



CRUDE ACCOUNTABILITY



**Submission by the “*Prove They Are Alive!*” campaign
to the Universal Periodic Review (Third Cycle)
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The international human rights campaign “*Prove They Are Alive!*” started in 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 was launched by a coalition of non-governmental organisations comprising Center for the Development of Democracy and Human Rights (Russia), Crude Accountability (USA), Human Rights Center “Memorial” (Russia), Analytical Center Freedom Files (Russia), the Norwegian Helsinki Committee, and a group of civic activists in Turkmenistan acting discreetly and at high risk. The campaign acts with the support of the international NGO coalition “The 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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1. ENFORCED DISAPPEARANCES AND INCOMMUNICADO DETENTIONS IN PRISONS

Among the numerous violations of human rights in Turkmenistan, enforced disappearances of prisoners is the most acute. Since the early 2000s, a growing number of prisoners have been kept in full isolation, without any contact with the outside world. This is a growing trend: “Prove They Are Alive!” documented 66 cases when it was launched in 2013¹, the number grew to 88 by September 2016² and to 112³ by September 2017. For some of these people, detention in full isolation has lasted for 16 years. There are more than 20 documented cases of deaths of the disappeared, including at least five deaths in the last 18 months.

The largest group of victims (62) are those convicted of an alleged attempt to assassinate the then President of Turkmenistan, Saparmurat Niyazov, in November 2002. These people (the so-called “Novemberists”) were quickly arrested almost immediately after the event without proper trials, along with family members and friends⁴. Their trials held in late 2002 and 2003, were swift, closed and full of procedural violations. After the trials, the People’s Council an organ composed of representatives of the central and local governments, adopted a law “On Traitors of the Motherland” that stipulated life imprisonment, a penalty which was not foreseen by the Turkmen Criminal Code and was applied retroactively on five individuals.⁵ Among the most prominent members of this group are the former speaker of parliament and dean of Turkmenistan’s main law school **Tagandurdy Khallyev**⁶ who was sentenced to 20 years; the former ambassador to the OSCE **Batyr Berdyev**⁷ who received 20 years; the former head of the state television company **Serdar Rakhimov**⁸ who was sentenced to 25 years; and former Minister of Foreign Affairs **Boris Shikhmuradov**⁹ who was sentenced to 25 years and later retroactively convicted to a life sentence.

A second group (26) includes former high-level officials charged with different economic crimes, who were perceived as “threats” due to their political influence. Among them are **Tirkish Tyrmyev**,¹⁰ former head of the State border service, sentenced in 2002 to 10 years on abuse of power charges. In 2012, a few days before his expected release, he was sentenced for additional 7 years for alleged violations of prison rules. He died in prison in January 2017. In the case of **Mukhamet Nazarov**,¹¹ a former Head of the Committee of National Security, the relevant court documents are not available and even the length of his sentence is not clear. Their fate clearly demonstrates the ruthlessness of the Turkmen authorities in dealing with such “threats”.

A third group (22) includes people accused of Islamic extremism, sentenced to terms up to 25 years. The details of many of these sentences, including the length of the prison term, are not known. The case of Annamurad Atdaev,¹² who disappeared in January 2017, is one of the most recent, demonstrating that the government continues to perpetrate the crime of enforced disappearance.

¹ The Disappeared in Turkmenistan. Report by the “Prove They Are Alive!” Campaign, September 2017. <http://provetheyarealive.org/wp-content/uploads/2014/09/FINAL-Disappeared-Report-September-2014-Compressed.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 List of the Disappeared in Turkmenistan Prisons, “Prove They Are Alive!”, September 2017 http://provetheyarealive.org/wp-content/uploads/2017/09/List-of-the-disappeared-in-TM-prisons_Prove_Sept-2017_eng.pdf

⁴ OSCE Moscow Mechanism report, March 2003, <http://www.osce.org/files/documents/0/5/18372.pdf>

⁵ See http://eng.yabloko.ru/Activities/statement_290103.html; for the Russian text of the law see <http://provetheyarealive.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/>

⁶ Ibid, p. 22.

⁷ Ibid, p. 16.

⁸ Ibid, p. 27.

⁹ Ibid, p. 31.

¹⁰ See page 50 of the List of the Disappeared in Turkmenistan Prisons, “Prove They Are Alive!”, September 2017 http://provetheyarealive.org/wp-content/uploads/2017/09/List-of-the-disappeared-in-TM-prisons_Prove_Sept-2017_eng.pdf

¹¹ Ibid, p. 47-48.

¹² Ibid, P.30

Two civic activists also faced this fate. **Gulgeldy Annaniyazov**,¹³ 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; and **Saparmamed Nepeskuliyev**, a freelance journalist, the last information about whom dates to July 2016¹⁴.

The general features of the victims of enforced disappearances are:

- 1) Most of them held high-level positions in the government, were prominent in national politics, and were perceived as a threat to the regime, or were relatives or close associates of such people.
- 2) There has been no verifiable information about whereabouts and condition of these people since their arrest or trial - with a few recent exceptions when the authorities returned the bodies of deceased prisoners to their families.¹⁵
- 3) None of them has had any contact with their family, and their families have received no information about their health or whereabouts since they were imprisoned.
- 4) None of them has been seen by legal representation, external medical experts, or international monitoring organizations, including the International Red Cross.

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).

Enforced disappearances are absolutely prohibited under international law and constitute flagrant violation of rights enshrined in the ICCPR and the Convention against Torture, to which Turkmenistan is a state party. Enforced disappearance constitutes “a multiple human rights violation”¹⁶ as it affects 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 detained persons to be treated with humanity.¹⁷ The Human 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.¹⁸ An enforced disappearance is also a “continuing crime”— it continues so long as the disappeared person remains missing.¹⁹ Enforced disappearances may also have multiple victims beyond the disappeared persons, including family members and other individuals who suffer direct harm from the loss of a loved one, and severe anguish from not knowing his or her fate, which amounts 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.²⁰

¹³ Ibid, p. 51

¹⁴ Ibid, p. 51

¹⁵ Enforced disappearances in Turkmen prisons must be stopped. Statement by the Prove They Are Alive! campaign. August 30, 2016. <http://provetheyarealive.org/1534-2/>

¹⁶ 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.

¹⁷ 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.

¹⁸ Human Rights Committee, Boucherf v. Algeria.

¹⁹ 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>.

²⁰ See for example, Human Rights Committee, Boucherf v. Algeria, para. 10.

Because all these people have been detained, the Turkmen authorities are responsible for their lives and health. Persons in custody are in a vulnerable position and the authorities have a duty to protect them. The mere fact that an individual dies in suspicious circumstances while in custody should raise an issue as to whether the State has complied with its obligations²¹.

In the framework of the UPR in 2013, Turkmenistan agreed to fully implement the rights of persons serving long prison sentences according to international standards²². However, it has not taken any steps to implement this recommendation. Of the cases documented since 2013, some were imprisoned and subsequently disappeared after the UPR. The government refuses to recognise the problem and prevents any investigation. 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, including travel bans and threats.

As a further proof of their general refusal to comply with international obligations and their non-implementation of the accepted UPR recommendation, **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**²³: The Committee acknowledged that Shikhmuradov is a victim of enforced disappearance and of a number of other human rights violations²⁴ and ruled that Turkmenistan is under obligation to provide him and his family with an effective remedy²⁵ as well as to prevent similar violations in the future. Turkmenistan should have provided a substantive reply by 7 November 2015, which it has not yet done.²⁶ Turkmenistan has also failed to respond to communications from the UN Working Group on Enforced Disappearances concerning other cases. In its replies to the list of issues by the Committee Against Torture in August 2016 and the list of issues by the Human Rights Committee in October 2016 as well as during dialogues with these UN treaty bodies in November 2016 and March 2017, respectively, the government of Turkmenistan ignored almost all the questions concerning the disappeared in prisons.

Turkmen authorities are not making progress on this subject in the framework of annual Human Rights Dialogues with the EU. Promises of President Berdymukhamedov to German Chancellor Angela Merkel in August 2016 to organise prison visits by diplomats have been limited to a couple of “potemkin village” visits to freshly painted colonies with no contact with people on the list of the disappeared. Neither has Turkmenistan reacted to inquiries by the OSCE participating States.

A growing number of deaths of people held incommunicado in prisons is a stark reminder of the urgency of the situation: they are just not able to survive after many years of isolation in harsh conditions of Turkmen prisons.

²¹ See *Slimani v. France*, no. 57671/00, § 27; *Gepp v. Russia*, no. 8532/06, § 70, 3 February 2011; and *Karsakova v. Russia*, no. 1157/10, § 48, 27 November 2011.

²² 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>

²³ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/006/17/PDF/G1500617.pdf?OpenElement>

²⁴ 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).

²⁵ “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.”

²⁶ See statement by “Prove they are Alive!”, <http://provetheyarealive.org/on-forced-disappearances-in-turkmenistan-and-the-case-of-boris-shikhmuradov/>

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. The continuation of this practice 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 practice continues, no transformation is possible in Turkmenistan.

1.1 RECOMMENDATIONS ON ENFORCED DISAPPEARANCES

1. Cease the practice of total isolation of prisoner 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.

2. PRISON CONDITIONS AND TORTURE

In the framework of the UPR in 2013, Turkmenistan accepted a number of recommendations regarding prevention of torture, establishing oversight mechanisms of places of detention, bringing to justice perpetrators of torture, ratifying OPCAT and inviting UN Special Procedures, including the Special Representative on Torture and the Working Group on Arbitrary Detentions.²⁷ However, none of this has happened, while there are credible reports of widespread torture and ill-treatment in detention places, including of suspects during investigation. The situation of the disappeared is particularly serious: being denied any contacts with lawyers, these people are outside the protection of the law.

Most of the disappeared are held in the **maximum-security prison of Ovadan Depe**. Located 50 kilometers northwest of Ashgabat, little has been known to date about this prison as no international monitors have been allowed inside. “Prove They Are Alive!” was able to uncover gross violations of inmates’ rights, including many accounts of torture, appalling living conditions and corruption²⁸.

²⁷ 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).

²⁸ The Ovadan Depe Prison: Medieval Torture in Modern Turkmenistan, report by Prove They Are Alive! campaign, September 2014. <http://provetheyarealive.org/wp-content/uploads/2014/09/FInal-O-D-Report-September-2014-compressed.pdf>

Much of the information about the conditions there was obtained from a Turkmen dissident **Akmuhammed Bayhanov** and from former political prisoner and renowned horse breeder **Geldy Kyarizov**.²⁹ Bayhanov and Kyarizov described the living conditions in Ovadan Depe to be a form of torture itself. The cells were completely isolated, so that the inmates could not see anything outside. Vocal communication between cells was strictly forbidden. Bayhanov lived in a cell with 11 other inmates, but heard that the so-called Novemberists were held in an especially guarded block of the prison, in 2- and 4-person cells or in solitary confinement. Their cells had covered up windows, and they could do nothing except yell to let others know of their existence – and they were often beaten for doing so. The only alternative way to get a message out was to give a bribe of up to 100 USD per message, and often even this was not possible.

Temperatures in the Karakum desert can spike to +50 degrees Centigrade in the summer, and drop to -20 in the winter, with wide fluctuations from day- to nighttime. There is no air conditioning in the prison, 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. Food was scarce and of poor quality. Water inside the cells was filthy. The toilet was inside the cell without any privacy for the inmates.

In addition to the living conditions, torture is widespread. Novemberists were reported to have been tortured with long needles, beatings, and other cruel methods as well as subjected to the application of medical substances. Beatings are a regular occurrence, sometimes as a mass occurrence, sometimes as an “initiation” of new inmates, and other 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*” (cylindrical dark solitary confinement cells) are also used as a means of torture. The miniscule 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.

In the few cases where bodies of disappeared prisoners were returned to the families, eyewitnesses reported that their bodies showed extreme signs of starvation. In December 2015, the authorities released to the family the body of **Yolly Gurbanmuradov**,³⁰ former Deputy Prime Minister of Turkmenistan, who died in prison after 10 years in complete isolation. He had headed the country's oil and gas industry, was praised as a competent manager, well-respected³¹ and seen as a potential alternative to Niyazov. According to eyewitnesses of his funeral, his body weighed less than 50 kilograms, whereas at the time of arrest, he weighed more than 120 kilograms. On June 24, 2017, the authorities handed over to the family the body of **Aziz Gafurov** who died in Ovadan Depe. He was charged in “Islamic extremism” and convicted in 2016 to a long prison term. According to eyewitness reports, his “body was blue from beating, unbelievably skinny and droopy.”³²

In March 2017, the International Committee of Red Cross withdrew from negotiations on cooperation with Turkmenistan, citing unwillingness of the authorities to accept standard ICRC requirements for prison visits.

²⁹ 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://provetheyarealive.org/wp-content/uploads/2017/06/Five_Months_in_Ovan_Depe.pdf

³⁰ P. 45, List of the Disappeared in Turkmenistan Prisons, “Prove They Are Alive!”, September 2017 http://provetheyarealive.org/wp-content/uploads/2017/09/List-of-the-disappeared-in-TM-prisons_Prove_Sept-2017_eng.pdf

³¹ <http://www.centrasia.ru/person2.php?st=1013880123>

³² P. 34, List of the Disappeared in Turkmenistan Prisons, “Prove They Are Alive!”, September 2017 http://provetheyarealive.org/wp-content/uploads/2017/09/List-of-the-disappeared-in-TM-prisons_Prove_Sept-2017_eng.pdf

In December 2016, the UN Committee against Torture said in its Concluding Observations on Turkmenistan³³ that it was “seriously concerned about consistent allegations of widespread torture and ill-treatment, including severe beatings, of persons deprived of their liberty...”, “gravely concerned about continued reports about impunity for acts of torture since no cases of torture have been recorded or examined by the State party’s courts during either the previous or the current reporting periods.”

2.1 RECOMMENDATIONS ON PRISON CONDITIONS AND TORTURE

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. Facilitate a visit by the UN Special Rapporteur on Torture and the Working Group on Arbitrary Detentions.
3. Ratify the Optional Protocol to the Convention against Torture (OPCAT).
4. Establish a national system that independently, effectively and regularly monitors and inspects all places of detention without prior notice.
5. Effectively investigate complaints about torture and bring perpetrators to justice.

3. TRAVEL BANS

Turkmenistan accepted the UPR recommendation to amend its Law on Migration to comply with ICCPR obligations. International principles on freedom of movement include freedom of leaving from and returning to one’s country. However, arbitrary and politically motivated restrictions on freedom of movement, particularly on travel abroad, are still practiced widely, affecting an estimated 20,000 people, many of whom have received lifelong travel bans.

The right to freely leave and return to one’s country is an essential component of freedom of movement. However, this has never been a legal imperative for the Turkmen authorities. The Constitution of Turkmenistan does not include the right to leave the country and return. Art. 30, paragraph 10 of the Law on Migration cites “national security interests” as one of the grounds to restrict travel abroad. The absence of a constitutional guarantee, the vagueness of the relevant legal provision, the lack of criteria or definitions of national security in the law, the lack of clear indications as to who defines “national security interests” have created the grounds for arbitrary and often politically motivated bans on leaving the country and provided the authorities with another instrument of repression. This led to large-scale human rights violations: Turkmenistan has established large blacklists of persons denied the right to leave the country.

Virtually any security agency in Turkmenistan can impose a travel ban, including the Ministry of Internal Affairs, Ministry of National Security, Prosecutor General’s Office, and the State Committee for Protection of State Secrets. The procedure is extrajudicial, i.e. no court order is required. A ban can be imposed for a specific period or indefinitely. No one notifies the individuals that have been banned: most learn about it at the border crossing. In theory, since 2013 relevant information can be obtained from the State Migration Service. However, it refuses to provide written documents or motives for travel restrictions. Experience reveals that domestic mechanisms such as courts, the National Institute for Democracy and Human Rights, the Prosecutor General's Office, and the Presidential Commission for Public Complaints against Law Enforcement and Security Service Misconduct are ineffective. All inquiries are forwarded to the State Migration Service whose replies do not give information about which body imposed the ban, on what grounds, and for how long. Although no statistics of such appeals are publicly available, their ineffectiveness is confirmed by victims. The case of the **Ruzimatov/Kakabaeva family** clearly illustrates this situation: no member of this family had legal grounds for travel bans (such as possessing state secrets, being under investigation or military service). Nevertheless, **Rashid Ruzimatov** and his wife **Irina Kakabaeva** have been banned from leaving Turkmenistan for almost 14 years, and their son **Rakhim Ruzimatov** – since August

³³ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/TKM/CO/2&Lang=En

2014. Numerous inquiries and letters, including appeals to the President, have been to no avail. In 2015, the family appealed to all judicial instances to challenge the ban: however, none of the courts, including the Supreme Court, satisfied their claims, and the travel ban is still in force without explanation of the reason.

No official data are available on the number of people banned from travelling abroad. Various sources provide different numbers, categories, and functions. All, however, point to the fact that the blacklists includes several dozens of thousands of persons, and that the categories of people barred from leaving the country are expanding.

The first category includes **civil servants having access to state, military and other secrets protected by law**. Their total number is kept secret, but experts estimate it at **5,000-6,000**. Estimates vary because the types of “state secrets” may be different from year to year, affecting the number and type of individuals affected. Occasionally, their family members are also banned from exiting the country.

Many victims of travel bans are **relatives or acquaintances of individuals convicted under the November 2002 “attempt” or other high-profile cases**. Such travel bans are often accompanied by restrictions on employment and studies, eviction, and internal exile. This type of repression serves several purposes: first, it is a form of collective punishment; second, the government seeks to avoid international publicity and measures under international instruments which may be triggered by relatives’ testimony. According to experts, some **7,000 to 10,000 family members and close friends of people sentenced to long prison terms are currently banned from travelling abroad**.

Another category includes **dissenters and other people perceived as “disloyal,”** such as current and former journalists, individuals having access to foreign diplomats or independent means of communication (e.g. unrestricted web access at foreign embassies). All of them are suspected of disloyalty and face the threat of a travel ban without any explanation or a real possibility of appeal. This category includes former employees of foreign organizations or local experts knowledgeable of the real situation with healthcare, epidemiology, disease in prisons and the army, etc., who have collaborated with Medecins Sans Frontieres, Red Cross TB in Prisons Program, and USAID and UNDP programs. The total number is **estimated at 1,000**. In most cases, their relatives are also banned from exiting the country. In February 2016, a former employee of the international NGO Medecins Sans Frontieres and a dual citizen of Turkmenistan and Russia, **Yevgeniya Deeva**, was refused passage on her Moscow bound flight because her name was on a blacklist for exit from the country.³⁴

Family members of journalists, civic activists and regime opponents who have emigrated from Turkmenistan are often banned from leaving the country. Such restrictions amount to hostage-taking, since those who live in exile are forced to practice self-censorship to avoid harming their relatives. In one striking case, **Aydzhemal Rejepova**, the daughter of Turkmen opposition leader and former parliamentarian **Pirimkuli Tanrykuliev**, currently in exile in Norway, was blacklisted from leaving the country with her two underage children. A representative of the Migration Service told her that she was blacklisted for life, due to her father’s political activities.³⁵ The Prove They Are Alive! campaign successfully advocated on their behalf, which contributed to lifting of the travel ban. Rejepova and her daughters left the country in 2016.

Students attending western universities have also been blacklisted, implying that western, pro-democratic ideas are a security threat to the establishment. In 2009, authorities denied exit to over 150 Turkmen students enrolled in the American University of Central Asia (AUCA), located in Bishkek, Kyrgyzstan. The AUCA leadership never

³⁴ One more person is included in the black lists in Turkmenistan. Chronicles of Turkmenistan. 18.02.2016. <http://www.chrono-tm.org/2016/02/eshhe-odin-chelovek-vklyuchen-v-chnyie-spiski-turkmenistana/>

³⁵ Turkmenistan: Daughter and grand-daughters of a dissident are banned from traveling abroad for life. Vitaly Ponomarev. Human Rights Centre Memorial. 27.06.2015. <http://memohrc.org/news/turkmenistan-docheri-i-vnuchkam-dissidenta-pozhiznenno-zapreshchen-vyezd-iz-strany>

received any explanatory letter from the Turkmen authorities.³⁶ Some of these students were on financial scholarships from the U.S. State Department. Only after six months of negotiations between U.S. embassy officials and Turkmen authorities, including Foreign Minister Rashid Meredov, were they allowed to exit the country. Their names, however, were not taken off the blacklist; an exception was made for a one-time exit.³⁷

Concerns over the rise of extremism have also been used as a reason to blacklist individuals and their relatives. In 2010, when **Shikmurat Rejepdurdyev** returned to Turkmenistan on a student vacation, the authorities did not allow him to go to Saint Petersburg to continue his studies because he was regularly reading *namaz*. Half a year later, he was convicted on trumped-up charges. His mother was also forbidden to travel to Russia for medical treatment in 2015.

On October 24, 2015, 45 Turkmen citizens were stopped at passport control and prevented from boarding their Istanbul bound flights. All had proper tickets and did not need visas to Turkey. After inquiries, some learned that they were stopped due to extremism related concerns. Turkmen authorities feared that Turkish ISIL cells and other extremist groups could recruit Turkmen individuals.³⁸ In 2015-2016 travel bans were imposed on family members of several hundred persons who left for Turkey and are suspected by the Turkmen authorities in having joined ISIL.

Sometimes, Turkmen citizens are blacklisted from travelling abroad without any basis in Article 30 of the Law on Migration. One such victim of blacklisting is a well-known Turkmen writer, 74-year-old **Tirkish Dzhumageldyev**. He learned of his situation after his son, who was living in Moscow, invited him for a visit. Despite numerous inquiries with the State Migration Service, no reason for the ban was given. His subsequent appeals to the Ministry of National Security and four letters addressed to President Berdymukhamedov have never been answered.³⁹

The categories of those blacklisted for political reasons are continually changing and expanding. According to our information, the current number of people included in all the above categories is **more than 20,000**. These restrictions are widespread, systematic, as well as extra-judiciary, arbitrary, selective and politically motivated; and have been ongoing for many years. They are not based in the rule of law and run counter to the key principles of proportionality and necessity. In addition, they fail to satisfy the principle of predictability, as individuals subject to travel restrictions are not aware of them and cannot foresee which situations or actions may lead to restriction of their rights. Travel bans effectively serve as a tool of political repression, control and intimidation, and in some cases amount to hostage-taking. In addition, along with media censorship and restrictions on access to information, they further support the government's policy of isolating Turkmen society from the outer world.

3.1 RECOMMENDATIONS ON TRAVEL BANS

1. Provide explicit legal guarantees of the right to free exit from, and return to Turkmenistan.
2. Amend the Law on Migration, which allows selective application of exit bans, *inter alia* as a repressive measure, to remove article 30, part 1, paragraph 10.
3. Provide an exhaustive and detailed list of possible grounds for travel restrictions; ensure that any such restrictions comply with the principles of proportionality and necessity.
4. Ensure that the procedures for making decisions to impose travel restrictions are clearly articulated and publicly available and provide an exhaustive list of government bodies authorized to make such decisions.

³⁶ Turkmenistan does not allow students of the Bishkek-based American University to leave the country. Fergana.ru. 07.09.2009. <http://www.fergananews.com/news.php?id=12908&mode=snews>

³⁷ WikiLeaks Dispatches: Truth about the "black list" of people banned from exiting Turkmenia. Deutsche Welle. 13.09.2011. <http://www.dw.com/ru/депешы-wikileaks-правда-о-черном-списке-невъездных-в-туркмении/a-15383097>

³⁸ Turkmenistan: The number of bans on exiting the country is growing. Chronicles of Turkmenistan. 02.11.2015. <http://www.chrono-tm.org/2015/11/turkmenistan-kolichestvo-zapretov-rastet/>

³⁹ Well-known Turkmen author was put on the "black list" of people banned from exiting the country. Atadzhan Akiyev, Gundogar.org. 03.11.2012. <http://www.gundogar.org/?012051304100000000000011000000>

5. Introduce a provision stating that only a competent court may impose a temporary restriction on exiting the country through a judicial procedure.
6. Ensure immediate notification of individuals subject to travel restrictions.
7. Secure an unconditional right to appeal any exit ban in domestic courts and to international bodies.
8. Lift existing travel bans and cease the practice of compiling “black lists” for people such as relatives of the disappeared, former prisoners, relatives of exiled activists and students studying abroad, etc.
9. In the interim, provide to those banned from foreign travel an official written explanation for the ban including information about appeal procedures.

4. REPRESSION OF INDEPENDENT JOURNALISTS AND INFORMATION BLOCKADE

Turkmenistan accepted all UPR recommendations in 2013 concerning freedom of expression and freedom of the media including the internet, stressing how these freedoms are guaranteed in law and practice⁴⁰. However, the media and access to information are under total and pervasive government control.

For the past two years, the authorities have been taking active steps to impose a full information blockade on Turkmen society by advancing a nationwide campaign to dismantle thousands of privately owned television satellite dishes, which could receive international news programs and offering to replace them with government censored cable packages, thereby further isolating people from independent sources of information.⁴¹ Countrywide removal of private satellite dishes on the pretext of “improving the look of cities” began in the spring of 2015.⁴² After an intervention by the OSCE Representative on Freedom of the Media, the campaign was put on hold, but in 2016 resumed with new vigor. With the adoption of the new Constitution in September 2016, celebrations of the 25th anniversary of independence, and preparations for presidential elections in February 2017, the campaign gained new strength. Citizens trying to resist faced pressure and threats. As an alternative, the authorities are offering strictly censored “cable TV” which airs pre-recorded foreign entertainment programs and does not include any radio broadcasting. Satellite radio allowed Turkmen citizens to listen to Radio Azatlyk, the RFE/RL’s Turkmen Service and the only Turkmen-language broadcaster independent from the authorities. The destruction of satellite dishes effectively cuts off Turkmen people from information and news from the outside world, leaving them with nothing but official propaganda.

Government control over the internet has increased with the 2015 Internet law. The internet is prohibitively expensive, its speed is deliberately slow, and it is subject to total censorship. Access is blocked to all websites that have ever posted critical information about Turkmenistan, including the websites of foreign NGOs and Turkmen human rights groups in exile. Virtually all known social media, messengers, and video hosting platforms are outlawed. All internet access is channeled through a government-controlled monopolist provider, allowing the authorities to access and read all user correspondence. Attempts to use proxy servers and VPN are detected and blocked; their users are subjected to administrative penalties and summoned for “preventive conversations” to the Ministry of National Security, where they face intimidation. Thus, the internet, as well as television, radio and print media, can no longer serve as a channel for receiving and transmitting independent public interest information in Turkmenistan.

The Freedom House index on media freedom places Turkmenistan on third bottom, barely past North Korea and Eritrea. The ranking of Turkmenistan is slightly higher due to the existence of a small group of “civic journalists” not

⁴⁰ Recommendations 113.78, 84-88.

⁴¹ See reports from Human Rights Watch (<http://www.hrw.org/news/2015/04/24/turkmenistan-war-satellite-dishes>) and Radio Free Europe (<http://www.rferl.mobi/a/qishloq-ovozi-turkmenistan-satellite-campaign/26969998.html>) and a joint letter by “Prove!” and other NGOs (<http://provetheyarealive.org/wp-content/uploads/2015/07/Joint-letter-to-HRVP-Mogherini-on-Turkmenistan-11.pdf>).

⁴² Turkmenistan authorities have started a new campaign of demolishing satellite dishes, aiming at fully blocking independent access to international TV and radio. Statement by the Turkmenistan Civic Solidarity Group. 19.04.2015. <http://civicsolidarity.org/article/1080/turkmenistan-authorities-ban-satellite-dishes>,

present in the other bottom countries. Civic journalists who cannot work openly write under pseudonyms and sometimes provide information to news outlets such as Radio Free Europe/Radio Liberty, Chronicles of Turkmenistan and Alternative Turkmenistan News, all based abroad. However, Turkmen authorities recently cracked down on this extremely small group. In 2015, government pressure forced four correspondents to cease working for Radio Azatlyk. One of them, **Saparmamed Nepeskuliev**, was convicted on fabricated drug charges and is now serving a three-year prison term.⁴³ In December 2015, he was recognized by the UN Working Group on Arbitrary Detentions as a victim of arbitrary detention,⁴⁴ punished for having peacefully exercised his right to freedom of expression. In autumn 2016, two new arrests were reported of activists documenting human rights violations in cotton production, and violent assaults against Azatlyk reporter **Soltan Achilova**.^{45 46 47}

On 1 September 2016, **Altymurad Annamuradov**, the brother of dissident journalist Chary Annamuradov, was kidnapped near his home and beaten by unknown persons who questioned him about his journalist brother. At the time, Turkmen authorities were seeking the extradition of Chary Annamuradov from Belarus, where he was detained during a visit from Sweden, where he has political asylum. Altymurad Annamuradov was released on 2 September and died on 4 September. International human rights groups see Annamuradov's kidnapping, mistreatment and death as connected to his brother's journalistic activities.⁴⁸

On 3 December 2016, RFE/RL correspondent **Khudayberdy Allashov** and his mother were detained on charges of possessing chewing tobacco, found by armed police in their home. According to witnesses, Allashov was severely beaten at the police station and was unable to hold his head up or speak while in detention. On 15 February 2017, Allashov and his mother were given a suspended 3-year sentence and released.

The authorities are doing all they can to stop critical reporting of the situation in Turkmenistan from getting out.

4.1 RECOMMENDATIONS ON FREEDOM OF EXPRESSION

1. Release immediately and unconditionally all persons imprisoned as a result of peaceful exercise of freedom of expression, collection and distribution of information, and journalistic activity, in particular, Saparmamed Nepeskuliev.
2. Stop threats against, physical attacks on, arbitrary detention and politically motivated conviction of individuals for their exercise of freedom of expressions, including collection and dissemination of information and cooperation with international media and NGOs.
3. End the campaign to dismantle privately owned satellite dishes and guarantee unimpeded use of satellite dishes and independent and uncensored access to foreign TV and radio broadcasts.
4. End blocking access to internet sites and social networks.

⁴³ Joint Letter on the Detention of Saparmamed Nepeskuliev, 05.07.2016.

⁴⁴ <https://www.hrw.org/news/2016/07/05/joint-letter-detention-saparmamed-nepeskuliev>.

⁴⁵ http://www.ohchr.org/Documents/Issues/Detention/Opinions2015AUV/Opinion%202015%2040_Turkmenistan_Nepeskuliev_AUV%20final.pdf

⁴⁶ <https://www.hrw.org/news/2016/11/07/turkmenistan-journalist-harassed-assaulted>

⁴⁷ <https://pressroom.rferl.org/a/28116700.html>

⁴⁸ <https://pressroom.rferl.org/a/28651354.html>

⁴⁸ <https://www.hrw.org/news/2016/10/17/turkmenistan-dissidents-brother-dies-after-beating>