

To:

**Ms. Yazdursun Gurbannazarova**, Ombudsperson of Turkmenistan  
Alisher Navoi street 86, Ashgabat, Turkmenistan

**Mr. Batyr Atdaev**, Prosecutor General of Turkmenistan  
Seydy street 1, Ashgabat, Turkmenistan

**Mr. Ovezdurdy Hojaniyazov**, Minister of Interior of Turkmenistan  
Makhtumkuli avenue 85, Ashgabat, Turkmenistan

**Mr. Guvanchmyrat Ussanepesov**, Chair of the Supreme Court of Turkmenistan  
Alisher Navoi street 86, Ashgabat, Turkmenistan

Copy:

The embassy of Turkmenistan in Austria  
Argentinierstraße 22, 1040 Vienna, Austria

The embassy of Turkmenistan in Belgium  
Boulevard General Jacques 15, 1050 Brussels, Belgium

*23 November 2021*

**Re: The case of imprisoned doctor Hursanai Ismatullaeva**

Dear Madam and Sirs,

We are writing to on behalf of the undersigned human rights organisations regarding the case of Ashgabat-based doctor Hursanai Ismatullaeva. As described in this letter, Ismatullaeva was arbitrarily detained, prosecuted and sentenced to a lengthy prison term in retaliation for her efforts to obtain justice for her unfair dismissal from a perinatal clinic and for seeking help from organisations based abroad in her struggle for justice.

**Description of developments**

Dr. Hursanai Rahmetovna Ismatullaeva, a graduate of St. Petersburg's Medical Paediatric Academy, worked as a paediatrician at the perinatal centre "Ene Mahri" in Gokdepe city in Ahal region until 2017. In July 2017, she took a two-week vacation to travel to St. Petersburg to undergo treatment for health issues. When she returned to work, she learned that she had been fired on the day of her departure, allegedly for "absenteeism". In the dismissal order, which had been signed by the hospital's acting chief doctor, Annamurat Hanov, Ismatullaeva's two weeks of vacation were indicated as the dates of her "absenteeism". The order also stated that the decision about her dismissal had been made at the director's "personal initiative". However, under Turkmenistan's Labour Code, this is not a legal ground for dismissal. Ismatullaeva turned to the Association of Trade Unions of the Ahal region, which concluded that she had been dismissed in violation of the Labour Code and should be reinstated at her job. However, later, the trade union changed its position and withdrew its support. Following a trial marred by irregularities, a local court rejected Ismatullaeva's complaint against her dismissal as unlawful. Ismatullaeva appealed this decision, but the Supreme Court left her appeal without consideration.

In reality, Ismatullaeva's dismissal was punishment for her professional integrity and independence. Ismatullaeva had openly opposed the practice of "manipulating" diagnoses in the "Ene Mahri" clinic, whereby patients were requested to undergo paid surgeries and other procedures, which were not

medically indicated. Because of Ismatullaeva's refusal to comply with the management's requirements regarding paid services, which she considered to be contrary to her professional obligations, part of her salary was regularly withheld. Prior to her dismissal, Ismatullaeva sought to challenge these deductions in court. At the same time, the management of the clinic was also displeased by the fact that she refused to participate in state-organised mass events ("chare") during worktime as she considered her time better spent treating patients.

After her dismissal from the "Ene Mahri" clinic, Ismatullaeva was unable to find another job in her profession. On several occasions, she secured engagement at different medical institutions through the Employment Office, but each time she was dismissed without explanation after a few days.

As Ismatullaeva did not succeed in obtaining justice for her unfair dismissal despite her appeals to court, as well as her petitions to other state bodies in Turkmenistan, she turned to organisations based abroad for help. On 16 November 2020, the independent, Netherlands-based organisation Turkmen.News published information about her struggle for justice on its website.<sup>1</sup>

On 15 July 2021, Ismatullaeva's case was raised at the online panel discussion "Silencing Practices in Central Asia: The Voices of Human Rights Defenders", organised by Members of the European Parliament (MEPs). On the day after this event, on 16 July 2021, a group of police and plain clothes officers detained Ismatullaeva at her home and took her away in an unknown direction. For 14 days, Ismatullaeva was held incommunicado and her relatives did not have any information about her whereabouts. After this, her relatives found out that she was being held in the police isolation ward in Ashgabat's Bezmein District, from where she was subsequently transferred to the detention centre of the Ministry of Internal Affairs at Ashgabat's Asudalyk street.

It turned out that a criminal case had been opened against Ismatullaeva on charges of "fraud", "forgery of documents" and "abuse of a helpless or dependent person" (under articles 228, 218 and 114 of the Criminal Code) in relation to an elderly, disabled man whom she had previously cared for. At a trial held on 7 September 2021, Ismatullaeva was convicted of these charges and sentenced to nine years' imprisonment.

We are seriously concerned about the fairness of the trial against Ismatullaeva, at which she was not assisted by a defence lawyer of her own choice as all lawyers her family approached refused to take up the case, referring to the involvement of "higher structures" in it. We also fear that Ismatullaeva might have been subjected to torture and ill-treatment in pre-trial detention aimed at forcing her to "confess" to the charges against her. Moreover, the circumstances of the case strongly suggest that the criminal charges against Hursanai Ismatullaeva were initiated to punish her for daring to stand up for her rights and attract international attention to her plight.

The four MEPs, who organised the event at which Ismatullaeva's case was raised the day before her detention issued a statement in her support on 22 July 2021. They said that they: "deplore in strongest possible terms the injustice incurred by Dr. Ismatullaeva" and "her illegal detention" and called on the authorities of Turkmenistan to ensure her immediate and unconditional release and bring those responsible for her persecution to justice. They also called for a transparent investigation into her unlawful dismissal and for safeguarding her right to practice her profession without impediments.<sup>2</sup> In a joint letter sent to President Berdymuhamedov on 16 November 2021, four members of the United State Congress also called for the immediate release of Ismatullaeva, saying that her arrest and conviction "presented a negative image of Turkmenistan to the world".<sup>3</sup>

\*\*\*

Based on the information provided in this letter, we urge you to take the following measures in the case of Dr. Hursanai Ismatullaeva:

### **Office of the Ombudsperson**

1. Monitor the conditions in the detention facility where Ismatullaeva is currently held with a view to ensuring that she is treated in accordance with relevant standards, including with respect to access to food and medical assistance.
2. Request effective measures of relevant state bodies to ensure respect for Ismatullaeva's rights as protected by international and national law, as well as accountability for the rights violations to which she has been subjected both before and after her detention.

### **Ministry of Interior**

1. Ensure that Ismatullaeva is treated in full accordance with Turkmenistan's obligations under international human rights law, as long as she remains behind bars.

### **General Prosecutor's Office**

1. Carry out a prompt, thorough and impartial investigation into Ismatullaeva's unlawful detention, her conviction on unsubstantiated charges following a trial that did not meet international fair trial standards, as well as any violations of her rights in detention and ensure that those responsible for these violations are brought to justice.
2. Conduct a comprehensive and impartial investigation into Ismatullaeva's unfair dismissal and hold accountable those responsible for the violations of her labour rights with a view to ensuring that she can resume and practice her profession without hindrance.

### **Supreme Court**

1. Ensure that the criminal case against Hursanai Ismatullaeva is promptly reviewed in a process conducted in full accordance with national and international fair trial standards, that she is cleared of the unfounded charges initiated against her and urgently released.

We thank you for your attention to the issues raised in this letter.

Sincerely,

Tajigul Begmedova, Turkmen Helsinki Foundation for Human Rights (Bulgaria), [helsinkitadm@gmail.com](mailto:helsinkitadm@gmail.com)

Vyacheslav Mamedov, Democratic Civil Union of Turkmenistan (the Netherlands), [dcutm@protonmail.com](mailto:dcutm@protonmail.com)

Timur Misrikhanov, Turkmenistan Independent Lawyers Association (TILA, the Netherlands), [sefihan25@hushmail.com](mailto:sefihan25@hushmail.com)

Ruslan Myatiev, Turkmen.News (the Netherlands), [editor@turkmen.news](mailto:editor@turkmen.news)

Farid Tuhbatullin, Turkmen Initiative for Human Rights (Austria), [turkmen.initiative@gmail.com](mailto:turkmen.initiative@gmail.com)

Brigitte Dufour, International Partnership for Human Rights (IPHR, Belgium), [brigitte.dufour@iphronline.org](mailto:brigitte.dufour@iphronline.org)

---

<sup>1</sup> See <https://turkmen.news/turkmen-doctor-seeks-justice/>

<sup>2</sup> The statement is available at: <http://austrevicius.lt/assets/Laiskai/STATEMENT-regarding-arrest-of-doctor-Ismatullaeva-in-Turkmenistan.pdf>

<sup>3</sup> The letter is available at: <https://www.durbin.senate.gov/newsroom/press-releases/durbin-leahy-brown-malinowski-urge-president-of-turkmenistan-to-release-countrys-political-prisoners>