

PUBLIC

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Further Information on UA 90/04 (EUR 61/002/2004, 2 March 2004) - 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

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Rakhim Esenov was released on 9 March, on condition that he does not leave the country. He had been detained by officers of the Ministry for National Security (MNB) in the capital, Ashgabat, at the end of February, and charged on 2 March with "inciting social, national and religious hatred" in connection with his novel *Ventsenosny Skitalets* ("The Crowned Wanderer").

His son-in-law Igor Kaprielov is believed to be still in detention, although his precise whereabouts remain unknown. He was reportedly accused of conspiring with Rakhim Esenov in the "smuggling" of 800 copies of the novel into Turkmenistan.

Rakhim Esenov's close friend Ashirkuli Bayriyev is held in the MNB's investigation-isolation prison, though it is still not known why he was arrested. Shortly after his arrest, his son, an English language teacher, and his wife, a journalist, were both fired from their jobs.

Rakhim Esenov recently told the Memorial Human Rights Centre in Moscow that he denies all charges made against him, and pointed out that he had paid customs duties before bringing his book into Turkmenistan.

Rakhim Esenov is reported to have said that he was treated well while he was held at the MNB's investigation-isolation prison, and that he was allowed to receive daily messages from home. The day after his release, his passport, which had been illegally confiscated by MNB officers, was returned to him.

The international community had intervened on Rakhim Esenov's behalf, and he cites action taken by the US Embassy and the OSCE as having played a decisive role in his release. The Russian Embassy also expressed its concern over the arrest of Rakhim Esenov, a Russian citizen.

Rakhim Esenov said: "I don't know what will become of this case, but I am tired of being afraid. My son-in-law Igor Kaprielov is still in prison".

## BACKGROUND INFORMATION

*Ventsenosny Skitalets* ("The Crowned Wanderer") is set during 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 publicly criticized the book and denounced the author for making "historical errors," but Esenov refused to make the "corrections" the President demanded. On 2 March it emerged that Rakhim Esenov had been charged with "inciting social, national and religious hatred" using mass media (Article 177 parts 1 and 2 of the Criminal Code of Turkmenistan).

The human rights situation in Turkmenistan has been appalling for years. 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:**

- urging the authorities to ensure that Ashirkuli Bayriyev and Igor Kaprielov are not subjected to any form of violence and are treated humanely while they are in custody, and that they have access to lawyers, to their families and if necessary to medical attention.
- asking to be informed of the charges against Ashirkuli Bayriyev

**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](mailto: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 23 April 2004.