

PUBLIC

AI Index: EUR 61/002/2004

02 March 2004

UA 90/04

Fear of torture/fear for safety/medical concern

TURKMENISTAN

Rakhim Esenov (m), aged 78, journalist

Igor Kaprielov (m), his son-in-law

Ashirkuli Bayriyev (m), journalist

Writer and journalist Rakhim Esenov, his friend and fellow-journalist Ashirkuli Bayriyev, and Rakhim Esenov's son-in-law Igor Kaprielov have been detained by Security Service officers and are believed to be at risk of being tortured or ill-treated. Rakhim Esenov has reportedly suffered a stroke since he was detained.

Rakhim Esenov was summoned to the Ministry of National Security (MNB) on 23 February. He was reportedly accused of "smuggling" 800 copies of his novel *Ventsenosny Skitalets* ("The Crowned Wanderer") into Turkmenistan. The book has been banned for 10 years from the publishing houses in Turkmenistan and Rakhim Esenov was only able to get it published in Moscow in 2003. The books were delivered to his apartment in the capital, Ashgabat, in January, but customs officers removed them after a few days, alleging that they had been imported illegally.

The novel is set during the period of the Mogul Empire which was founded in the 16th century. It features the character of Bayram Khan, whom the book portrays as a Turkmen poet, philosopher and army general who saved the Empire from falling apart. In February 1997 President Saparmurad Niyazov had publicly criticized the book and denounced the author for making "historical errors," but Esenov refused to make the "corrections" the President demanded.

During questioning Rakhim Esenov was reportedly asked for the names of his smuggling "partners", and who had financed the novel. Following the interrogation, Rakhim Esenov suffered a stroke and was taken to hospital. He had already been in poor health before his detention, having recently suffered a heart attack.

Two days after his stroke he was again interrogated and placed in an intensive care unit in hospital, where he was under the strict control of the Security Service. The following day at approximately 1pm Security Service officers took him away from the hospital and the investigator told his daughter that he had been arrested and put into the MNB's investigation-isolation prison.

On 2 March it emerged that Rakhim Esenov was charged with "inciting social, national and religious hatred" using mass media (Article 177 parts 1 and 2 of the Criminal Code of Turkmenistan).

On 23 or 24 February Rakhim Esenov's son-in-law Igor Kaprielov was taken to the MNB and accused of conspiring with Rakhim Esenov in the smuggling of the books. His whereabouts are now unknown.

The journalist Ashirkuli Bayriyev was summoned to the MNB in the evening of 1 March. As Ashirkuli Bayriyev is a close friend of Rakhim Esenov it is possible that the MNB summoned him because of his relationship with the writer. Some three-and-a-half hours later an MNB officer called Ashirkuli Bayriyev's wife to inform her that her husband had been arrested. It is not known what Ashirkuli Bayriyev has been accused of.

BACKGROUND INFORMATION

The human rights situation in Turkmenistan has been appalling for years. It has deteriorated even further since an alleged attempt to assassinate President Niyazov, on 25 November 2002, which triggered a new wave of repression across Turkmenistan.

The regime is extremely intolerant of dissent, and it has severely limited civil and political liberties. No independent political parties or human rights groups can operate openly in the country, while opponents of the government and civil society activists have been forced into exile or faced imprisonment and persecution. Freedom of religion and of movement have been severely restricted and ethnic minorities have been targets of harassment and discrimination. The authorities in this virtually closed country have retained tight control of the media.

Key to the failure to address impunity or counter the widespread abuses of human rights is President Niyazov's domination of all aspects of life in the country, and the personality cult which he has fostered.

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

- expressing concern at reports that Rakhim Esenov suffered a stroke following a Secret Service interrogation on 23 February, and that interrogations continued on 25 February despite his poor health;
- urging the authorities to ensure that Rakhim Esenov, Ashirkuli Bayriyev and Igor Kaprielov are not subjected to any form of violence and are treated humanely;
- urging the authorities to inform you of Igor Kaprielov's whereabouts.

APPEALS TO:

President Saparmurad Niyazov
744000 g. Ashgabat,
Apparat Prezidenta,
Prezidentu Turkmenistana NIYAZOVU S.A.,
Turkmenistan

Fax: +993 12 35 51 12

Salutation: Dear President

Minister of Foreign Affairs
Rashit Meredov,
744000 g. Ashgabat,
pr. Magtymguly, 83,
Ministerstvo inostrannykh del Turkmenistana,
Ministru MEREDOVU R.,
Turkmenistan

Fax: +993 12 35 42 41

E-mail: mfatm@online.tm

Salutation: Dear Minister

COPIES TO: diplomatic representatives of Turkmenistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 13 April 2004.