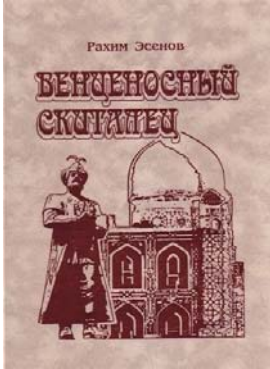


PEN CANADA

for FREEDOM of EXPRESSION



Rakhim Esenov, a respected novelist, historian and freelance correspondent for Radio Free Europe/Radio Liberty (RFE/RL), remains under investigation in Turkmenistan on the charge of "inciting social, national and religious hatred using the mass media" with his novel *Ventsenosny Skitalets* (*The Crowned Wanderer*). If convicted, he faces up to four years' imprisonment.

Esenov, 78, was questioned by members of the Turkmen Ministry of National Security (MNB) upon his return to Turkmenistan on February 23, 2004, following medical treatment abroad. Already in poor health following a heart attack only two days prior to his arrest, Esenov suffered a stroke during interrogation and was taken to hospital. Two days later he was interrogated again and was then transferred to the hospital's intensive care unit, under the strict control of the MNB. On February 26, Esenov was formally arrested and moved to an MNB prison.

Esenov was initially accused of smuggling 800 copies of his banned novel – which had been seized by customs officials in January 2004 – into Turkmenistan from Russia.

Esenov denied these charges, pointing out that he had paid customs duty before bringing the copies of his book into Turkmenistan, and on March 2, 2004 the charge was dropped. Nevertheless, his son-in-law Igor Kapriyev – as well as businessman Boris Grigoriants and customs employee Khodjamurat Annaev – who were also arrested, were subsequently sentenced to five-year suspended prison terms for "smuggling".

However, the charge against Esenov was then replaced by one of "inciting social, national and religious hatred using the mass media" – which Esenov believed to refer to statements made by characters in *The Crowned Wanderer*. The book is set in the 16th century Moghul Empire and centres on Bayram Khan, a poet, philosopher and army general who is said to have saved Turkmenistan from fragmentation. It had been banned from publication in Turkmenistan for 10 years by President Saparmurad Niyazov, who had publicly denounced it as "historically inaccurate" in 1997 and demanded that corrections be made – a demand that Esenov refused to meet. This is believed to be related to Esenov's portrayal of Khan as a Shia rather than a Sunni Muslim. This offence carries a four-year prison sentence under Article 177 parts 1 and 2 of the Turkmen Criminal Code.

Esenov was also accused of failing to report details of a telephone conversation with former Turkmen Minister of Foreign Affairs Avdy Kuliev to the authorities. Kuliev, a key opposition figure and a staunch critic of the Niyazov regime, is currently living in exile in Moscow following a crackdown on the opposition in November 2002, which began after gunmen fired on Niyazov's car in the capital, Ashgabat.

Esenov was finally released on March 9, 2004, after submitting a written undertaking to remain in Turkmenistan. However, the charges against him were not dropped, and the results of an investigation are still pending. He remains unable to leave Ashgabat, has been ordered to cease working for RFE/RL, and remains under surveillance. He is in dire need of medical attention that is not available in Turkmenistan, and is unable to travel to Moscow to receive the treatment he needs.

Esenov has been subjected to official harassment since 1998, being periodically called in for questioning by MNB agents and pressured to sever his collaboration with RFE/RL.

PEN Canada believes Rakhim Esenov to have been penalized for the peaceful exercise of his right to freedom of expression, in blatant disregard of Turkmenistan's international legal obligations. It is concerned that Esenov was targeted both for the material contained within his book *The Crowned Wanderer* and for his work with Radio Free Europe/Radio Liberty. We are particularly alarmed at the abrogation of Esenov's right to freedom of movement, and at the deleterious consequences that this may have on his health if he is unable to obtain the treatment he needs.

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