

President Serdar Berdimuhamedow

Oguzhan Presidential Palace
Independence Square
Ashgabat, Turkmenistan

BY EMAIL

14 July 2022

Joint open letter to His Excellency, Serdar Berdimuhamedow, President of Turkmenistan

Your Excellency,

We, the undersigned, are writing to express our grave concern over the continued detention of lawyer Pygamberdy Allaberdyev.¹

Prior to his arrest in 2020, Mr Allaberdyev worked for oil and gas production office of the Government of Turkmenistan in the city of Balkanabad. He had become an increasingly vocal critic of plans to introduce various amendments to Turkmenistan's Constitution. His arrest occurred nine days before a pro-democracy rally that he was organising, planned for 14 September 2020. At the Balkanabad police station, officers of the Ministry of National Security from Ashgabat reportedly questioned Mr Allaberdyev on his alleged connections with activists involved in the Turkmen protest movement abroad. There are also reports that Mr Allaberdyev was under surveillance the week before his arrest. The circumstances, charges against and trial of Mr Allaberdyev indicate that the case against him is political.

On 19 August 2020, the Constitutional Commission for the development and consolidation of proposals in connection with the introduction of amendments and additions to the Constitution of Turkmenistan completed work on draft amendments to the Constitution. This included an amendment that former Presidents of Turkmenistan would acquire lifelong membership in the Khalk Maslakhaty (People's Council), which was to form the higher chamber of a new bicameral parliament, the National Council.

¹ Please note that this is a public letter and will be published on our respective websites.

On 5 September 2020, Mr Allaberdyev was arrested without warrant on hooliganism charges following an altercation as he left a grocery store with a friend. Allegedly, an unidentified individual physically attacked Mr Allaberdyev then told police that Mr Allaberdyev had started the altercation.

On 8 September 2020, the Prosecutor's Office issued an arrest warrant against Mr Allaberdyev, who was charged with intentional harm to health of moderate severity and hooliganism (Articles 108 and 279 of the Criminal Code of Turkmenistan respectively). He was placed in incommunicado pre-trial detention at the authorisation of the prosecutor. His lawyer was not permitted to see him until the day of the trial and their request for relevant case materials were repeatedly rejected by the authorities.

On 29 September 2020, Mr Allaberdyev was convicted and sentenced to six years imprisonment for hooliganism and intentional infliction of moderate bodily harm following a closed trial that lasted for two hours. Witnesses supporting Mr Allaberdyev were not permitted to testify. Mr Allaberdyev was not represented by a lawyer during the proceedings as his original lawyer withdrew from the case before the trial began, citing health issues, after alleged intimidation by the authorities, and Mr Allaberdyev reportedly refused the services of a court-appointed lawyer. Since his conviction, Mr Allaberdyev has been held in incommunicado detention.

With regard to the above issues, we respectfully draw Your Excellency's attention to Turkmenistan's international law obligations under the [International Covenant on Civil and Political Rights \(ICCPR\)](#), including the right to liberty and security (Article 9), the right to a fair trial (Article 14), the right to freedom of expression (Article 19), the right of peaceful assembly (Article 21) and the right to freedom of association (Article 22).

Indeed, on 1 April 2022, the UN Working Group on Arbitrary Detention held that Mr Allaberdyev's detention is [arbitrary and in contravention of international human rights law](#) on the following grounds:

- The arrest and subsequent detention of Mr Allaberdyev lacked a legal basis.
- Mr Allaberdyev's arrest and detention resulted from the exercise of the rights and freedoms guaranteed by Articles 19 and 21 of the ICCPR.
- The non-observance of the international norms relating to the right of Mr Allaberdyev to a fair trial was of such gravity as to give his deprivation of liberty an arbitrary character.

We also recall the [UN Basic Principles of the Role of Lawyers](#), which states that governments shall ensure that lawyers are able to perform their professional functions without intimidation, hindrance, harassment or improper interference (Principle 16(a)). Furthermore, it is 'the duty of the competent authorities to ensure lawyers access to appropriate information, files and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients. Such access should be provided at the earliest appropriate time' (Principle 21). Finally, the Principles emphasise that lawyers, like other citizens, are entitled to freedom of expression, belief, association, assembly and, in particular, have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights (Principle 23).

We call on Your Excellency to immediately and unconditionally release Mr Allaberdyev, quash his conviction and accord him an enforceable right to reparation, in accordance with international law. We further urge the Turkmen authorities to implement all measures consistent with their obligations under international human rights law. These include to respect, protect, and fulfil the rights to freedom of expression, assembly, and association and to liberty and a fair trial, including the right to effective legal representation of one's choice.

We would be grateful to receive your assurances that you have received our letter and that our concerns will be addressed as a matter of urgency.

Yours Sincerely,

1. **Baroness Helena Kennedy QC**, Director, [International Bar Association's Human Rights Institute](#)
2. **Sophie de Graaf**, Executive Director, [Lawyers for Lawyers](#)

Cc.

Begmyrat Muhammedov, Minister of Justice

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