization, Human Rights Watch. Following his release, Turkmen

state TV reportedly showed him repenting for his alleged crimes on 3 February 1999.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Russian or your own language:

- urging the Kazakstani authorities not to hand over Gulgeldi Annanyyazov to the Turkmen authorities, as Amnesty International believes that he would be in grave danger of torture and cruel and inhuman treatment in detention in Turkmenistan;

- reminding the authorities that the forcible deportation of a person to a state where there are substantial grounds for believing that they would be in danger of torture is prohibited under the United Nations Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Kazakstan is a party.

APPEALS TO:

President of the Republic of Kazakstan

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Salutation: Dear President

Foreign Minister of the Republic of Kazakstan

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Salutation: Dear Minister

Procurator General

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COPIES TO:

diplomatic representatives of Kazakstan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 15 October 2002.