



**Review of Turkmenistan's
second periodic report on implementation of the
International Covenant on Civil and Political Rights**



**Submission by the “*Prove They Are Alive!*” campaign
to the United Nations Human Rights Committee
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This report has been prepared as a submission to the United Nations Human Rights Committee in advance of its review of the second periodic report of Turkmenistan under the International Covenant on Civil and Political Rights (ICCPR) at the Committee's 119th session in Geneva in March 2017. The report has been prepared by the international human rights campaign "Prove They Are Alive!" and covers the implementation of ICCPR by Turkmenistan regarding enforced disappearances, prison conditions, torture, and politically motivated trials. The report is based on documentation and research by the campaign members and its partners, including research conducted by civic activists inside Turkmenistan working discreetly at high risk. The report was finalised in early February 2017.

The international human rights campaign "Prove They Are Alive!" has been working since 2013 to protect the rights of detainees serving long-term sentences in Turkmen prisons, who since their sentence have been held incommunicado, and to halt the practice of enforced disappearances in Turkmenistan's prisons. The campaign members include non-governmental organisations Crude Accountability (USA), Center for the Development of Democracy and Human Rights (Russia), Analytical Center Freedom Files (Russia), Human Rights Center "Memorial" (Russia), Norwegian Helsinki Committee, and Turkmen civic activists. The campaign acts with the support of the international Civic Solidarity Platform and Human Rights Watch and actively interacts with a broad range of human rights defenders, experts, and inter-governmental organisations, including the United Nations, the Organisation for Security and Cooperation in Europe, and the European Union.

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OVERVIEW OF THE HUMAN RIGHTS SITUATION IN THE COUNTRY: AN “IMITATION GAME” AND CONTINUED REPRESSIONS

Turkmenistan has one of the most repressive governments in the world. It is regularly on the list of the Worst of the Worst, published by Freedom House, is among the most dangerous countries for journalists, and is among the worst ranked in Transparency International’s Corruption Index. Led by President Berdymukhamedov, an autocratic leader who follows in the dictatorial footsteps of the previous President Niyazov, Turkmenistan’s government is authoritarian, non-transparent and isolated, and purposely cuts off contact with the outside world to its approximately five million citizens. Human rights defenders and other civil society activists are not able to work openly, and according to the U.S. State Department’s 2015 Human Rights Report for Turkmenistan, “the three most important human rights problems were arbitrary arrest; torture; and disregard for civil liberties, including restrictions on freedoms of speech, press, assembly, and movement.”¹ Turkmenistan continues on a downward trend in all important measures of transparency and accountability.

Among the numerous violations of human rights in Turkmenistan, enforced disappearances of people sentenced to long prison terms is one of the most acute. Since the 1990s, a growing number of prisoners sentenced to long prison terms have been kept in full isolation, without no contact whatsoever with the external world. Recent report of “Prove They Are Alive!” campaign² provides evidence about 88 cases but there are indications that there may be up to 150 prisoners kept in full isolation. The largest group of victims were those convicted of an alleged attempt to assassinate the then President of Turkmenistan, Saparmurat Niyazov, in November 2002 – although many others were convicted for other alleged crimes. There are credible reports of widespread torture and ill-treatment in detention places, including of suspects during investigation.

Arbitrary and politically motivated restrictions on freedom of movement, particularly on travel abroad, are still practiced widely, affecting an estimated 17,000, many of whom have received lifelong travel bans.

Serious and systematic human rights violations include severe restrictions on freedom of expression. The media and access to information are under total and pervasive government control, as demonstrated yet again by the government decision to take down all privately owned satellite antennas. Independent journalists suffer heavy harassment, and internet is tightly controlled.

No independent NGOs are able to register in the country and operate freely without retribution. Civic activists inside the country and in exile are targeted by constant persecution and harassment, including smear campaigns, threats, physical attacks, surveillance, arbitrary detention, and pressure on relatives. International human rights NGOs are not allowed to work in Turkmenistan.

Turkmenistan has the third largest reserves of natural gas in the world,³ as well as significant oil reserves, both on- and offshore in the Caspian Sea. International companies and governments are interested in these reserves and European and U.S. entities. Hence there have been a growing number of discussions and initiatives on trade, investment and energy, including the major project of a trans-Caspian gas pipeline.

¹ Turkmenistan 2015 Human Rights Report, US Department of State. <http://www.state.gov/documents/organization/253191.pdf>

² The Disappeared in Turkmenistan. 2016 Update. Report by the Prove They Are Alive! campaign. September 2016.

<http://provetheyarealive.org/wp-content/uploads/2016/08/Disappeared-Report-2016.pdf>

³ Natural gas reserves by country, Europe’s Energy Portal. <http://www.energy.eu/stats/energy-natural-gas-reserves.html>, accessed July 8, 2014.

Simultaneously, however, we can observe increased discussions and activities about human rights issues in Turkmenistan. As the situation deteriorates before our eyes, international organizations and Western governments continue to speak up and take initiative about human rights violations in Turkmenistan. These include:

- The European Union and the USA lead regular Human Rights Dialogues with Turkmenistan.
- A direct reference to the situation of enforced disappearances in Turkmen prisons was included in the Baku Declaration of the OSCE Parliamentary Assembly (June 2014).⁴
- In October 2014 the UN Human Rights Committee adopted a decision⁵ on an individual complaint of Tatiana Shikhmuradova, wife of Boris Shikhmuradov, former Minister of Foreign Affairs and alleged leader of the 2002 coup attempt. The Committee acknowledged that Shikhmuradov is a victim of enforced disappearance and of a number of other human rights violations⁶ and ruled that Turkmenistan is under obligation to provide Boris Shikhmuradov and his family with an effective remedy⁷ as well as to take steps to prevent similar violations in the future. Turkmenistan should have provided a substantive reply by 7 November 2015, which it has not yet done.⁸
- In May 2015 and again in May 2016, the European Parliament suspended its approval of the Partnership and Cooperation Agreement between the European Union and Turkmenistan based on human rights concerns.⁹ This decision came as a result of consistent pressure by civil society organizations, including the “Prove They Are Alive!” campaign.
- High-level Western politicians, including Angela Merkel, John Kerry and Didier Burkhalter, raised human rights issues, including enforced disappearances, during state visits in 2014-2016.¹⁰

In 2015-2016, NGOs and other observers noticed two parallel and interrelated processes ongoing in Turkmenistan. On the one hand, the government has significantly increased its engagement with Western governments and international organisations. On the other hand, it has tightened its grip on society in an attempt to quash any internal threats, whether real or imagined, to social and political stability.

According to our assessment, both processes have been triggered by the country’s sharply deteriorating economic situation and security threats along the border with Afghanistan. Amid economic and security concerns, Turkmenistan’s leadership is afraid of losing control and perceives the situation as an imminent threat to its power. Faced with a drop in global gas prices and problems in trade relations with Russia and China, the authorities made a strategic decision to develop gas exports to Europe and focus on energy

⁴ Paragraphs 108, 125 and 134, see <http://www.oscepa.org/meetings/annual-sessions/2014-baku-annual-session/2014-baku-final-declaration/1838-05>.

⁵ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/006/17/PDF/G1500617.pdf?OpenElement>

⁶ These include the right to life (art. 6.1 of ICCPR), protection from torture (art. 7), protection from arbitrary detention (art. 9), the right to a fair trial (art. 14.1 and 14.5), and punishment by a penalty heavier than the one that was applicable at the time when the criminal offence was committed (art. 15.1).

⁷ “In accordance with article 2, paragraph 3, of the Covenant, the State party is under an obligation to provide Mr. Shikhmuradov and the author [of the complaint] with an effective remedy including by (a) releasing him immediately; (b) conducting a ... investigation into his detention, disappearance and unfair trial; (c) providing...the author with detailed information on the results of the investigation; (d) in the event that Mr. Shikhmuradov is deceased, handing over his remains to the author; (e) prosecuting, trying and, if convicted, punishing those responsible for the violations committed; and (f) providing adequate compensation to the author and Mr. Shikhmuradov for the violations suffered.”

⁸ See statement by “Prove they are Alive!”, <http://provetheyarealive.org/on-forced-disappearances-in-turkmenistan-and-the-case-of-boris-shikhmuradov/>

⁹ [http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_ATA\(2016\)583846](http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_ATA(2016)583846)

¹⁰ See <http://www.rferl.org/content/turkmeinstan-president-german-visit-berdymukammedov-merkel/27951895.html> and <https://www.hrw.org/news/2016/08/29/turkmenistan-not-free-after-all> for the recent visit of President Berdymukhamedov to Berlin; https://www.washingtonpost.com/world/kerry-in-talks-n-tajikistan-a-country-enforcing-a-heavy-handed-crackdown-on-some-muslims/2015/11/03/ccf5d790-81ee-11e5-a7ca-6ab6ec20f839_story.html for Kerry’s visit to Turkmenistan in November 2015.

cooperation in their interactions with the West. At the same time, in order to respond to growing international criticism and facilitate much-needed economic cooperation, Turkmen authorities try to demonstrate progress in human rights and declare their commitment to collaboration in this area with international partners. Relevant developments, which have been flagged as “modest progress” by some international actors, include:

- In 2010-2011, Turkmenistan reformed its Criminal and Criminal Procedural Codes, bringing them mostly in line with international law.¹¹ This, and the fact that Turkmenistan ratified most UN human rights treaties¹² provides a legal basis for advocating changes and reforms based on these norms.
- In the framework of the Universal Periodic Review in 2013, Turkmenistan agreed to fully implement the rights of persons serving long prison sentences according to international standards¹³ and accepted other relevant recommendations.¹⁴
- At the OSCE Ministerial Council Meeting in Basel in December 2014, the Turkmen statement at the closing plenary, although cautious, included an unusually elaborated vision on cooperation with the OSCE in the human dimension.
- In September 2015, Turkmenistan sent a delegation to the OSCE Human Dimension Implementation Meeting after an absence of 12 years. This alone can be seen as a step forward, but in addition, their statement at the opening plenary included a direct reference to the “Prove They Are Alive!” campaign and to “*people sentenced to long prison terms.*” Such reference was unprecedented.
- The Law on the Ombudsman was adopted in late November 2016 and entered into force on 1 January 2017.
- Within the reform of the Constitution, Turkmenistan sought and obtained expert assistance from the OSCE/ODIHR, the UNDP and the German GTZ.
- In 2015 and 2016, the government of Turkmenistan organized two visits of foreign diplomats to detention facilities, albeit with an “escort” of government officials.
- In January 2016, Turkmenistan adopted a National Action Plan on Human Rights, which was prepared in cooperation with the UNDP and with significant EU funding.¹⁵
- Turkmenistan also stepped up its involvement in human rights dialogue with the EU and U.S., where according to different sources Turkmen participants maintain a constructive attitude and never refuse to discuss issues, even the most acute, including enforced disappearances.

In reality, this new legislation and the new engagement at the international level are not matched by any real positive changes inside the country. There has been no real and substantial progress in human rights since the review of the first periodic report of Turkmenistan under ICCPR in 2012, and repression has

¹¹ The Criminal Code does not include any provision for absolute isolation of prisoners, and also provides for retroactive application of the progressive amendments, thus giving legal ground for a review of the relevant court cases and even the release of a number of persons serving long-term sentences. See art. 6 of the Criminal Code of Turkmenistan (in Russian) with comments by the OSCE at <http://www.osce.org/ashgabat/117368>.

¹² See http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=180&Lang=EN.

¹³ Recommendation 113.72: “Fully implement the rights of convicts serving long-term imprisonment to communicate with their lawyers and their relatives and to have access to health care.” Reply: “Turkmenistan accepts the recommendation and notes that legislation of Turkmenistan provides convicts serving long prison sentences with the right to communicate with their lawyers, their families and to have access to health care.” See <http://www.ohchr.org/EN/HRBodies/UPR/Pages/TMSession16.aspx>

¹⁴ These include recommendations regarding prevention of torture, establishing oversight mechanisms of places of detention, bringing to justice perpetrators of torture and ratifying OPCAT (Recommendations 113.30-113.47, 113.1-113.6, 113.58, 113.60-113.66, and 113.69-113.70).

¹⁵ Turkmenistan adopts National Action Plan on Human Rights. UNDP in Turkmenistan. 22.01.2016.

<http://www.tm.undp.org/content/turkmenistan/en/home/presscenter/articles/2016/01/22/turkmenistan-adopts-national-action-plan-on-human-rights-.html>

further increased in the country. The campaign's assessment of the current situation is that all the "modest progress" described above consists mostly of empty declarations not matched by practical steps, or, worse, represents negative, repressive laws and policies. This is manifested by the following:

- A number of new laws adopted since 2012 — on political parties, media, the Internet, public associations, and assemblies which the authorities claim to be aimed at improving compliance with international human rights standards — have in reality introduced new restrictions on fundamental rights and freedoms.
- The disappeared are still kept in prisons in full isolation, with no contact with their families and with no official public information available.
- There has been no case of application of the amendments to the Criminal Code on the disappeared. None of the relevant court cases has been reviewed.
- This also applies to voluntary UPR commitments on improvement of conditions of people serving long-term sentences, taken up by Turkmenistan in 2014. In addition, Turkmenistan did not accept UPR recommendations to inform relatives and the public about the whereabouts of all persons who have been under arrest and whose fate is currently unknown.¹⁶
- The text of the new Constitution, adopted in September 2016, presents points of serious concern, particularly with respect to prevalence of international law, the principle of equality before the law, freedom of movement, and freedom of expression, and according to many, it paves the way for lifelong rule by President Berdymukhamedov.¹⁷ The drafting process did not include any public participation. There were assessments of the draft by the UNDP, the GTZ and the OSCE/ODIHR;¹⁸ however, the new text was approved ahead of schedule on 14 September 2016,¹⁹ and there is no indication that the international recommendations have been included.²⁰
- Visits to prisons by diplomats have been limited to the same recently constructed or freshly renovated colonies, which are usually empty of inmates. This is no more than a Potemkin village, a showcase.

In our opinion, these facts prove that the Turkmen authorities' promises to address the problems of human rights and democratic institutions are nothing more than an "imitation game" and a rhetorical exercise designed to impress Western interlocutors and defy criticism at a time when the government is in dire need of foreign economic and security assistance. This "game" is intended to further reinforce the façade, which hides a system of continuous and increasing repression alongside a flourishing personality cult, increased authoritarianism and widespread control.

¹⁶ Recommendations 14.2-14.6.

¹⁷ <http://www.osce.org/odihr/262336>

¹⁸ <http://www.osce.org/odihr/262476>

¹⁹ See <http://www.eurasianet.org/node/80526>, <http://www.rferl.org/content/turkmenistan-constitution-amended-presidential-powers/27987567.html>, and <http://www.turkmenistan.gov.tm/?id=11789>.

²⁰ <https://www.neweurope.eu/article/osce-suspicious-turkmenistans-new-constitution/>

ENFORCED DISAPPEARANCES AND INCOMMUNICADO DETENTION IN PRISONS

including the right to life, prohibition of torture and ill-treatment, the right to liberty and security of person, the right of all detained people to be treated with humanity, the right to fair trial, and the right to recognition as a person before the law - Articles 6, 7, 9, 10, 14, and 16

The issue of enforced disappearances of people sentenced to long prison terms is one of the most acute human rights problems in Turkmenistan. The very existence of a category of prisoners who have disappeared and the ease with which any individual can fall into this category is a source of fear and is an insurmountable obstacle to democratic change, public initiative, and freedom of expression. Continuation of the practice of enforced disappearances in the prisons is a serious barrier to the development of the country and is used by the authorities to intimidate the public and prevent any sentiment for reform within the state apparatus. As long as this repressive practice exists and there is a threat of new disappearances in prisons, no transformation is possible in Turkmenistan.

According to NGO estimates, more than a hundred people have disappeared in Turkmenistan's prison system over the past 15 years, possibly around 150. Considered a threat by the authorities, these people have been held in total isolation. From the moment of their arrest and trial, no one, including relatives, lawyers, or representatives of international organisations, has had any information of their whereabouts, state of health, or even whether they are alive. Many of these people have been held incommunicado for more than 14 years. The Turkmen government has made them victims of enforced disappearances, subjecting their families to the torture of uncertainty and thus grossly violating the country's obligations under international and domestic law. The Prove They Are Alive! campaign has documented 88 cases of disappearances in Turkmenistan's prisons and continues to collect data on other cases.²¹

Excluding conflict-related disappearances (Chechnya, former Yugoslavia, Eastern Ukraine), this is the largest number of enforced disappearances in a country in the Eurasian space (EU, EEA, Central Europe and the former Soviet Union). Because all of these people have disappeared in prisons, the Turkmen authorities are directly and fully responsible for their lives and health.

Enforced disappearances are absolutely prohibited under international law and constitute flagrant violation of rights enshrined under the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which Turkmenistan is a state party. Enforced disappearances are not the violation of merely one right, but constitute "a multiple human rights violation."²² An enforced disappearance constitutes a violation of, or great threat to, the right to life; the right to freedom from torture or cruel, inhuman or degrading treatment; the right to liberty and security; the right to recognition as a person before the law; the right to a prompt, fair, and public trial, and the right of all detained persons to be treated with humanity.²³ The practice of enforced disappearances is often directly linked to the practice of arbitrary arrests. The Human

²¹ Prove They Are Alive! The Disappeared in Turkmenistan. Report by the Prove They Are Alive! campaign. 2016 Update. September 2016. <http://provetheyarealive.org/prove-they-are-alive-report/>

²² United Nations Commission on Human Rights, "Report submitted January 8, 2002, by Mr. Manfred Nowak, independent expert charged with examining the existing international criminal and human rights framework for the protection of persons from enforced or involuntary disappearance, pursuant to paragraph 11 of Commission Resolution 2001/46" (New York: United Nations, 2002), E/CN.4/2002/71, 36.

²³ Ibid., and, see also Human Rights Committee jurisprudence, inter alia: Edriss El Hassy v. The Libyan Arab Jamahiriya, Communication No. 1422/2005, CCPR/C/91/D/1422/2005 (2007) para. 6.6; Sarma v. Sri Lanka, Communication No. 950/2000, CCPR/C/78/D/950/2000 (2003), para. 9.3; and Mojica v. Dominican Republic, Communication No. 449/1991, CCPR/C/51/D/449/1991 (1994), para 6; Boucherf v Algeria, Communication No. 1196/2003, CCPR/C/86/D/1196/2003 (2006), para. 10; Medjnoune v. Algeria, Communication No. 1422/2005, CCPR/C/87/D/1297/2004 (2006), para. 9.

Rights Committee has found that being held indefinitely without contact with one's family and with the outside world constitutes inhuman and degrading treatment, in violation of the ICCPR.²⁴

An enforced disappearance is a "continuing crime"—it continues to take place so long as the disappeared person remains missing, and information about his or her fate or whereabouts has not been provided.²⁵ An enforced disappearance may also have multiple victims beyond the disappeared person or persons, including individuals close to the disappeared person who suffer direct harm as a result of the crime. Apart from the immediate loss of a loved one, family of a disappeared person typically suffer severe anguish from not knowing the fate of the disappeared person, which can amount to inhuman and degrading treatment. They may also be further treated in an inhuman and degrading manner by the authorities who fail to investigate or provide information on the whereabouts and fate of the disappeared person.²⁶ In addition, they may suffer direct material loss in the form of loss of income or loss of social services.

Under international law, states have an obligation to provide victims of human rights violations with an effective remedy—including justice, truth, and adequate reparations. This includes binding obligations on states to investigate, prosecute, punish, and remedy violations of human rights. ICCPR requires states "to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy."²⁷ The UN Human Rights Committee has also made clear that a state has an obligation to provide an effective remedy, "including a thorough and effective investigation into the disappearance and fate" of the disappeared, "adequate information resulting from its investigation," and "adequate compensation...for the violations suffered." The remedy must be accessible, effective and enforceable, and the state "duty-bound...to prosecute, try and punish those held responsible for such violations" and "to take measures to prevent similar violations in the future."²⁸ There is no evidence available indicating that the authorities of Turkmenistan have taken any measures to provide victims of enforced disappearances or their relatives with an effective remedy for the violations or that the state has taken measures to prevent similar violations from continuing to happen.

Most of the disappeared in Turkmenistan were sentenced to lengthy prison terms in several massive waves of arrests and unfair trials on trumped-up charges that took place in early 2000s. The general feature of the victims of enforced disappearances is that they held high-level positions in the government of Turkmenistan, were prominent in national politics, and were perceived as a threat to the regime, or were relatives or close associates of such people. As a consequence, a large number of public officials, civic activists and others have been kept incommunicado in prison for a long time; most of them for more than 14 years. The last time anyone saw them was at the time of their arrest. Families have not received any information about their whereabouts since then, with a few recent exceptions when the authorities returned the bodies of some deceased prisoners to their families.²⁹

The largest group of victims of enforced disappearances in Turkmenistan are those convicted of an alleged attempt to assassinate the then President of Turkmenistan, Saparmurat Niyazov, in 2002. The members of that group were arrested and quickly imprisoned without proper trials, along with family members and

²⁴ Human Rights Committee, *Boucherf v. Algeria*.

²⁵ Convention against Enforced Disappearance, art. 8(1)(b); UN Working Group on Enforced or Involuntary Disappearances, "General Comment on Enforced Disappearance as a Continuous Crime," Report of the Working Group on Enforced or Involuntary Disappearances, January 26, 2011, UN Doc. A/HRC/16/48, <http://www.ohchr.org/Documents/Issues/Disappearances/GC-EDCC.pdf>.

²⁶ See for example, Human Rights Committee, *Boucherf v. Algeria*, para. 10.

²⁷ ICCPR, art. 2(3)(a).

²⁸ *Edriss El Hassy v. The Libyan Arab Jamahiriya*, para. 8; *Boucherf v. Algeria* paras. 9.9 and 11; *Medjnoune v. Algeria*, para. 10.

²⁹ Enforced disappearances in Turkmen prisons must be stopped. Statement by the Prove They Are Alive! campaign. August 30, 2016. <http://provetheyarealive.org/1534-2/>

others who were swept up in the frenzy around the event. Since then, relatives of the imprisoned have not received any news about them, have not been able to see them, and, in many cases, family members were also subject to imprisonment and harassment. In total, over sixty people were imprisoned and have disappeared, with no word about whether they are alive or dead. Their trials, held in late 2002 and 2003, were swift (between one and four days), closed and full of procedural violations.

After the main trials, the government organized an extraordinary session of the so-called “People’s Council” (*Halk Maslahaty*), an organ composed of representatives of the central and local governments. A stream of public and government figures took the floor to condemn the attempt and call for death penalty for its leaders, while their filmed “confessions” were regularly shown on a giant screen.³⁰ Referring to the abolition of the death penalty since 1999, President Niyazov proposed instead to sentence the ringleaders of the attempt to life imprisonment, which was unanimously “approved” by the large public present. In March 2003, the Council adopted a law “On Traitors of the Motherland” that stipulated life imprisonment, a penalty which was not foreseen by the Turkmen Criminal Code. The law was applied retroactively on Boris Shikhmuradov and four other individuals.³¹

Regardless of how one views the events around the failed coup attempt, no facts related to those events could in any way justify enforced disappearances of the people the government believes were involved.

There are also individuals who have been in prison longer than those allegedly involved in the failed coup attempt.³²

The most prominent figures among former officials who fell out of favor with the government include **Tirkish Tyrmyev**,³³ former head of the State border service, sentenced in 2002 to 10 years in prison on abuse of power charges. In 2012 the authorities extended his sentence by an additional seven years for allegedly violating prison rules. He died in prison in January 2017. The former speaker of parliament and dean of Turkmenistan’s main law school, **Tagandurdy Khallyev**,³⁴ and the former ambassador to the Organization for Security and Co-operation in Europe, **Batyr Berdyev**,³⁵ were arrested in 2002 and sentenced to 20 years. **Serdar Rakhimov**,³⁶ former head of Turkmenistan’s state television company, was sentenced to 25 years in 2003, and former Minister of Foreign Affairs, **Boris Shikhmuradov**,³⁷ was sentenced to 25 years after a one-day trial in December 2002 and a few days later convicted to a life sentence through an extrajudicial decision of the Halq Maslakhaty (People’s Council). **Gulgeldy Annaniyazov**,³⁸ a former Turkmen political prisoner who lived in exile in Norway since 2002, was arrested upon his return to Turkmenistan in 2008 and sentenced to 11 years on charges that were not made public.

As in all other cases documented by the “Prove They Are Alive!” campaign, families have been able to learn nothing about their loved ones from the government since their imprisonment. Their suffering is a form

³⁰ See <https://youtu.be/TYh9NEM9zc>, minutes 1:07 to 1:34 for part of the “confession” of Boris Shikhmuradov.

³¹ See http://eng.yabloko.ru/Activities/statement_290103.html; for the Russian text of the law see <http://provetherealive.org/the-decree-of-the-peoples-council-halk-maslakhati-on-declaring-as-treason-separate-illegal-actions-as-well-as-penalties-for-traitors-of-the-nation/>

³² Some of these individuals include Tirkish Tyrmyev and Mukhamet Nazarov. Information about them and others arrested prior to the alleged coup attempt are in the report: Prove They Are Alive! The Disappeared in Turkmenistan. Report by the Prove They Are Alive! campaign. 2016 Update. September 2016. <http://provetherealive.org/prove-they-are-alive-report/>

³³ See page 35 of Prove They Are Alive! The Disappeared in Turkmenistan. Report by the Prove They Are Alive! campaign. 2016 Update. September 2016. <http://provetherealive.org/prove-they-are-alive-report/>

³⁴ Ibid, p. 22.

³⁵ Ibid, p. 16.

³⁶ Ibid, p. 27.

³⁷ Ibid, p. 31.

³⁸ Ibid, p. 12.

of torture. In addition, many relatives of the disappeared have faced a number of violations of their rights, including indefinite bans on travel abroad, in a form of collective punishment by association and in attempt by the authorities to prevent them from speaking out about the fate of their family members.

The authorities do not let their relatives see the disappeared, they are forbidden to exchange correspondence, the International Red Cross and International Red Crescent are not allowed access to the prisons where they languish, and the prisoners themselves are completely isolated. The only information available comes from a few witnesses, ordinary prisoners that by chance or other reasons saw or heard about the disappeared.

All information about the disappeared is intentionally withheld from relatives – those living in Turkmenistan and those who have managed to emigrate. By doing so, the Turkmen authorities are not only subjecting the families to a torture of uncertainty, but also discouraging their activity both domestically and internationally. Not having any information about the fate of their loved ones and hoping they are still alive, relatives avoid taking active steps and choose to keep quiet not to make things worse for the prisoner. This method of hostage-taking and intimidation is characteristic of repressive regimes.

Evidence obtained by the campaign indicates that the prisoners have likely been subjected to torture and ill-treatment during pre-trial detention and in prison. There is unconfirmed information that some of them have died. In the period from December 2015 to January 2017, the Prove They Are Alive! campaign has received credible information about a series of recent deaths among prisoners previously considered disappeared in Turkmen prisons. This includes the deaths of four disappeared inmates, whose bodies were released by Turkmen authorities to their families for burial over the past 13 months. All of them had been imprisoned for more than 10 years, and in one case almost 15 years, in complete isolation from the outside world. According to eyewitnesses, the prisoners' bodies showed extreme signs of starvation. The rare occasions when the bodies of disappeared prison inmates are released to families for burial are in fact the only type of official information available about their fate.

In December 2015, the authorities released to the family the body of **Yolly Gurbanmuradov**, former Deputy Prime Minister of Turkmenistan, who was repressed in 2005 under President Niyazov and recently died in prison after 10 years in complete isolation. Before his arrest, he had headed the country's oil and gas industry, was praised as a competent manager, well-respected by the public and government,³⁹ and seen as a potential alternative to Niyazov. Gurbanmuradov was convicted on charges of "espionage, high treason and major theft" and sentenced to 25 years of prison⁴⁰; his wife Olga Kudratova was sentenced to 15 years, and his brother Begly, former Minister of Communications, was sentenced to 20 years in 2005 and died in prison in 2013. According to eyewitnesses of Yolly Gurbanmuradov's funeral, his body weighed less than 50 kilograms, whereas at the time of arrest, he was of sturdy build and weighed more than 120 kilograms. Despite his obvious illness and exhaustion, the authorities chose not to release him or permit relatives to say goodbye to him before he died – or perhaps deliberately allowed his detention conditions to lead to his death. Gurbanmuradov's relatives received no information about him during his detention.

³⁹ <http://www.centrasia.ru/person2.php?st=1013880123>

⁴⁰ <http://www.centrasia.ru/newsA.php?st=1118473680> and page 49 of Prove They Are Alive! The Disappeared in Turkmenistan. Report by the Prove They Are Alive! campaign. 2016 Update. September 2016. <http://provetheyarealive.org/prove-they-are-alive-report/>

Turkish Tyrmyev, former head of the State border service died in prison in January 2017; his body was returned to the family on 13 January.⁴¹ Essentially, a person who survived almost 15 years of torture and complete isolation, was pushed to death by the Turkmen authorities not long before his release.

These outrageous facts provide evidence that these people were alive until very recently, but for many years until the very last moment, the authorities have not disclosed information about their condition and whereabouts.

The danger exists that in connection with the presidential elections in Turkmenistan on 12 February this year, during which President Berdymukhamedov will be “elected” for a third term, the Turkmen authorities plan to deal with those survivors of repression who are isolated in prison and might know something about the crimes of the Niyazov regime and/or the circumstances of Berdymukhamedov’s coming to power. Local observers state that by doing this Berdymukhamedov may want to begin his new presidential term with “a clean slate,” rather than releasing all the past victims of illegal persecution.

Prison Conditions and Torture⁴²

The Novemberists (persons convicted on charges of participation in the alleged assassination at life of President Niyazov) and high level officials were initially held in two prisons: in Turkmenbashi (formerly Krasnovodsk) and Ovadan Depe; while those serving life sentences were initially held in the Ministry of National Security (KNB) Detention Center. The prison in Turkmenbashi, as is Ovadan Depe, were notorious for their high rates of torture and death. In all three, these prisoners were kept separate from other convicts and were forbidden to receive letters, parcels, or have meetings with relatives or lawyers. After the death of Niyazov, women and some of the officials were transferred from Ovadan Depe to regular colonies. Then, all of the men were transferred to Ovadan Depe, and the prison in Turkmenbashi was dismantled in the late 2000s. Ovadan Depe remains one of the most notorious, dark and opaque of Turkmenistan’s penitentiary institutions.

The Ovadan Depe prison, located roughly 50 kilometers (30 miles) northwest of Ashgabat in Turkmenistan, is not only meant to house inmates, but was designed specifically to terminally erode the physical and mental wellbeing of the political prisoners it contains. Until now, little has been known about this prison as no international monitors, including the International Red Cross, have been allowed inside. Through partnership with the Geospatial Technologies and Human Rights Project of the American Association for the Advancement of Science (AAAS) and the Russia based Human Rights Center ‘Memorial’, Crude Accountability was able to uncover gross violations of human rights of the inmates, including many accounts of torture, appalling living conditions and corruption.

According to geospatial information provided by AAAS, Ovadan Depe prison, resembling the Cyrillic letter “Ж,” was already under construction in 2002, with visible wings of the structure holding 16 cells 5x6 meters

⁴¹ The State of Political Prisoners in Turkmenistan Demands Immediate Action by the International Community: The Prove They Are Alive! Campaign’s Statement on Turkish Tyrmyev’s Death in Prison. January 16, 2017. <http://provetheyarealive.org/the-state-of-political-prisoners-in-turkmenistan-demands-immediate-action-by-the-international-community/>

⁴² The Ovadan Depe Prison: Medieval Torture in Modern Turkmenistan. Report by the Prove They Are Alive! Campaign. September 2014. <http://provetheyarealive.org/wp-content/uploads/2014/09/Final-O-D-Report-September-2014-compressed.pdf>, and Five Months in the Secret Ovadan-Depe Prison, As Remembered by Geldy Kyarizov and Chronicled by Vitaly Ponomarev. Human Rights Centre “Memorial” and the Prove They Are Alive! Campaign. January 2016. <http://memohrc.org/news/pyat-mesyacev-v-sekretnoy-tyurme-ovadan-depe>

each and 10 cells of 6.5 x 6 meters each.⁴³ Imagery from 2009 showed the prison to be mostly complete, with an outer perimeter trench with a checkpoint, crossed by an access road, and a fenced, double-walled inner perimeter with guard towers surrounding the actual prison facilities, as well as a potential administration building and barracks for the guards and support personnel. In 2010, the prison complex continued to expand, indicating that the prison continued to be active and important for the government.

Originally, much of the information about the living conditions of the prison was obtained from a Turkmen dissident and entrepreneur, **Akmuhammed Bayhanov**, who is now living in Russia, and who had served a part of his politically motivated sentence in Ovadan Depe. Later, a lot of detailed information became available from a former political prisoner and famous horse breeder **Geldy Kyarizov**, currently living in Europe, and who had served a part of his politically motivated sentence in Ovadan Depe⁴⁴.

Virtually everything known about the Ovadan Depe prison is in violation of either Turkmen or international law, often times both.

Bayhanov and Kyarizov described the living conditions in Ovadan Depe to be a form of torture in their own right. The cells were completely isolated, so that the inmates could not see anything outside of the cell. Vocal communication between cells was strictly forbidden. Bayhanov lived in a cell with 11 other inmates, but heard that the Novemberists, held in an especially guarded block of the prison, spent their sentences in 2 and 4 person cells or in solitary confinement (25 year or life sentences). The cells of the Novemberists had covered up windows, and they could do nothing except yell in an attempt to let others know of their existence.

Temperatures in the Karakum desert can spike to +50 degrees Centigrade (122 degrees Fahrenheit) in the summer, and drop to -20 centigrade (-4 Fahrenheit) in the winter, with wide fluctuations from day- to nighttime. There is no air conditioning in the prison, and heating during the winter was reported to often not function, and windows without glass and concrete walls provided no insulation. Bayhanov also spoke of the severe mosquito problem in the prison.

Food in Ovadan Depe was scarce and of poor quality. Water inside the cells was filthy. The toilet was inside the cell without any privacy for the inmates.

Yelling was the only source of communication for the Novemberists, and they were often beaten for doing so. There was also the informal daily prison hearsay, leaking information about new arrivals, deaths and punishment. While Wahhabists (until 2008 when the regime for them became much stricter) and criminals were allowed to receive packages, and occasional meetings with relatives, the Novemberists and other political prisoners were not allowed any sort of communication or packages with the outside world. Only way to get a message out in this case, was to give a bribe of up to 100 USD per message, and often even this was not possible.

Torture is widespread in Ovadan Depe. It begins in detention, with Novemberists reported to have been tortured with long needles, beatings, and other methods before they were even convicted. Beatings are a regular occurrence, sometimes as a mass occurrence, sometimes as an initiation of new inmates, and other

⁴³ An evaluation of Ovadan-Depe Prison using high-resolution satellite imagery. <https://www.aaas.org/page/evaluation-ovadan-depe-prison-using-high-resolution-satellite-imagery>, and The Ovadan Depe Prison: Medieval Torture in Modern Turkmenistan. Report by the Prove They Are Alive! Campaign. September 2014. <http://provetheyarealive.org/wp-content/uploads/2014/09/Final-O-D-Report-September-2014-compressed.pdf>.

⁴⁴ Five Months in the Secret Ovadan-Depe Prison, As Remembered by Geldy Kyarizov and Chronicled by Vitaly Ponomarev. Human Rights Centre "Memorial" and the Prove They Are Alive! Campaign. January 2016.

times at a whim or an order from above. Sources describe the use of dogs, batons, and subsequent loss of consciousness, damage to the kidneys, and the inability to walk.

Punishment cells called “kartsers”, or cylindrical dark solitary confinement cells, are also used as a means of torture. The minuscule amounts of food and water, combined with mosquito infestations and extreme temperatures made the stays in the kartsers a psychologically and physically impossible form of torture.

There have been numerous reports and rumors of hunchback cells in Ovadan Depe, which are 1.5 meters tall, requiring inmates to be permanently hunched. Some say they were used as punishment, and others indicate that they were destroyed after the death of President Niyazov, but the existence of these cells has not been verified through geospatial imaging. There have also been rumors of a cemetery on or near the territory of the prison. Recently there have been rumors that the authorities are planning to demolish the cemetery, thus concealing evidence of deaths of inmates.

Lack of Progress in Addressing Disappearances in Prisons

Over the past years, despite the efforts of the Prove They Are Alive! campaign and other NGOs, international organisations and certain governments, Turkmenistan's authorities have failed to take any positive steps towards addressing enforced disappearances in prisons. The government of Turkmenistan refuses to recognise the problem publicly and has been taking steps aimed at hiding the disappearances from the Turkmen and international public. The Turkmen authorities continue to deny the very fact that people have disappeared in the country's prisons and prevent any investigation of such cases. International humanitarian organisations are denied access to prisoners whose names are on the lists of the disappeared. Relatives of the victims of disappearances are subjected to systematic pressure in an attempt to conceal any information about the disappeared, they have been prohibited from leaving the country, and have faced threats.

None of the relatives of more than 80 people who have disappeared in Turkmen prisons and whose cases have been documented by the “Prove They Are Alive!” campaign have received any information from the authorities about the fate of their loved ones, despite the fact that the campaign sent the compiled lists of the disappeared to the government in 2014 with recommendations to promptly create a mechanism for providing information to relatives and allowing access to the detention facilities for families, lawyers and representatives of international organisations.

In response to appeals from the missing persons' relatives living abroad to the Prosecutor General of Turkmenistan, the authorities have been avoiding in every possible way a direct answer on whether the person is alive or dead, e.g. by requiring "proof of kinship" or justification of the relatives' interest in the fate of the missing person (e.g. in the correspondence between the **Uldzhabaev family** and the Prosecutor General of Turkmenistan, concerning **Rustem Djumaev**, convicted to 18 years in January 2003⁴⁵; available to the campaign).

According to information available to the campaign, the notorious maximum security Ovadan Depe torture prison used since the mid-2000s to hold important political prisoners, is still in operation. This prison is never included in the list of detention places allowed to be visited by representatives of international organisations and foreign embassies – who have been shown from time to time the same few prison colonies, freshly renovated for this purpose.

⁴⁵ Page 58 of Prove They Are Alive! The Disappeared in Turkmenistan. Report by the Prove They Are Alive! campaign. 2016 Update. September 2016, <http://provetheyarealive.org/prove-they-are-alive-report/>.

Since September 2014, when the government of Turkmenistan announced its acceptance of certain recommendations from the UN Universal Periodic Review, including the recommendation to improve the situation of people serving long prison sentences, no consistent steps have been taken to implement such recommendations. Likewise, Turkmenistan's authorities have failed to comply with the positive amendments to the country's Criminal and Penitentiary Codes adopted between 2010 and 2012, designed to protect the rights of persons sentenced to long prison terms.

In addition to that, the Turkmen authorities have failed to provide any response to the United Nations Human Rights Committee on its decision of October 2014 in the case of former Deputy Prime Minister and Foreign Minister Boris Shikhmuradov and to respond to communications from the UN Working Group on Enforced Disappearances concerning other cases of disappearances. In its replies to the list of issues by the Committee Against Torture in August 2016, the government of Turkmenistan ignored almost all of the questions concerning the disappeared in prisons.

Recently, local observers have also reported incidents of pressure on the "disappeared" people's families by security agents to discourage contacts with representatives of the international community and foreign diplomats. Some families have received threats that they could "face problems" if such contacts occur.

The series of recent deaths of the previously disappeared prisoners constitute a challenge to the international community. It is no less egregious that this tragic occurrence happened within the context of personal obligations, given in 2015-2016 by Berdymukhamedov to US Secretary of State John Kerry and to German Chancellor Angela Merkel, about establishment of joint expert groups on the issue of disappearances in Turkmen prisons and the organization of visits to prisons by diplomats. It is becoming clear that the authorities of Turkmenistan are sabotaging these promises and lying to the international community.

While denying the problem of disappearances in prisons, Turkmenistan's authorities instead use the term "persons sentenced to long terms of imprisonment" in talking to foreign partners. This term was used in the recommendations for Turkmenistan from the UN UPR in 2014, and the country's representatives keep repeating it to avoid any discussion of the disappearances. Tens of thousands of people are held in Turkmenistan's prisons, including thousands sentenced to long prison terms. Just a small part of them – more than a hundred – are held incommunicado in total isolation from the outside world and considered victims of enforced disappearances. They are the ones whom the authorities really fear. Some of these people have probably died in custody because of ill-treatment. Yet the authorities avoid disclosing any information about them sought by NGOs and international organisations.

RECOMMENDATIONS

The Turkmenistani government should be requested to address without delay the following issues:

Enforced disappearances in prisons

1. Cease the practice of total isolation of prisoner, cease the practice of enforced disappearance, and hold those responsible for disappearances accountable.
2. Provide information to the relatives of the disappeared included in the list published by the “Prove They Are Alive!” campaign about their fate, health, and whereabouts.
3. Allow family members of the disappeared regular visits, delivery of letters and parcels, etc., in line with the amended Code of Criminal Procedure and the obligations undertaken by Turkmenistan within the Universal Periodic Review.
4. If any individual in the disappeared list has died, provide family members with the death certificate and location of the remains.
5. Allow access to the disappeared by lawyers and independent monitors such as the ICRC, mandate holders of UN Special Procedures, and the OSCE/ODIHR.
6. Provide international monitoring bodies, including the UN, the ICRC and the OSCE, with a list of all persons convicted in closed trials, including their whereabouts, the exact duration of their prison terms and expected release date. The list should be accessible to relatives.
7. Initiate judicial reviews of all the court cases of the disappeared in light of the 2010 amendments to the Criminal Code, allowing international monitors to observe the proceedings.
8. Implement the UN Human Rights Committee decision on Boris Shikhmuradov.
9. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, enact domestic legislation based on its provisions and recognize the competence of the UN Committee on Enforced Disappearances.
10. Abolish the 2003 decree of the Halk Maslakhaty (People’s Council) “On High Treason,” which introduced imprisonment for life as punishment for treason. This decree contradicts the 2010 Criminal Code.

Prison Access

1. Ensure access to Turkmen prisons, including the high security Ovadan Depe prison, for independent observers such as the ICRC, relevant mandate holders of UN Special Procedures, and other authoritative international bodies such as the OSCE/ODIHR.
2. Publish the names of all persons released from prisons on amnesty or pardon.