

I request that this letter be given to the General Prosecutor of Turkmenistan, the Embassy of the Russian Federation of Turkmenistan and the representative of the OSCE in the instance of my arrest, disappearance or unfortunate circumstance.

A. Zatoka
June 20, 2008

Statement

I, Andrey Lvovich Zatoka, citizen of Turkmenistan and Russia, and permanently living in Turkmenistan at Dashovuz, Tsentr-1, D.8 kv 23 have, for a long time, and for reasons that are unknown to me, been subjected to persecution from the national security services. Beginning in April 2008, I first noticed that I was being observed, and between May 11-18 and in the beginning of June, unknown people came into my apartment without my permission and without my knowledge.

In addition, the ban on my departure from the country is still in existence. This ban was instituted in December 2006 when I was arrested and subjected to criminal prosecution because of a previously planned scenario under an order from the MNB (Ministry of National Security). The criminal affair ended with a suspended sentence, and as of September 2007, I remained unable to leave the county as one condemned with a suspended sentence. However, in September, a Decree of Pardon was issued, and there is no longer a legal basis for limiting my departure. Furthermore, in November 2007 I learned from the Migration Service that the ban with regard to me had not been lifted and in February, they told me on the phone (in response to a written appeal from November 16, 2007), that the MNB confirmed the ban on my departure. When I last asked about my status on June 11, I was told by the clerk's office that there were no changes and that I should appeal to the MNB.

In April 2008, I wrote a letter to the Ministry of National Security with a request to allow me to leave or to explain the reason for the ban. I sent the letter through an Ashagabat employee of the MNB "Mered", who was in Ashagabat at the time and agreed to meet with me. He promised that the issue would be soon be resolved in a positive manner, after which I purchased tickets to Moscow on June 1, in order to visit my children and elderly mother, who I had not seen for over two years. However, not only did I not receive permission to make the trip on that day, but I also did not receive an answer from the MNB or any kind of explanation.

Therefore, I have reason to suspect that another set up or criminal prosecution is being planned in relation to me. That is, whoever broke into my apartment could leave behind something of a criminal nature (as happened in December 2006 when they left a vial of "snake venom,") in order to use it as physical evidence of a crime. It is also possible that a listening device was planted.

Furthermore, psychological pressure has been organized against my friends, with whom I am in contact. For example, in April, Umida Dzhumbaeva, who was my translator during the criminal case, and also looked after my apartment while I was gone, was called to the department of the MNB and subjected to a "precautionary conversation" with the goal of forcing her to stop her public activity. Because the conversation did not result in the desired effect, there was an effort to discredit her in front of her husband (during this same period, her husband was detained by the police in his workplace and taken in handcuffs to the department without any basis). When this provocation took place, an audit was conducted of her civil society project, which she was conducting through the Counterpart program (the construction of a public grain mill), with the obvious goal of accusing her of swindling and appropriating money. At the present time she has been given an order from the local village authorities unlawfully demanding that the mill be abolished.

Pressure was also put on the school where Umida works. Hired people—employees of MNB—who stay in the dark, basically urge various people with authority to act in violation of the law and against their own conscience.

Pressure was also placed on the Gardashev family and on their circle of friends, to such an extent that several of their friends distanced themselves out of fear.

I also want to talk about the operating methods of the legal bodies that have engaged with me since December 2006.

1. While I was boarding the plane at the Dashoguz airport on December 17, 2006, an unknown man (as it was explained later—a provocateur who did not even have a ticket) tried to provoke me into a fight at the beginning of check-in, and then on the runway. Specifically, he shoved a bag under my leg and grabbed my hand yelling, “Why are you doing that!” and before I could say anything, I was pulled out of the line and taken to a police officer. (That policeman, after a long absence, now works at the airport control and can likely say from whom he received the order to detain me. In addition, many of the witnesses to my detainment were workers at the airport). They took the two of us to a guard room at the airport, from where they took me to the town receiving area. On the next day, the judge gave me 5 days detainment “for hooliganism”, and the provocateur who was the witness to my guilt did not receive any punishment.
2. On the afternoon of the fifth day of my arrest, without any explanation, I was taken from my cell and placed in the guard area of the Municipal Department of Internal Affairs. A woman was already sitting there, and she began to ask me questions, and then began to accuse me of all sorts of mortal sins, including changing my homeland. When I guessed that this woman was simply provoking me toward a scandal, and I told her that, she quickly left, and they returned me to my cell.

The second time they took me to the guard room it was already evening, and a man with an aggressive appearance, who appeared to be homeless, started to attack me in an aggressive manner. I told the guard, and asked that they take that man, who clearly wanted to attack me, away from me—and the guard paid no attention. After a while, the police workers appeared and in front of them, he attacked me with his fists. I curled up and fell to the floor, to break away from his provocation. They took the man away and I was left to stand in the guard room.

After about an hour, a police sergeant approached me and said that the head of the special services had written a report about me, charging that I did not obey him and that I had sworn at him. I stated that nothing like that had happened, that I had never even met with or had any contact with the boss. The sergeant started to write in Turkmen an explanation of what I had said and I signed it, thinking that it had been written honestly. However, the sergeant had written in my name that I accepted the fact of guilt. In other words, he simply lied to me, taking advantage of my trust and my poor understanding of the Turkmen language. Then, regardless of the fact that it was late (after 10PM) they took me to the courtroom and Judge Khudaiberenov, specifically called from home for my case, gave me an additional ten days in prison, based on the falsified report, my “confession,” which had been falsely obtained by two liars.

3. While I was under administrative arrest, employees of the MNB secretly entered my empty apartment, having stolen keys or using those which had been taken from me when I was

arrested. On December 30, 2006, I was taken home in handcuffs, where there was an entire brigade of policemen, prosecutors and KNB, and they proposed that I willingly present for inspection my computers and other information carriers. The order for the search was not presented; that is, the inspection had a voluntary character. However, during the inspection, an employee of the KNB asked me to “pull out what is located on the ceiling lamp shade” in one of the rooms. There, was a vial with yellow powder and the sign “poison of Vipera lebetina” (in Latin, with many mistakes). I immediately recognized the vial because about a year prior I had helped the head of the Expert Forensics Department of Internal Affairs, A. Zerikova, conduct research with this type of vial, and when we had finished there was no poison in there, but a nonpoisonous imitation—powdered ion-carrier resin; that is, the vial is the product of unknown swindlers. I immediately said this, and my words were placed in the notes for the protocol. Furthermore, the operators obtained a formal reason to search, understanding that I was required to open all closets and boxes, which they asked me to open. The employees of the KNB demonstrated good knowledge of the contents of many containers and quickly found air guns and hunting equipment left over from when I worked in the nature reserve (zapovednik) and a soldered glass instrument with a small amount of mercury inside. They also took all my computers, disks, video cassettes and other carriers of electronic information, which were taken for study by the KNB. Because of this, my arrest was organized. A criminal case was made against me according to four articles of the criminal code: 287, 288, 302 and 306.

4. The criminal case was built entirely on the conclusions of experts. In addition, in several instances when part of the removed evidence was qualified correctly, the experts were given falsified conclusions. Thus, the expert Zerikov identified the substance in the vial as snake venom, but he did not take a photograph and completely destroyed the remaining substance, excluding the possibility of obtaining a second opinion. Another expert identified the homemade flare gun, which was made from a toy revolver and an aluminum pipe, as a flare gun capable of shooting a hunting cartridge. This expert identified powdered cartridges from an educational grenade, which I used as a noise signal when working in the desert, as a fuse for a military grenade. The mercury in the container was equivalent to the amount found in an ordinary medical or scientific thermometer, which is not forbidden either for storing or for use or for sale.
5. I wrote protests regarding all of the conclusions of the experts, which I thought were incorrect, but the enquirer of the Department of Internal Affairs excluded all of it according to the standard pretext—be quiet, the assessment has already been done, everything has been proved, and do not demand a second assessment.
6. Soon after the transfer to the isolation ward (SIZO), interrogation by the KNB began. The questioners did not give their names or responsibilities, did not bring any written minutes, despite the fact that I wrote enough explanations, practically doubling the testimony that I gave the questioner. It became clear to me during these interrogations that the KNB, specifically, had demanded my arrest and with double strength went forward with my criminal prosecution. The real reason for it, however, was and remains a mystery to me. It is possible that they suspected me of espionage or tried, through me, to find correspondents of international Internet publications, who are unknown to me and who write about the situation in Turkmenistan.
7. My arrest created an energetic reaction among environmental organizations in many countries because I am relatively well-known as an environmental expert and civil society activist on the international level. As the campaign grew, the interrogations by the KNB became softer and in the end, somewhere “above” a decision was made to make my sentence suspended. I

agreed to that compromise and did not try to demand a full pardon, taking into account the change in the political situation in Turkmenistan and my desire to not harm the prestige of the new leadership. The conditions were fulfilled in record time; the court case took place in one day on January 31, 2007, and, as was expected, they gave me a suspended sentence and let me go in the courtroom. The only limitation stated by the judge was—do not change your permanent place of residence without the permission of the police.

8. After my release, everything that had been confiscated should have been returned to me according to the judge's decision. However, far from everything was returned—I did not get back one computer monitor, a metal safe, video-editing software DVRRaptor and a new DWD writer. Long standing disks DVD RW, which come in handy for CD writing, were not returned. The total cost of the lost equipment was around \$800. Furthermore, the investigator did not return to me 800,000 manat, which were taken from me when I was detained at the airport. I reminded the investigator several times about the missing items, but he forwarded the information to his fellow committee members, who, for their part, stated that they had turned everything over to the police. I believe that the investigator submitted a falsified statement of return and forged my signature because on the first day I noticed a paper on his desk on which he was practicing my signature.

Thus, a completely disturbing picture is created: the national security bodies have absolute influence over the other judicial and administrative structures, which leads them to all sorts of violations of the law, leading to criminal violations. And they then stand to the side and do not answer for anything. I believe that this entire situation is very dangerous for the state, because a citizen stands defenseless before the arbitrariness and the lawlessness. And trying to hide the first violations can lead to even more crimes, which is what happened in my case.

I ask you, in the most careful way, to investigate the incident, for which this letter was sent to your address, and to protect me and my friends from illegal persecution.

Written on this day, June 20, 2008, and distributed in several copies, which are in safe keeping with several people in printed envelopes and in electronic form.

(A. Zatoka)



A.Zatoka

Attachment

License Plate of the cars that followed me in June 2008:

A White Toyota 2147 DZ and a white Zhiguli 8923 DC—followed me from my home to the home of A. Gardashov 6.06.08

A White Toyota 2147 and a white Toyota 6304 DZ—from my home to the home of the Dzhumabaevs (in the village of Gurbansoltan-edzhe) 7.06.08 At night the first car left, and 6304 was noticed again in the village in the morning of 8.06, however, it didn't notice me and went by.

A white Toyota 9193 DZ and 9506 replaced the first two cars and stood guard in the evening of 6.06.08 at the home of the Gardashevs, and then followed me almost all the way home.

A white Toyota J5420MR followed me from the city to the airport on 9.06.08. The man who drove the car followed me until I checked in for my flight.

A white Toyota J5490 MR followed me from my home to the train station and back 20.06.08.

In each of these cases, two young Turkmen men sat in the cars. The cars stopped within view of where I stopped or changed cars, and when I attempted to come closer to them, they quickly drove off.

A foreign car 3842 stood opposite my home on the night of the 6th-7th of June; a man sat in the car and carefully studied the entrance to my home.

Translation by Crude Accountability